

Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai 400005.
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Case No. 49 of 2011

In the matter of
Complaint by Mahendra Industrial Mfg. Co. against MSEDCL under Sections 142 and 146
of the Electricity Act 2003 for non-compliance of CGRF Order dated 15th December,
2010.

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

Mahendra Industrial Mfg. Co.

..... Complainant

V/s

Maharashtra State Electricity Distribution Co. Ltd.

through (i) Chief Engineer (Kalyan Zone),
(ii) Superintending Engineer (Vasai Circle),
(iii) Dy. -Executive Engineer (Vasai Division)

..... Opponent

ORDER

Dated: 30th November, 2011

Mahendra Industrial Mfg. Co., the Complainant herein, filed the present Complaint on 30.03.2011 against Maharashtra State Electricity Distribution Company Ltd. (“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 15th December, 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 of RLC paid as up to Dec. '10, + short of interest paid on RLC.*

- c) *Balance RLC monthly instalments to receive in monthly bills & due amount to be paid from Jan. '11 till start of refund in monthly bills.*
- d) *Refund of Rs.32,564 to be made which is deducted under suspense while part refund made in the bill of Jan 2011.*
- e) *Compensation as agreed upon by CGRF Rs.2,000 may be credited to our account.*
- f) *Single phase RLC refund on PD supply.*
- g) *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 MSEDCL with the contract demand (C.D) of 80 kVA (Consumer no. 001849034210) billed as per Industrial Tariff for its industry at Vora Ind. Estate, Vasai East.
- b. The collected RLC amount is required to be refunded from July 2008 onwards but not refunded. Furthermore as per the directions of this Commission in Case No 144 of 2008 the Opponent is required to refund the amount of ASC.
- c. It was further contended that single phase meter no 001610261333 was not required since it was clubbed with three phases meter and permanently disconnected. The amount of SD/ASD/RLC collected by the Opponent in this context needs to be refunded with interest. Hence the Complainant by letters dated 18/02/2010 and 04/08/2010, requested the Opponent to refund the collected ASC/RLC/SD/ASD amounts, but the Opponent neither responded nor refunded the aforesaid amounts.
- d. 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 excessive energy bills.
- e. The CGRF, Kalyan Zone passed its order dated 15.12.2010, with relevant directions as under:

“

- 1. *The Grievance application is partly allowed*
- 2. *Licensee is directed to work out the amount of RLC and ASC as per the directions of Hon'ble MERC in Case No. 72 of 2007, 144 of 2008 and Ombudsman in Case No. 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.*
- 3. *Licensee is directed to refund amount of SD/ASD/RLC collected in the context of single phase connection with RBI rate of interest to the consumer if not refunded earlier, within 45 days from the date of receipt of this order 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 per directions given in para no. 09 (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 fully with the said Order dated 15th 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/04494 dated 09/05/2011, wherein it made the following submissions:
 - a) **Refund of Security Deposit & Additional Security Deposit:**
SD & ASD amounting Rs.79,460/- with Interest of Rs.12,699.59 is already refunded in the billing month for Jan-2011.
 - b) **Refund of RLC:**
As per CGRF, Kalyan order RLC Rs.76,745 & Interest Rs.2387.44 is refunded in the month of Jan-2011. Balance RLC Rs.25,365.85 & Interest of Rs.1,141.46 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.
 - c) **Refund of ASC:**
As per CGRF, Kalyan order ASC of Rs.19,865.69 & Int. Rs.2,483.21 is refunded through energy bill in the month of Apr-2011.
 - d) **Refund of SD & RLC of 1 Ph meter :**
As per CGRF, Kalyan order balance RLC of 1 Ph Rs.1,244.13 & Interest of Rs.65.39 is refunded through energy bill in the month of April-2011. Remaining RLC amount will be refunded as per MERC tariff Orders in the matter. Compensation of Rs.2000/- also refunded through energy bill in the month of Apr-2011.

Consumer has mentioned refund of Rs.32,564/- to be made which is deducted under suspense while part refund made in the bill of Jan-2011. Regarding the above matter the consumer has not elaborated regarding what illegal deduction has been made. After receiving the same, proper justification will be given to the consumer.
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. During the hearing held on 22nd June, 2011, the Opponent's IT Officer was present along with other representatives. The Opponent submitted a copy of MSEDCL's two circulars issued vide Ref. No.PR3-tariff/427 No. 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. Vide its letter dated 22nd July 2011, the Complainant submitted that 'full compliance is made except RLC refund'.
14. 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.
15. During the hearing held on 23rd August, 2011, the Opponent submitted that full compliance has been made & 'Full compliance report' on the case could be submitted.
16. Thereafter, vide a letter No. SE/VC/VSI/ 11951 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.
17. Complainant vide its letter dated 15th September, 2011 submitted that Opponent had given less amount than the credit amount displayed on the bill i.e. shown as Rs.52,163.73 but credited in the bill Rs.48,481.57 only. Further, vide its letter dated 22nd September, 2011 the Opponent submitted that, in May-2011, credit of Rs.52,163.73 is mentioned but actually the amount credited is Rs.48,481.57, thus there is a short payment of Rs.3,978.17. Also, RLC monthly refund instalment 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.
18. Opponent vide its letter Dy.EE/VSI/T/6241 dated 19th October, 2011 submitted/ clarified that 'In the month of May-2011 credit was given for Rs.52,165.73, but the displayed amount is Rs.48,187.57. As per CPL the credit was correct, but reflected amount shows Rs.3978.17. After due scrutiny at IT Centre, the credit is effected in billing month of Oct.-2011.

19. The Complainant vide its letter dated 4th November, 2011 submitted that it has not received the copy of Opponent's letter under an affidavit dated 12th September, 2011. Also that, in Oct-2011 bill, RLC of Sep-2011 is not received.
20. The Opponent vide its letter EE/VSI/T/6718 dated 11th Nov., 2011, submitted that the RLC refund from April to Aug. 2011 is already given and that from Sept. to Nov. 2011 is being credited in the bill month of Nov., 2011 billing.
21. Subsequently, the Complainant has also confirmed that the Opponent has complied with the CGRF's said order. 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. 49 of 2011 stands disposed of. No order as to costs.

Sd/-
(Vijay L. Sonavane)
Member

Sd/-
(V. P. Raja)
Chairman