

Before the  
**MAHARASHTRA ELECTRICITY REGULATORY COMMISSION**  
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**Case No. 48 of 2011**

**In the matter of**  
**Complaint by Ashirwad Plastics, against MSEDCL under Sections 142 and 146 of the**  
**Electricity Act, 2003 for non-compliance of CGRF order dated 27<sup>th</sup> September, 2010.**

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

Ashirwad Plastics

...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: 30<sup>th</sup> November, 2011**

Ashirwad Plastics, the Complainant herein filed the present complaint on 22<sup>nd</sup> 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 27<sup>th</sup> September 2010 of Consumer Grievance Redressal Forum (“CGRF”), Kalyan Zone.

2. The prayers made by the Complainant are:

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- 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) *Refund of short RLC paid as up to Dec. '10, + plus short of interest paid on RLC.*
- c) *Balance RLC monthly installments to receive in monthly bills & due amount to be paid from Jan. '11 till start of refund in monthly bills.*
- d) *Compensation as agreed upon by CGRF Rs.4,800 plus Rs.100/ week till date of refund may be credited to our account.*
- e) *Single phase SD + RLC refund on PD supply.*
- f) *The cost of the petition to the Petitioner.”*

3. The Complainant submitted as under:
- a) The Complainant is a LT consumer of the Opponent with a Contract Demand of 54kVA. The Consumer had taken electricity connection from the Opponent to its industry situated at Shailesh Ind. Estate, Navghar, Vasai(East) in the year 1994.
  - b) At the time of new connection he paid Rs.9600 + Rs.4,500 + Rs.1680 as six month's minimum charges towards Security Deposit (SD) which was shown on new consumer bill. Out of this, Rs.9600 was refunded in the year 2008, and that remaining amount disappeared from the processing data. The Complainant claimed in the month of Feb. 2010 that the remaining amount should be refunded with interest, but the Opponent did not respond, thus allegedly flouting the MERC's SOP Regulations 2005, and thereby liable for compensation for delay in refunding the amount.
  - c) Alongwith the above, with the contention that, the amount of RLC collected by Opponent from the Complainant, from Dec. 2003 to July 2006 (at 50 paise/unit of monthly consumption), the amounts of SD/ASD/RLC on their single phase connection already permanently disconnected (**PD**) in July 2006, had not been refunded, the Complainant had requested the concerned Dy E.E., of the Opponent to refund the same. But the officials of the Licensee did not pay heed. Therefore, the Complainant filed a grievance with the IGR Cell, but the issue was not resolved.
  - d) Therefore, the Complainant registered its grievance with CGRF, Kalyan zone on 16/06/2010 for excessive energy bills.
  - e) The CGRF, Kalyan Zone passed its Order dated 27<sup>th</sup> September 2010, with the following relevant directions:  
“
    1. *The grievance application is partly allowed.*
    2. *Licensee is directed to refund the amount of SD & ASD as per the receipts produced to the consumer with RBI rate of interest.*
    3. *Licensee is directed to work out the amount of RLC and to refund the same to the consumer as per the directions of Hon. MERC and Ombudsman.*
    4. *Licensee is directed on receipt of application from consumer, to disconnect permanently single phase connection and transfer the amount of this connection towards SD/ASD/RLC to the existing LT-V connection of consumer, within 30 days from the date of receipt of the said application.*
    5. *Licensee to furnish update and correct copy of CPL to consumer as and when required.*
    6. *Licensee to pay compensation of Rs.2400/- 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.*
    7. *The 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 27<sup>th</sup> Sept., 2010 of the CGRF, Kalyan Zone.
5. The Commission vide Notice dated 18<sup>th</sup> April, 2011, scheduled a hearing in the matter on 11<sup>th</sup> May, 2011.

6. The Opponent filed a reply vide its letter no. SE/VC/VSI/04496 dated 09/05/2011, wherein it made the following submissions:
  1. **Refund of Security Deposit & Additional Security Deposit.**  
Refund of SD & ASD Rs.15,780/- refunded with interest Rs.13,245.77 in the billing month of Jan-2011.
  2. **Refund of RLC.**  
As per CGRF, Kalyan order & after verification of CPL total RLC comes to Rs.1,72,363/- out of which Rs.92,102.25 is refunded with interest through energy bill in the month of Jan-2011 and the balance RLC amount of Rs.3,955.66 is refunded through energy bill in the month of Apr-2011. Remaining RLC amount will be refunded as per MERC tariff Orders in the matter.
  3. **Refund of SD & ASD & RLC of 1 ph meter.**  
As per CGRF, Kalyan order consumer has not submitted any proof of SD they are requested to submit the same for next action. 1 ph RLC comes to Rs.3,075.72 & Int. Rs.184.54, is refunded through energy bill in the month of Apr-2011.
  4. **Compensation.**  
As per CGRF Order Rs.5,200/- against compensation refunded through energy bill of Apr-2011.
7. During the hearing held before the Commission on 11<sup>th</sup> 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, contested that RLC and the interest calculated by MSEDCL, was wrong and the same should be corrected, and balance amounts to be paid.
12. During the hearing held on 22<sup>nd</sup> 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. In the next hearing on 8th July 2011, the Opponent submitted that it had complied with the Order of the CGRF, Kalyan Zone.
14. Vide letter dated 22<sup>nd</sup> July 2011, the Complainant submitted that 'full compliance is made except RLC refund'.
15. During the hearing held on 5<sup>th</sup> 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 23<sup>rd</sup> 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/ 11942 dated 12<sup>th</sup> 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. The Complainant vide its letter dated 22<sup>nd</sup> September, 2011 again submitted that RLC monthly refund installment from April, 2011 to August, 2011 is credited in Sept.2011 bill but there is no confirmation and assurance of giving further monthly RLC credit in bills. This was again submitted vide the Complainant's letter dated 12<sup>th</sup> October, 2011 adding that installment of Sept. 2011 is not credited in Oct, 2011 bill.
19. The Opponent vide its letter EE/VSI/T/6718 dated 11<sup>th</sup> Nov., 2011 submitted that 'in case of RLC refund from April to Aug. 2011 is already given and from Sept. to Nov. 2011 is being credited in the bill month of Nov., 2011 billing'.
20. Complainant vide an affidavit dated 15<sup>th</sup> November, 2011 submitted that *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 & respective refund.*

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

Accordingly, the Complaint in Case No. 48 of 2011 stands disposed of. No order as to costs.

Sd/-  
(Vijay L. Sonavane)  
Member

Sd/-  
(V. P. Raja)  
Chairman