

Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai 400005.
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Case No. 53 of 2011

In the matter of
Complaint by Jay Vijay Plastics, against MSEDCL, under Sections 142 and 146 of the
Electricity Act, 2003, for non-compliance of the CGRF Kalyan Order dated 24th
December, 2010.

Shri V. P. Raja, Chairman
Shri Vijay L. Sonavane, Member

Jay Vijay Plastics

...Complainant

V/s

Maharashtra State Electricity Distribution Co.Ltd
Through The Chief Engineer (Kalyan zone),
The Superintending Engineer (Vasai Circle),
The Deputy Ex. Engineer (Vasai Sub. Division)

...Opponent

ORDER

Dated: 1st December, 2011

Jay Vijay Plastics the Complainant herein, filed the present complaint on 30th March, 2011, against Maharashtra State Electricity Distribution Company Limited (“MSEDCL”). The Complainant wishes to invoke the penal provisions under Sections 142 and 146 of the Electricity Act, 2003 (“EA2003”) on the grounds that the Opponent has failed to comply with the Order dated 24th December, 2010 of Consumer Grievance Redressal Forum (“CGRF”), Kalyan Zone.

2. The prayers made by the Complainant are:

“

- a) *Invocation of Section 142 & 146 of Electricity Act for non-compliance of CGRF order, E.A.2003 & non implementation of Act, Rules & regulations.*
- b) *Compensation of Rs.2,000 as ordered by CGRF may be credited.*
- c) *Amount of Rs.10,019.36 on account of C.L penalty may be refunded.*
- d) *Refund of Short of RLC paid as up to Dec'10 + short of interest paid on RLC*
- e) *Balance RLC monthly installments, to receive in monthly bills and due amount to be paid from Jan'11 till start of refund in monthly bills.*
- f) *The cost of the petition Rs.10,000 to the petitioner.”*

3. The Complainant submitted as under:
- a) The complainant is a L.T.-V consumer of the Opponent with Contract Demand of 80kVA, billed as per Industrial Tariff .The consumer has taken electricity connection from the Opponent to its industry situated at Dhuri Ind. Complex, Waliv Phata, Vasai(East), in the year 1998.
 - b) While taking the 65HP connection in 1998 the Opponent collected SD of Rs19,500/- + ASD Rs.13,650/-(six months minimum), but, however, did not refund the same although the copies were produced.
 - c) The Opponent was supposed to refund the RLC amount from July 2008 onwards with interest. The Complainant had paid the RLC amount of Rs.1,68,157/- for the single phase connection. The supply is merged into the three phase meter.
 - d) The Opponent collected from the Complainant an amount of approx. Rs.10,801/- towards excess connected load penalty, contrary to the decision of the Commission in Case No. 2 of 2003 and the Electricity Ombudsman's Order 39 of 2006.
 - e) The Consumer had taken up the matter of claims as above, but the Licensee did not respond. Thus aggrieved by the Opponent's inaction, the Complainant approached the Internal Grievance Redressal Cell (**IGRC**) but the issue was not resolved. Therefore, the Complainant registered its grievance with CGRF on 05.10.2010 on account of excessive energy bills.
 - f) The CGRF, Kalyan Zone passed its order dated 24.12.2010, with the following relevant directions:
“
 1. *The Grievance Application is partly allowed.*
 2. *Licensee is directed to refund the amount of SD/ASD with R.B.I. rate of interest to the consumer if not paid as per directions given by Hon'ble MERC in Case No.93 of 2008 dated 01.09.2010 within 45 days and compliance should be reported to the Forum within 60 days from the date of receipt of this decision.*
 3. *Licensee is further directed to work out the amount of RLC and Excess connected load penalty as per the direction of Hon'ble MERC in case no. 72 of 2007, no. 02 of 2003 and Ombudsman in case No. 39 of 2006 and if collected in excess, to refund the same with interest within 45 days and compliance should be reported to the Forum within 60 days from the date of receipt of this decision.*
 4. *Licensee is directed to pay compensation of Rs.2000/- to the consumer as mentioned in para no. 07 (of the Order) within 90 days from the date of receipt of this decision.*”
4. The Complainant has in the present complaint alleged that the Opponent has failed to comply with the said Order dated 24th December, 2010 of the CGRF, Kalyan Zone.
5. The Commission vide Notice dated 18th April, 2011, scheduled a hearing in the matter on 11th May, 2011.
6. The Opponent filed a reply vide its letter no. SE/VC/VSI/04498 dated 09/05/2011, wherein it made the following submissions:

- a) **Refund of Security Deposit & Additional Security Deposit:** S.D. of Rs.19,500/- & A.S.D. of Rs.13,650/- alongwith Int. of Rs.20,968.30 is refunded in the billing month of Jan-2011. Compensation of Rs.2,000/- is given in the billing month of Apr-2011.
 - b) **Refund of excess connected load penalty:** Refund of excess connected load penalty of Rs.4,356/- alongwith Int. Rs.5,924.36 is refunded through energy bill of Apr-2011.
 - c) **Refund of RLC:** As per CGRF, Kalyan order RLC Rs.82,399.08 with interest refunded through energy bill in the month of Jan-2011 and RLC Rs.6,795.80 & Int. Rs.135.92 is refunded through energy bill in the month of Apr.-2011. Remaining RLC amount will be refunded as per MERC tariff Order in the matter.
7. During the hearing held before the Commission on 11th May, 2011, Shri Harshad Sheth appeared on behalf of the Complainant. Shri Vinod Patil, E.E.(Vasai Division) and Shri S. M. Banger, A.E.(Vasai-East) appeared on behalf of the Opponent.
 8. The Complainant submitted that the issue is with respect to the delay in refund of the amount which was due from the Opponent, i.e., refund of SD, ASD, ASC & RLC with interest. The Complainant also submitted that there were total 70 such cases pending in respect of refund of RLC by the Opponent, to the consumers in Vasai Circle itself. Further, the Complainant also requested that the refunds should be made only through the Opponent's IT software so as to avoid any future complications.
 9. The Opponent submitted that the RLC amount would soon be refunded through the IT software, through the bills and the refund would be made from June, 2011 onwards.
 10. The Commission was of the view that MSEDCL should not be looking towards the aforesaid 70 consumers' cases only, but it should come-up with a plan of action so as to refund the claimed amounts to all its concerned consumers. Since the entire plan of refund seems to be based on the mapping and work of updating of software by the Information Technology Department (**IT Dept.**) of MSEDCL the concerned Officer/s of the IT Dept. of MSEDCL should be involved in the matter and should be present in the next hearing to be held before the Commission. Accordingly, the matter stood adjourned to 22/06/2011.
 11. Complainant vide its letter dated 19.05.2011 had taken up the matter with Chief Engineer, Kalyan Zone of the Opponent, wherein the following issues were raised, among other points:
 - “(i) On 5th May 2011, MSEDCL Vasai circle delivered para wise reply with a copy of bill with hand written message of giving credit of Rs.19,212.08 as per CGRF order. But we have received bill of May, 2011 which shows credit of Rs.13,147.07 only. No explanation is given nor any letter is given. So either mistake may be rectified by Sub Div., Vasai (E), or bill may be revised, or reason may be informed to us in writing.
 - (ii) RLC interest at 6% for the period from July 2008 to Jan 2011 is wrongly calculated. Please refund the balance interest in coming bill.”

12. During the hearing held on 22nd June, 2011, the Opponent's IT Officer was present alongwith other representatives. The Opponent submitted a copy of MSEDCL's two circulars issued vide Ref. No.PR-3/Tariff/7623 dated 11/03/2011 and vide PR3-tariff/427/15534 dated 19/05/2011 wherein it is mentioned that the RLC for the PD consumers would be refunded by cash/ cheque, after the end of the financial year in which it becomes due, i.e. in April of next financial year. Further, it was submitted that the refund of remaining consumers would be made by the end of June 2011.
13. The Complainant vide its letter dated 30th June, 2011 made the following submission to the Commission:
"On 5th May 2011 received para-wise reply with a copy of bill with message of giving credit of Rs.19,212.08. But we have received bill of May, 2011, which shows credit of Rs.13,147.07 only."
14. During the hearing held on 8th July, 2011, no body was present on behalf of the Complainant. While the Opponent was making its submission it was noted that the Opponent had not received the abovesaid letter from the Complainant. The Commission's office then handed over, to the Opponent, photocopy of the Complainant's letter. The Commission directed the Opponent to look into the pending matters expeditiously and submit its compliance report.
15. During the hearing held on 5th August, 2011 the Opponent submitted that 52.5% RLC (for 3 years after 31/03/2011) has been refunded till date while refund of remaining RLC will be based on the issuance of Circular by the Commercial Department. In view of the submission, the Commission directed the Opponent to expedite issuance of the said circular from its Head Office and also to arrange early refunding of the outstanding RLC amount.
16. During the hearing held on 23rd August, 2011, the Opponent submitted that full compliance has been made & 'Full compliance report' on the case would be submitted.
17. Thereafter, vide a letter No.SE/VC/VSI/11945 dated 12th September, 2011 which was received by the Commission's office, on 15th September 2011, the Opponent submitted an Affidavit wherein it declared the steps taken by it to comply with the Order of the CGRF, Kalyan Zone.
18. Complainant vide its letter dated 15th September, 2011 submitted that Opponent had given less amount than the credit amount displayed on the bill. Further, vide its letter dated 22nd September, 2011, the Complainant submitted that, in May-2011, credit of Rs.19,212.08 is mentioned, but actually the amount credited is Rs.13,147.07, thus there is a short payment of Rs.6,065.01. Also RLC monthly refund installment from April, 2011 to August, 2011 is credited in bill, but confirmation and assurance of giving further monthly RLC credit in bills is not mentioned in the Affidavit of MSEDCL.
19. Opponent vide its letter EE/VSI/T/6241 dated 19th October, 2011 submitted/clarified that 'In May-2011 credit was given for Rs.19,212.08, but the displayed amount was Rs.13,147.07. As per CPL credit was correct. But the reflected amount shows

Rs.6,065.01. After due scrutiny at IT, the credit is effected in billing month of Oct.-2011.

20. Subsequently, the Complainant also confirmed that the Opponent has complied with the CGRF's said order. Vide a letter dated 4th Nov., 2011, received by the Commission's office on 14th Nov., 2011, and further vide an Affidavit dated 15th Nov., 2011, the Complainant has stated as under:

“Respondent MSEDCL has made full compliance of our refund demand and the said amount has been credited to our account. Now we have no grievance in respect of our petition and respective refund.”

In view of the above, nothing survives in the matter.

Accordingly, the Complaint in Case No. 53 of 2011 stands disposed of. No order as to costs.

Sd/-
(Vijay L. Sonavane)
Member

Sd/-
(V. P. Raja)
Chairman