

(A Govt. of Maharashtra Undertaking)
CIN : U40109MH2005SGC153645

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Consumer Grievance Redressal Forum
"Vidyut Bhavan", Gr. Floor,
L.B.S.Marg,Bhandup (W),
Mumbai – 400078.

REF.NO. Member Secretary/CGRF/MSEDCL/BNDUZ/070089

Date:19.06.2017

Case No. 07/2017

Hearing Dt. 30.05.2017

In the matter of exorbitant and retrospective period bill issued by respondent utility for amounting Rs.748927.99/- to the consumer

M/s. Rumbcomp Industries Pvt. Ltd., - Applicant

Vs.

M.S.E.D.C.L. Koperkhairane, Sub Division - Respondent

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri. Anil P. Bhavthankar, Chairperson, CGRF, Bhandup.
- 2) Shri.Ravindra S. Avhad, Member Secretary, CGRF, Bhandup.
- 3) Dr. Smt. Archana Sabnis, Member, CGRF, Bhandup.

B - On behalf of Appellant

- 1) Absent – Consumer/ Consumer Representative

C - On behalf of Respondent

- 1) Mrs. Swati Deshmukh, Assistant Accountant, Koperlhaire Sub Division.

Consumer No. 000141445987

1. Above name consumer received bill in the month of April 2017 accumulated recovery bill for the unit consumption at the premises of consumer sanction load 126 HP connecting Load 126 HP and date of connection 26.05.2016. It is submitted by consumer that his dispute before this Forum bearing Case No.659/2016 this Forum pass order in this judgment in favor of consumer and accordingly the unit now falls in the

category at industrial tariff in view of classification recently made by MERC. Thereafter the respondent utility received the bill to the consumer retrospective period of December 2016 which was accumulated in the month of April 2017. After receiving the said bill consumer approach to the respondent utility authority and requested to revise and correct the bill in view of the order of this Forum. It appears from the contention of consumer he directly to approach to the Forum for giving direction to the respondent utility for revise of bill and correction not accumulated bill should be recovered from the consumer. The consumer also received notice of disconnection on date 17.03.2017. Therefore the consumer submitted that he has right to file complaint directly before this Forum on the event of notice of disconnection amount and threat of disconnection given by respondent utility through notice and demanded bill which is illegal improper and incorrect. Therefore on 24.04.2017 consumer approach to the Forum and filed complaint in schedule 'A'. After receiving the said complaint notice was issued to the respondent utility. After service of notice respondent utility appeared and filed reply on 09.05.2017. Respondent utility submitted that the office received final order of this Forum in reference this office seek legal advice by approaching to the legal cell and legal cell suggested higher Appeal against this order therefore matter is referred to M/s. DSK legal advisor company appointed on the behalf respondent utility in this case and details of proceeding are awaited. Therefore respondent utility requested not to take any action in this matter. At respondent utility desired to challenge the order before Hon'ble High Court and accordingly the matter is subjudice.

2. After receiving the said reply following point arose for our consideration to which I have recorded my findings to the point for the reason given below

1] Whether bill issued to the consumer amounting Rs. 748927.99/- /- is legal valid and proper.

2] Whether consumer is entitled for any relief.

3] Whether consumer complaint is tenable.

Reasoning

1. We have given opportunity to the consumer and his representative who appeared before this Forum. Consumer already attached copy of the order of this Forum in consumer case No.659/dtd.12.04.2016. It is pertaining to note that as per revised tariff of MERC now the unit of Tyre holding and repairing unit liable to charge industrial tariff from the effect of order. The bill issued by respondent utility to the consumer mention accumulated arrears as per order of this Forum tariff applicable to the unit during the period of dispute till the date of revision of tariff by MERC amounting Rs. 9,88,420-/. The action of respondent utility issuing notice under 56(1) directing consumer to pay to Rs. 7,92,420/- which is different of period recovery claim by the respondent utility .This consumer challenge the recovery of the said bill on second cause of action. It is pertaining to note that necessary for me to mention that the respondent utility desire to file appeal against the order pass by this Forum in consumer case No.659 dated. 12.04.2016.
2. In view of the provision under Ombudsman Regulation 2005 if any litigation is pending before Higher Court the Forum could not entertain such dispute. The intention of respondent utility also informing reply matter is subjudice before Hon'ble High Court where the right Appeal available to the respondent utility as per Regulation and Rule. To my view this Forum not inclined to pass any relief in favor of consumer. I order pass by this Forum required to be complied by payment of dues which is demanded in the bill by respondent utility. Hence I am not inclined to grant any relief in favor of consumer due to pendency of dispute in Higher Court. Hence consumer complaints liable to be dismiss.

ORDER

Consumer compliant no 07/2017 is liable to be dismissed.

No order as to the cost.

Proceedings closed.

Both the parties be informed accordingly.

Note:

- 1) If Consumer is not satisfied with the decision, it may proceed within 60 days from date of receipt of this order to the Electricity Ombudsman in attached "Form B".

Address of the Ombudsman

**The Electricity Ombudsman,
Maharashtra Electricity Regulatory Commission,
606, Keshav Building,
Bandra - Kurla Complex, Bandra (E),
Mumbai - 400 051**

- 2) If utility is not satisfied with order, it may file representation before the Hon. High Court within 60 days from receipt of the order.

I Agree/Disagree

I Agree/Disagree

**DR. ARCHANA SABNIS
MEMBER
CGRF, BHANDUP**

**ANIL P. BHAVTHANKAR
CHAIRPERSON
CGRF, BHANDUP**

**RAVINDRA S. AVHAD
MEMBER SECRETARY
CGRF, BHANDUP**