

Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
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Case No. 50 of 2011

In the matter of
Complaint by Simplex Plast against MSEDCL under Sections 142 and 146 of Electricity Act, 2003 for non-compliance of the CGRF Order dated 09th December, 2010.

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

Simplex Plast 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

Date: 1st December, 2011

Simplex Plast the Complainant herein filed the present complaint on 25th 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 9th December, 2010 of Consumer Grievance Redressal Forum (“CGRF”), Kalyan Zone.

2. The prayers of 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 and due amount to be paid from Jan. ' 11 till start of refund in monthly bills for Simplex Plast & own PD unit Manish Bhatt.*
- d) *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 the Opponent with the Contract Demand (C.D.) of 80kVA billed as per Industrial Tariff for its industry at Kurusingle Ind. Estate, Waliv Phata, Vasai(East) since the year 2002.
 - b. It is contended that while giving supply in the year 2002, the Opponent collected Security Deposit (SD) and Addl. SD (Rs.19,500 + Rs.11,700) from the Complainant and that in June 2008 the Opponent appropriated the total Security Deposit of Rs.45,900 to the unpaid bill and collected interest/ DPC. Consequently the Consumer could not get the benefit of PPD.
 - c. The collected RLC amount is required to be refunded by the Licensee from July 2008 onwards but not refunded. Furthermore, the Opponent is required to refund the amount of ASC.
 - d. The Complainant requested the Opponent to refund the amount with interest, but the same was not refunded. 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, Kalyan Zone, on 05/10/2010 alleging Excessive Energy Bills.
 - e. The CGRF, Kalyan Zone passed its order dated 09.12.2010, with relevant directions as under:
“
 - 1) *The grievance application is partly allowed.*
 - 2) *Licensee is directed to refund the amount of DPC, PPD and interest collected while SD appropriated in June 2008 with R.B.I rate of interest to the consumer if not paid earlier, as per the directions given by Hon'ble Ombudsman in representation No. 23 of 09 dated 26/03/2009 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 work out the amount of RLC and ASC as per the directions of Hon'ble MERC in Case no. 72 of 2007 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.*”
4. The Complainant has in the present complaint alleged that the Opponent has failed to comply with the said Order dated 9th 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/04503 dated 09/05/2011, wherein it made the following submissions:
1. ***Refund of Security Deposit & Additional Security Deposit:*** *Refund of SD of Rs.45,900 & Int. of Rs.6,885/- is given in the billing month of Jan-2011.*
 2. ***Refund of ASC:*** *ASC amounting Rs.6,415/- is refunded in the billing month of Jan-2011.*
 3. ***Refund of RLC :*** *As per CGRF, Kalyan order RLC Rs.74,516.13/- & Int. Rs.2,719.45 refunded through energy bill in the month of Jan-2011 & balance*

RLC Rs. 6,145.66 and Int. Rs. 122.91 is refunded through energy bill in the month of Apr-2011.

4. **To give the explanation regarding the amount of bill adjustment.** *As per CPL record Rs.36,571.13 is the unpaid arrears, hence recovered from the final total refund in the month of Jan-2011.*
7. During the hearing held before the Commission on 11th May, 2011, Shri Harshad Sheth appeared on behalf of the Complainant, and 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 21.05.2011 to the Chief Engineer, Kalyan Zone, of the Opponent submitted that the RLC interest at 6% calculated by MSEDCL is wrong. Also on the amount of Rs.36,571 which was deducted terming it as unpaid arrears, no details are given.
12. During the 2nd hearing held on 22nd June, 2011, the Opponent appeared alongwith its IT Officer as per the Commission's direction. The Opponent submitted a copy of the circular vide Ref. No.PR3-tariff/427 No. 15534 dated 19/05/2011 wherein it is stated that the RLC would be refunded manually for the PD consumers. Further, it submitted that the refund of remaining consumers would be made by the end of this month June 2011. Further the Opponent submitted that it had already made written submissions in the matters, and, there was no additional submission to be made.
13. Further, the Complainant vide its letter dated 30.06.2011 has submitted that "*MSEDCL has not read the Petition Form II, page no. 7 para b(v) which says that while refunding the amount in Jan., 2011, MSEDCL has deducted Rs.36,571 by making undue accounting adjustment entries. MSEDCL's para wise reply is false, which says it as unpaid arrears. No details are given.*"

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 said 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 could be submitted.
17. Thereafter, vide a letter No. SE/VC/VSI/ 11950 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. The Complainant vide its letter dated 22nd September, 2011 again submitted that 'RLC monthly refund instalment from April, 2011 to August, 2011 is credited in Sept., 2011 bill but confirmation and assurance of giving further monthly RLC credit in bills is not mentioned in the Affidavit. This was again submitted vide the Complainant's letter dated 12th October, 2011 adding that instalment of Sept., 2011 is not credited in Oct., 2011 bill.
19. The Opponent vide its letter EE/VSI/T/6718 dated 11th 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. Subsequently, the Complainant vide an Affidavit dated 18th Nov., 2011, 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 refund of our petition including Manish Bhatt."
21. The Complainant, in its Petition and its submissions to the Commission, and also in communications to the Opponent, has repeatedly made reference to refunds to be made to one another consumer viz. Manish Bhatt, which it seems had existed in the same premises, and has become PD. Since Manish Bhatt is not the Complainant before the Commission, and also not having been a part of the matter before the CGRF, the Commission has not taken cognisance of any communication or submission made in relation to the said Manish Bhatt. The Complainant is directed not to make this kind of mistake in future.

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

Accordingly, the Complaint in Case No. 50 of 2011 stands disposed of. No order as to costs.

Sd/-
(Vijay L. Sonavane)
Member

Sd/-
(V. P. Raja)
Chairman