

Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
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Case No. 47 of 2011

In the matter of
**Complaint by M/s D.D. Polyplast Pvt. Ltd. against MSEDCL under Sections 142
and 146 of the Electricity Act 2003 for non-compliance of CGRF Order dated
8th September, 2010.**

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

M/s D.D. Polyplast Pvt Ltd.

...Complainant

V/s

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

...Opponent

ORDER

Date: 8th November, 2011

M/s D.D. Polyplast Pvt. Ltd. the Complainant herein filed the present complaint on 18th 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 ground that the Opponent has failed to comply with the Order dated 8th September, 2010 of Consumer Grievance Redressal Forum (“CGRF”), Kalyan Zone.

2. The prayers made by the Complainant are:

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1) *Invocation of section 142 & 146 of Electricity Act for non-compliance of CGRF order, E.A.2003 & non-implementation of ACT, Rules & Regulations.*

- 2) *ASC charged excess & refund as per MERC case no 144 along with single phase refund amount may be refunded with interest as per sec 62(6) of EA 2003.*
- 3) *Compensation as agreed upon by CGRF Rs.5,200 plus Rs. 100 per week till date of refund may be credited to our account.*
- 4) *As per MERC case no 1, once the contravention by MESDCL is established, then compensation under EA2003 may be decided & permission for action against sec 146 may be decided.*
- 5) *The cost of the petition to the Petitioner. ”*

3. The Complainant submitted as under:

- a) M/s D.D. Polyplast Pvt.Ltd. is a manufacturer of plastic spouts, caps & closures. The Complainant had taken electricity connection from the Opponent as follows: (i) one single phase Commercial (Consumer No. 001840869624) and (ii) one three phase Industrial (Consumer No. 001840872358). In billing months from June, 2007, to Sept., 2007, the ASC was (*wrongly*) charged on entire units of consumption whereas it was applicable only on a part of total consumption. As per the Complainant it should have been charged on 11% of the consumption, based on benchmark consumption. The ASC thus collected was to be refunded as per MERC Order dated 9th Nov., 2009 in Case No. 144 of 2008.
- b) Around the period when the refund of ASC would have been made, the Complainant had enhanced its load from 65HP (Consumer No. 001840872358) to 107HP. This was done by the Opponent as a new Consumer (No. 001849031580) and the entire ASC collected earlier, was not refunded in bills during Nov. 2009 to July 2010.
- c) Complainant's single phase supply as Consumer No. 001840869624 was permanently disconnected (**PD**) in the month of January 2008, while extending demand from 65 HP to 107 HP. However the Opponent did not refund the SD & RLC amounts and interest in respect of this single phase connection to the account of Consumer No. 001849031580 (the new connection, for higher load).
- d) By letter dated 03rd Nov., 2009, the Complainant requested the Dy. EE, Vasai, to refund the said amount but monies were not refunded.
- e) Aggrieved by the action of MSEDCL, the Complainant approached the Internal Grievance Redressal Cell, Vasai Circle (**IGR Cell**). The IGR Cell held a hearing on 25th Jan. 2010, but the issue was not resolved. Therefore, the Complainant approached the CGRF, Kalyan Zone on 03/06/2010 for directions upon the Opponent to refund the excess collected ASC with interest and SD, RLC in single phase Permanently Disconnected (PD) connection alongwith compensation for delay/ negligence/ lethargy/ inaction on the part of Licensee'.
- f) The CGRF, Kalyan Zone passed its order dated 08.09.2010, with the following directions:

“

 1. *The grievance application is allowed.*
 2. *Licensee to refund the amount of SD/ASD/ASC/RLC on production of receipts with RBI rate of interest & pass on the appropriate credit in the ensuing bill within 30 days from the date of receipt of this decision.*
 3. *Licensee to furnish updated and correct copy of CPL to consumer as and when required.*

4. *Licensee to pay compensation of Rs.2800/- for delay in giving final dues to consumer and further to pay compensation Rs. 100/- per week from today till the final dues are paid.”*

Compliance was to be reported to the Forum within 60 days from the date of receipt of the decision.

4. The Complainant has in the present complaint alleged that the Opponent has failed to comply with the said Order dated 8th Sept., 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. In the meanwhile, the Opponent filed a reply vide its letter no. SE/VC/VSI/04495 dated 09/05/2011, wherein it made the following submissions:

1. Refund of ASC charges.

Refund of ASC of Rs.1,49,993.96 with interest is given in the billing month of Apr-2011.

2. Refund of Security Deposit & RLC of 1 ph meter.

S.D. Rs.1,000/-, interest Rs.375/- and RLC Rs.1,654.54 and interest Rs.99.26 is refunded through energy bill in the month of April, 2011.

3. Compensation.

Compensation Rs.5,600/- refunded in April, 2011.

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 refund 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 be refunded soon 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. 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.

12. In the next hearing on 8th July 2011, the Opponent submitted that it had complied with the Order of the CGRF.

13. Thereafter, vide its letter ref. SE/VC/VSI/11949 dated 12th Sept., 2011, the Opponent submitted an affidavit wherein it declared that it has complied with the Order of the CGRF, Kalyan Zone.

14. Subsequently, the Complainant also confirmed that the Opponent has complied with the CGRF's order. Vide letter dated 14th Oct., 2011, the Complainant has stated as under:
"Opponent 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. 47 of 2011 stands disposed of. No order as to costs.

Sd/-
(Vijay L. Sonavane)
Member

Sd/-
(V. P. Raja)
Chairman