

Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
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Case No. 63 of 2011

In the matter of
Complaint filed by MEC Engineers, against MSEDCL under Sections 142 and 146 of
the Electricity Act, 2003 for non-compliance of CGRF Order dated 3rd January,
2011.

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

MEC Engineers

...Complainant

V/s

Maharashtra State Electricity Distribution Company Limited,
through The Chief Engineer (Kalyan zone),
The Superintending Engineer (Vasai Circle),
The Deputy Ex. Engineer (Vasai Sub. Division)

...Opponent

ORDER

Dated: 1st December, 2011

MEC Engineers, the Complainant herein, filed the present complaint before the Commission on 26th April 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 3rd January, 2011 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) *Resuming the supply which was made PD by MSEDCL, Regularize the accounts by revising the bill of Feb. 2007.*

- c) *Take action & give compensation on this PD issue for the harassment & hardship caused, by exercising the Suo-moto powers & discretionary powers of the Hon'ble Commission.*
- 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 with IT software programme only Or entire balance amount may be refunded in coming bill.*
- f) *The cost of the Petition Rs.10,000 to the Petitioner. ”*

3. The complainant submitted as under:

- a) The Complainant is a LT-V consumer of Opponent (Consumer no. 001590415304) billed as per Industrial tariff. Its industry situated at Vardhman Ind. Estate, Vasai(East).
- b) According to Complainant, while giving supply in 1989 the Opponent has collected Security Deposit(SD) of Rs.1960/-. But the same does not appear in the computer. It was contended that on verifying F-1 register, the Opponent needs to refund the amount with interest but the same is yet to be refunded.
- c) The RLC paid for single phase connection, since it is now merged in three phase meter, the collected RLC which approximately is Rs.1,51,083/- is required to be refunded alongwith interest.
- d) The Complainant averred that in February 2007 the Jr. Engineer of the Opponent visited the premises and took away the meter saying the meter will be checked and as per test report further action will be taken. However the meter was not replaced by new meter, nor the meter was tested but surprisingly, to the consumer, the supply was permanently disconnected.
- e) The Complainant had claimed the amounts through a letter dated 19th Aug., 2010, which the Opponent did not respond to. Aggrieved by the Opponent's inaction the Complainant approached the IGR Cell but the matter was not resolved. Therefore, the Complainant registered its grievance with CGRF, Kalyan Zone, on 28th October 2010 alleging Excessive Energy Bills.
- f) In response, the Opponent vide letter dated 22nd November 2010 replied to the CGRF that amount of SD with interest will be refunded along with RLC. As regards alleged illegality in permanently disconnecting meter and seeking compensation, it was contended that balance arrears of P.D. is being appropriated along with the refund.
- g) The CGRF, Kalyan Zone passed its Order dated 3rd January, 2011, with the following relevant directions:
 1. *The grievance application is partly allowed.*
 2. *Licensee is directed to refund the amount of SD with RBI rate of interest to the consumer as per the directions given by Hon. 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 as per the directions of Hon. MERC in case 72 of 2007 and Ombudsman in case 39 of 2006 and if collected 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 further directed to take immediate action as per Law, Regulation and Department circular as regards permanent disconnection of meter under*

intimation to the consumer vide para no 9 (of the CGRF order) and compliance should be reported to the forum within 60 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 3rd January, 2011 of the CGRF, Kalyan Zone.
5. The Commission vide Notice dated 4th May 2011, scheduled a hearing in the matter on 11th May, 2011.
6. The Opponent filed a reply vide its letter no. SE/VC/VSI/04497 dated 09/05/2011, wherein it made the following submissions:
 1. **Refund of Security Deposit.**
Refund S.D. Rs.1,960/- & Interest Rs.666.40/- is adjusted in the recovery of the arrears.
 2. **Refund of RLC.**
As per CGRF, Kalyan order & IT report RLC refund Rs.79,702.87 & interest Rs.3446.02 is adjusted in the recovery of arrears.
 3. **Regarding Permanent Disconnection & Arrears.**
*The consumer was P.D. in the month of Feb-2007 for the arrears of Rs.82,001.50. Also the lock average bill of Dec-2006 amounting to Rs.1,12,172.01 was revised by the system in the month of Jan-2007 to Rs.82,001.50. But from the CPL record it seems that the consumer has not paid the energy bills from Sept-2006. Hence the consumer was permanently disconnected. Also, question of bill revision does not arise.
Till date the energy bill amount with interest comes to Rs.1,38,131.98. The RLC refund with interest Rs.83,148.89 & SD refund with Interest Rs.2,665.60. Total refund amounting to Rs.85,814.49 is adjusted from the total energy bill of Rs.1,38,131.98. After adjusting the SD with interest & RLC & interest, consumer is liable to pay Rs.52,317.49.*
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. The Complainant by its letter dated 21.05.2011, to the Chief Engineer, Kalyan Zone of the Opponent, submitted the following, saying that MSEDCL has given wrong and false answer and main reply of PD is not discussed:
 - “ (i) The Complainant has raised questions on the actions of concerned officers of Opponent for removal of meter and then making the supply PD, and for giving a *false*’ reply that PD was made for recovery.
 - (ii) Consumer has given in written, that if bill is revised they are ready to pay immediately.
 - (iii) CGRF order page no. 6 Order sr. no. 4 is not followed by MSEDCL till date.”
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 30.06.2011 made the submissions, whereby it repeated the issues mentioned in its letter dated 21.05.2011 to the Opponent.
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 was yet to receive the letter from the Complainant. 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 had submitted that full compliance has been made & ‘Full compliance report’ on the case could be submitted.
17. Complainant vide letter dated 29th August, 2011 submitted that the Opponent had made forcible PD and it is not resolved since last 4 years.

18. Thereafter, vide a letter No. SE/VC/VSI/ 11943 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. The Affidavit, however, had repeated the points raised by the Opponent vide its submission of 9th May, 2011.
19. The Complainant vide its letter dated 22nd September, 2011 again submitted that
- Credit approved in Jan, 2011 but it is not yet credited to petitioners account.
 - Issue of forcible PD & revision of bill is not considered by MSEDCL.
 - Supply is not resumed.
 - RLC from Jan, 2011 to Sep, 2011 is not credited.
 - False Affidavit is given and Assurance of giving further monthly RLC credit in bills is not mentioned by MSEDCL.

The above was again submitted vide the Complainant's letter dated 12th October, 2011 adding that installment of Sept. 2011 is not credited in Oct, 2011 bill.

20. Further, the Complainant has submitted an Affidavit, dated 21st November, 2011 whereby it has submitted that "*MSEDCL has given false reply on issue of PD & refund amount to be made*". Detailed chronological statement on the dates/ periods and amounts has also been submitted, further saying that "*MSEDCL has misguided MERC and has given false information without revision of bills - - -*".
21. Having heard both the parties and taking into consideration the material on record, the Commission observes from the submissions made by both the parties that the Complainant and Opponent are not able to reconcile mutually the amount to be settled/ refunded by either party to the other. As against the Complainant's claim of getting refund from the Opponent, the Opponent has now raised the issue of amounts due from the Complainant. It is also obvious that the Opponent had not submitted complete data to the CGRF, when the Complainant's grievance was being examined by the CGRF, Kalyan Zone. Because of this, the CGRF, Kalyan Zone may not have been able to give the right directions in the matter.

The Commission, however, cannot look into the matter of billing dispute and calculations between the consumer and the Licensee. The Commission, therefore, directs the Complainant and the Opponent to approach again the CGRF, Kalyan Zone, with a request to sort out the matter under dispute.

With above, the Complaint in Case No. 63 of 2011 stands disposed of. No Order as to costs.

Sd/-
(Vijay L. Sonavane)
Member

Sd/-
(V. P. Raja)
Chairman