

**CONSUMER GRIEVANCE REDRESSAL FORUM  
AMRAVATI ZONE, AMRAVATI**

'Vidyut Bhavan', Shivaji Nagar, Amravati: 444603, Tel. No. 0721 2551158

**Order**

**Dt. 30 /12/2017**

**Complaint No. 15/2017**

**In the matter of grievance pertaining to difference in Fixed Charges due to wrong feeding of connected load and billing thereof.**

**Quorum**

**Dr. Vishram Nilkanth Bapat, Chairman  
Shri D.B. Mohod, Member Secretary  
Sau. Sushama Joshi, Member (CPO)**

**In the matter of**

M/s Princess

Prop. Shri Sudhir Wasudeo Khemachandani

Jaistambha Chowk, Amravati.

C.No. LT -366470920500

Complainant

.....Vs.....

Respondent

The Executive Engineer

MSEDCL, Urban Division, Amravati.

Appearances:-

Complainant Representative:-

Shri Sudhir W. Khemachandani

Respondent Representative:-

Shri. Prashant Gayakwad

Additional Executive Engineer

Amravati Ull Sub Division .

Being aggrieved by IGRC, Amravati Order dt.16/05/2017, complainant approached to CGRF for redressal of his grievance on dt.15/07/2017 and filed his complaint which is registered as Case no.15/2017.

1) As per complainant consumer, he applied for new electric connection for his Shop named and styled as Princess Saree , applied for load of 32 Kw. and accordingly N.A.MSEDCL sanctioned power supply for 32 Kw.

2) Complainant / consumer submitted that the power supply with sanctioned load of 32 Kw was released on 21/06/1994 and thereafter he is paying regular energy bill which he receives.

3) Complainant /consumer submitted that N.A. MSEDCL asked him to pay penalty amount for use of additional load vide letter No.6130 in Dec.2015 and he also confirm about application of 32 Kw in reply for same letter .

4) Complainant / consumer submitted that he received energy bill of Rs.247200/-from MSEDCL on dt.18/04/2016 with fact specifying that it is the tariff difference bill of Fixed Charges for sanctioned load of 32 Kw. which was wrongly feeded in computer billing system as 0.32 Kw from the period of June 2008 to April 2009 and 0.50 Kw for period of May 2009 to Jan 2016.

5) In his further submission complainant consumer submitted that he received reminder letter from MSEDCL along with disconnection notice for Rs.247197.68/- under section 56(1) of Electricity Act 2003 on

dt.02/08/2016. Complainant asked for the details regarding tariff difference of bill as he has not understood the fact about such huge outstanding bill vide his application dt 12/08/2016 mentioning that he is ready to pay if it is consistent with law and provision. Again complainant receives notice under section 56(1) of Electricity Act 2003 on dt 04/10/2016 for payment of outstanding bill as on date. In response to said disconnection notice complainant submitted letter dt.26/10/2016 to MSEDCL that he received table showing calculation of tariff difference bill but he needs further eight more days to understand and again assured that he is ready to pay if it is consistent with law and provision with request not to disconnect supply. Now again complainant received disconnection notice and it was served after deciding complaint before District Consumer Redressal Forum, Amravati stating that pay the enclosed bill of Jan-2017 of amount Rs.191830/-.

Aggrieved by this, complainant consumer approached to IGRC, Amravati for redressal of his grievance and accordingly complaint is decided by IGRC, Amravati and Order passed on dt.16/05/2017 stating that tariff difference bill is correct and shall be paid by consumer.

Aggrieved by order of IGRC, Amravati dt 16/05/2017, complainant filed his complaint to CGRF, Amravati on dt 15/07/2017. Complainant during his oral submission in hearing before this Forum, stated that what stated in written complaint is to be treated as oral submission. In the complaint he has mentioned references of Hon. Ombudsman, Mumbai's verdict and enclosed verdict in WP No.10764 in Bombay High Court and H.D.Shourie Vs. Municipal Corporation of Delhi ,MANU/DE/0356.1987. But complainant neither explained application of referred verdict nor enclosed verdict to his complainant.

During hearing, complainant submitted Order passed by same Forum on dt 23/12/2016 in Complaint No.16/2016 and 17/2016 and submitted that these were the identical cases of recovering old dues

and requested to decide his complaint on same ground. Furthermore he submitted that payment was made under protest to avoid disconnection. Considering above facts complainant prays as :-

1) To set aside his tariff difference bill of Fixed Charges from June 2008 due to wrong feeding of Sanctioned load and his payment under protest shall be adjusted in forthcoming bill

2) Any other relief as deemed fit by Hon. Forum.

That after filing this complaint, notices were issued by CGRF to N.A.MSEDCL and were informed about complaint and to file their written version to the present complaint point wise. The N.A.MSEDCL filed their reply on 14/08/2017 and stated that N.A.MSEDCL has explained all the details regarding tariff difference bill to complainant consumer. Complainant has applied for 32 Kw load, accordingly power supply released with sanctioned load of 32 Kw and electricity bills were served to consumer with sanctioned load of 32Kw. Initially there was manual system of preparation of energy bill and in forthcoming days it is modified to Computerized billing, Spot billing, Photo billing and now it is Mobile App. Based billing and hence computerized software has been changed every time while switch over to new type of billing. In June 2008 software programme was changed to Oracle based for billing and while feeding information of sanctioned load of 32 Kw in software for billing, it is by mistake feeded as 0.30 Kw. It was purely a clerical mistake of feeding of data for billing. Hence consumer was billing as per sanctioned load of 0.30 Kw in place of 32 Kw and using sanctioned load of 32 Kw. Hence after noticing this mistake, tariff difference bill for period June 2008 to January 2016 is charged to consumer without any penalty, interest or any other charges and it is correct bill.

N.A.MSEDCL submitted that initially complainant consumer had filed his complaint to Hon. District Consumer Redressal Forum, Amravati vide case no.181/2016 and stressed on point that MSEDCL cannot recover outstanding amount for more than two years as per section 56(2) of Electricity Act 2003. Hon. District Consumer Redressal Forum, Amravati after hearing and analyzing case, passed the order dtd 16/01/2017 stating the dismissal of complaint made by complainant. Hence limitation period was already decided and hold the served Tariff Difference Bill of MSEDCL correct. Also complainant not made any appeal against order of Hon. District Consumer Redressal Forum, Amravati i.e said order is final and binding on both parties. Hence complainant have lost their right to file complaint to this Hon. Forum. And again submitted that it is the Tariff Difference Bill only without any fine, interest or any other charges, MSEDCL with its right to serve is correct and hence with humble prayer to dismiss complaint without any cost.

After going through the documents placed on record, arguments advanced by both the parties in present matter, verifying and analysing the references made by parties, the Forum have come to the conclusion that electric connection with load 32 Kw was demanded by Complainant Consumer and accordingly N.A.MSEDCL had sanctioned same for 32 Kw and is undisputed one. Also limitation on period was also decided in order passed by Hon. District Consumer Redressal Forum, Amravati in case no.181/2016 on dt 16/01/2017 in present matter. And analysing judgements on identical matter explaining meaning and limitation of terms in section 56 of Electricity Act, particularly in M/S Rototex Polyester and another Vs., Administrator of Dadra and Nagar Haveli (U.T) Electricity Department, Silvassa and others, 2009(5), -Bar for raising plea of limitation is given as-"In case the consumer is under billed on account of clerical mistake, in such case

the bar of limitation cannot be raised by the consumer". And in present matter under billing happens due to wrong feeding of data for billing in computer software system for billing which is purely clerical mistake.

Hence with above facts, observations and findings, this Forum proceeds to pass the following unanimous order .

ORDER

- 1) The Complaint is hereby dismissed.
- 2) No order as to cost.

Sd/-  
(D.B.Mohod)  
Member Secretary

Sd/-  
(Mrs.S.P.Joshi)  
Member(CPO)

Sd/-  
(Dr.V.N.Bapat)  
Chairman

Contact details of Electricity Ombudsman appointed by  
MERC(CGRF&EO) REGULATIONS 2006 under regulation 10:-  
THE ELECTRICITY OMBUDSMAN,  
Office of Electricity Ombudsman (Nagpur)  
Plot No.12, Shrikripa, VijayNagar, Chhaoni,  
Nagpur-440013.  
Phone:-0712-2596670

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NO. CGRF/AMZ/ Amravati/ 28

Dt. 30/12/2017

To,  
The Nodal Officer,  
Executive Engineer  
MSEDCL, Urban Division,  
Amravati.

The order passed on 30/12/2017 in the Complaint No.15/2017 is enclosed herewith for further compliance and necessary action.

  
Secretary

Consumer Grievance Redressal Forum,  
MSEDCL,Amravati Zone,Amravati

Copy to:-

1)M/s Princess

Prop. Shri Sudhir Wasudeo Khemachandani  
Jaistambha Chowk,Amravati.

Copy f.w.c.to:-

- 1)The Chief Engineer,MSEDCL,Amravati Zone,Amravati.
- 2)The Superitending Engineer, O&M Circle,Amravati.