

**Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai 400005.
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Case No. 51 of 2011

**In the matter of
Complaint filed by M/s Veetek Plastics against MSEDCL under Sections 142 and 146
of Electricity Act, 2003 for non-compliance of the Order dated 02.12.2010 of CGRF,
Kalyan Zone.**

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

M/s Veetek Plastics

...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: 8th November, 2011

M/s Veetek Plastics filed a Complaint on 25.03.2011 under Sections 142 and 146 of the Electricity Act, 2003 (“EA 2003”) against Maharashtra State Electricity Distribution Company Ltd. (“MSEDCL”). It has been alleged that the Opponent herein has failed to comply with the Order dated 2nd December, 2010 of the Consumer Grievance Redressal Forum (“CGRF” or “Forum”), 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.*

- b) *PF penalty charged in November 2009, December 2009 & February 2010 for Rs.57,378.74 to be refunded with interest as MSEDCL charges to its consumer.*
- c) *RLC overdue of single phase PD made to refund in bill with interest & further amount in monthly installments.*
- d) *The cost of the Petition Rs.10,000 to the Petitioner.”*

3. The Complainant submitted as follows:

- a. The Complainant avails electricity supply from the Opponent for its industry situated at Vasai(East), since February 1997. It is a LT-V consumer with Contract Demand (CD) of 54kVA, with Industrial Tariff.
- b. The P.F. penalty was wrongly charged by faulty meter data entry in Aug., 2008 and Sept., 2008 on kWh reading and kVAH reading. The actual P.F. comes to 0.98, so 3% incentives on Aug.'08 & Sept.'08 were required to be given. Also, in March 2009 and April 2009 the kVAH reading was not known. Considering the average of Aug., Sept., Oct., Nov. 2009, the average P.F. comes to 0.99 and with this total refund of penalty and the incentive would come to Rs.39,162.68, which was required to be refunded.
- c. The Opponent, MSEDCL charged excessive amount towards ASC in April 2008, and, this amount is required to be refunded by instalments, with interest.
- d. While giving the connection in 1997, the Opponent, MSEDCL collected S.D. and RLC. The Single phase connection (No. 001840602041) has been permanently disconnected (PD) in Nov. 2009, but the account is not settled. SD is refunded but refund of RLC is yet to be settled.
- e. Aggrieved by the action of the Opponent, MSEDCL, the Complainant had filed a complaint before the CGRF, Kalyan Zone on 27/09/2010.

4. CGRF, Kalyan Zone, passed an order on 02/12/2010 with the following directions:

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- 1) *The grievance application is partly allowed.*
- 2) *Licensee is directed to work out the amount of PF penalty if not paid earlier as per the directions given by Hon'ble MERC and Ombudsman and refund if collected excess to the consumer with RBI rate of interest within 30 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 calculate the amount of ASC as per the directions given by Hon'ble MERC and Ombudsman and if found excess to refund the same with interest within 30 days from the date of receipt of this decision.*
- 4) *Licensee is directed to refund the 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 30 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.*
- 5) *Licensee to furnish updated and correct copy of the CPL to consumer as and when required.”*

5. The Complainant has alleged that the Opponent has partly complied with the said Order dated 2nd Dec., 2010 of the CGRF, Kalyan Zone.

6. The Commission vide Notice dated 18th April, 2011 scheduled a hearing in the matter on 11th May, 2011.
7. The Opponent MSEDCL filed a reply vide its letter no. SE/VC/VSI/04504 dated 09/05/2011, wherein it made the following submissions:
 - A) **Refund of PF Penalty for the period Aug-08 to Sept-08:**
The calculations for PF penalty were made & refund of amount Rs.22,956.88 alongwith Int. Rs.3,034.31/- was given to the consumer in the billing month of Jan-2011.
 - B) **Refund of PF penalty for the period from Mar-09 to Apr-09:**
The calculations for PF penalty were made & refund of amount Rs.21966.44 alongwith Int. Rs.2086.34/- was given to the consumer in the billing month of Jan-2011.
 - C) **Refund of PF penalty for the period from Aug-09 to Nov-09**
The calculations for PF penalty were made upto Feb-2010 & refund of amount Rs.57,378.93 alongwith Int. Rs.12,479.89 was given to the consumer in the billing month of Apr-2011.
 - D) **Refund of ASC Charges**
Recalculation of ASC charges were done & refund of amount Rs.12,357.16 alongwith Int. of Rs.1,915.36 was given to the consumer in the billing month of Jan-2011.
 - E) **Refund of SD & RLC of 1 Ph Connection :**
The refund of SD amount Rs.2,280.00 alongwith Int. Rs. 91.20 is refunded in the billing month of Jan-2011. Also the refund of RLC amount of Rs.2,930.08 alongwith Int. of Rs.140.14 is refunded in the billing month of Apr-2011.
8. 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.
9. The Complainant submitted that the issue is with respect to the delay in refund amount 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 (*Information Technology*) software so as to avoid any future complications.
10. The Opponent submitted that the RLC amount would be refunded soon through the IT software, through the bills and the refunds would be made from June, 2011, onwards.
11. The Commission was of the view that MSEDCL should not be looking at the refund to be made to the aforesaid 70 consumer cases only, but it should come-up with plan of action so as to refund the claimed amount to all its concerned consumers. Since the whole plan of refund seems to be based on the mapping and work of updating of software, by the 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 was adjourned for 22/06/2011.

12. Thereafter, the Complainant vide its letter dated 19th May, 2011, to the Chief Engineer, Kalyan Zone, MSEDCL, conveyed the difference in amount which was to be credited and was actually credited (credit of Rs.60,447.32 against Rs.72,929.04), and demanded a corrected bill or explanation for same.
13. During the hearing held on 22nd June, 2011, the Opponent's IT Officer, Shri H. P. Chikate, was present. 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.
14. Subsequently, the Opponent vide its letter ref. SE/VC/VSI/11949 dated 12th Sept., 2011, has submitted an Affidavit confirming its compliance with the Order of the CGRF, Kalyan Zone.
15. Subsequently, the Complainant also confirmed that the Opponent has complied with the CGRF's order. Vide its letter dated 14th Oct., 2011 the Complainant stated as followed:
"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. 51 of 2011 stands disposed of. No order as to costs.

Sd/-
(Vijay L. Sonavane)
Member

Sd/-
(V. P. Raja)
Chairman