

Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai 400005.
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Case No. 88 of 2011

In the matter of
Complaint filed by Kipril Products & Packagings Pvt. Ltd., against Maharashtra State Electricity Distribution Company Ltd., under Sections 142 and 146 of Electricity Act, 2003, alleging part non-compliance of the Order dated 13.10.2010, passed by the CGRF, Kalyan Zone, in the matter of refund of ASD.

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

M/s Kipril Products & Packagings P. Ltd. Complainant

V/s

Maharashtra State Electricity Distribution Co. Ltd. Opponent
Through its (i) Chief Engineer (Kalyan Zone),
(ii) Superintending Engineer (Vasai Circle),
(iii) Dy. Executive Engineer (Vasai Division).

ORDER

Dated: September 2, 2011

M/s Kipril Products & Packagings Pvt. Ltd., the Complainant, filed a complaint, on Affidavit, on 18.03.2011, and subsequently amended it on 19.05.2011 under Sections 142 and 146 of the Electricity Act, 2003 (“EA 2003”) against Maharashtra State Electricity Distribution Company Ltd. (“MSEDCL”), the Opponent, alleging part non-compliance of the Order dated 13th Oct., 2010, passed by the CGRF, Kalyan Zone, in regard to excessive bill charged by the Opponent.

2. The prayers made by the Complainant, are as hereunder:

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- a) *Invocation of section 142 & 146 of Electricity Act for non-compliance of CGRF Order, E.A.2003 & violation of:*
- *MERC Case No. 93/2008 dated. 01.09.2010*

- b) *F1 register may be verified by MSEDCL and refund of ASD+ Interest may be given.*
- c) *The cost of the Petition to the Petitioner.*”
3. The key historical facts from the Order passed by the CGRF, Kalyan Zone, and brief facts of the matter as submitted by the Complainant, are set out hereunder:
- a. The Complainant is a LT-V consumer of MSEDCL with the Contract Demand (C.D.) of 54kVA (Consumer no.001840854082) billed as per Industrial Tariff, at his industry situated at Aarti Ind. Estate, Chinchpada, Vasai (E), since the year 2002. According to Complainant, the Additional Security Deposit(ASD) (Rs.11,700/-) was paid in 2002, but same was not displayed in the bills nor refunded. The Petitioner submitted that he does not have receipts of ASD paid by it.
- b. The Petitioner had contended that since the amount of the ASD was not shown in the bills, the same should be refunded. The Complainant had written to Dy. Ex. Engr. Vasai Sub-Division to refund the amount on this account, alongwith some other amounts. However, the Respondent did not take any action in this respect.
- c. Aggrieved, the Complainant had approached the Internal Grievance Redressal Cell, Vasai. Complainant submitted that IGR Cell did not make any efforts to resolve the issue. Therefore, the Complainant filed its grievance before the CGRF, Kalyan Zone, on 15th June, 2010, alongwith prayers on other items, to refund the amount of ASD, with interest.
- d. The CGRF, Kalyan Zone, passed its order dated 13th Oct., 2010, directing the Opponent, as set out hereunder:
- “
1. *The grievance application is allowed.*
 2. *Licensee is directed to refund the amount of ASD with RBI rate of interest to the consumer as per directions given by Hon'ble MERC in case No. 93 of 08 dated 01/09/2010.*
 3. ---
 4. ---
 5. *Licensee is directed to supply correct and update copy of CPL to the consumer as and when required.*”
- e. Thereafter, aggrieved, the Complainant filed this complaint before the Commission, for part-compliance of the Order passed by the CGRF, Kalyan Zone, with the aforesaid prayers.
4. During the hearing, held by the Commission, on 13th July, 2011, Shri Harshad Sheth appeared on behalf of the Complainant, and, Shri Surendra Purohit, E.E.(Vasai Divn.), Shri Pramod V. Patil, Dy.E.E.(Vasai) of MSEDCL, appeared on behalf of the Opponent.

The Complainant reiterated its submission and no new submission was made. The Opponent presented its letter no. SE/VC/VSI/03920 dated 12th July, 2011, which was submitted to Commission's office, on 13th July 2011, wherein it made a submission saying, as hereunder:

‘ Consumer has not submitted original receipts or any proof of SD paid by the consumer. Also the F-1 register of the section was checked and entry of SD was not found. Hence as per MERC case No. 93 of 2008 no proof of SD paid was found or submitted by the consumer, hence the refund of amount is not possible. Also consumer is requested if they have any proof of paid SD same may be submitted to MSEDCL to process it at earliest.’

In response, the Petitioner reiterated that it does not have the receipts of SD, ASD as paid.

5. Having heard both the parties and taking into consideration the materials on record, the Commission is not inclined to entertain the complaint in the absence of original receipts or any proof of Security Deposit / Additional Security Deposit. In view of the statement made in MSEDCL’s letter no. SE/VC/VSI/03920 dated 12th July, 2011 that “consumer is requested if they have any proof of paid SD same may be submitted to MSEDCL to process it at earliest’, the Complainant may take appropriate steps.

In view of above, the Case No. 88 of 2011 stands disposed of.

Sd/-
(Vijay L. Sonavane)
Member

Sd/-
(V. P. Raja)
Chairman