

(A Govt. of Maharashtra Undertaking)

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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/ 301

Date: 30.01.2018

Hearing Date: 16.01.2018

CASE NO.46/2017

IN THE MATTER OF BILLING

Shri. Suresh C. Kothari,

Hotel Bombay Bites,Sho No.15,

Shangrilla CHS,

P.K.Road,Mulund west,

Mumbai-400080.

(CONSUMER NO. 000096089694) (Hereinafter referred as Consumer)

Versus

Maharashtra State Electricity Distribution Company Limited

through its Nodal

Officer,

Thane Circle, Thane

. . . . (Hereinafter referred as Licensee)

**Appearance : For
Licensee**

.Shri. P.P. Gullane, AEE, Pachrasta Sub Division

For Consumer – Shri. Ajay V. Nikam consumer Representative

[Coram- Shri A.M. Garde- Chairperson, Shri. R.S.Avhad -Member Secretary
and Vacant - Member (CPO)].

1. Maharashtra Electricity Regulatory Commission, is, constituted u/s. 82 of Electricity Act 2003 (36/2003). Hereinafter for the sake of brevity referred as 'MERC'. This Consumer Grievance Redressal Forum has been established as per the notification issued by MERC i.e. "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006" to redress the grievances of consumers vide powers conferred on it by Section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, (36/2003). Hereinafter it is referred as 'Regulation'. Further the regulation has been made by MERC i.e. Maharashtra Electricity Regulatory Commission. [Electricity Supply Code and other conditions of supply Regulations 2005] Hereinafter referred as 'Supply Code' for the sake of brevity. Even, regulation has been made by MERC i.e. Maharashtra Electricity.

2. Consumer herein is one Mr. Suresh Kothari having consumer no. 000096089694 B.U. No. 4703. Consumer states that the MSEDCL has provided single –phase commercial connection on dtd. 03.03.2010 bearing consumer no. 000096089694. There is no any dispute till June-2016.

He had applied for load enhancement for single phase to three phases in the month of July-2016. The load is enhanced in the month of Aug-2016 from 5KW to 21KW. The old single phase meter no.1425 is removed and new three phase meter no.055-MHD04205 is installed in Aug-2016.

The MSEDCL not shown the consumption in the period of August-2016 to December 2016 and bills were not issued till Dec.-2016.

All of sudden, in Jan-2017, the huge bill issued in Jan-2017 amounting Rs. 313036/-. The debit bill adjustment shown Rs. 226052/- in said bill. The debit adjustment of Rs. 226050/- is wrong and illegal. There is no any base to the same. The retrospective recovery is not maintainable at all. The debit bill adjustment is wrongly charged with high rates. The total

units are not spited in all months by MSEDCL, the slab wise benefit is not given to us.

In the month of June-2017, the power factor penalty is wrongly charged amounting Rs. 35158/-, which is wrong and baseless. The PF penalty is wrongly charged. The KVAH mentioned in June-17 bill 48748/-, which is altogether wrong and technically not possible and KWH is mentioned as 4205. The PF shown 0.262. This is absolutely wrong. The PF penalty is totally wrong and illegally charged.

From Jan-2017 to Jun-2017, the TOD billing is not activated, even though, the fixed charges of RS. 3000/- per month wrongly charged.

They have asked the CPL and CMRI Data through our application dtd. 28.06.2017, however, the same is not given by MSEDCL till today.

The initial readings of new three phase meter and final readings of single phase meter is not five by MSEDCL. The IR and FR report means Initial reading and final reading report is not provided by us.

The existing meter no 055-MHD04205 is very fast and not accurate. The meter is recording units, even there is no consumption. When we shut down our all load, then also the meter is working and recording units.

Please instruct MSEDCL to remove the exiting inaccurate ammeter and install s accurate meter.

Due to huge MSEDCL bills and low business, we are reducing our load and removing some electrical equipments including one Air Conditioner.

They never crossed the 18KVA demand in last year and we don't require 21KW load. Please reduce our load up to 18KW and install us a normal 3 phase meter without LTMD meter. We don't want the LTMD/TOD tariff want to reduce the load up to 18 KW. As per MERC tariff order, the LTMD tariff is not applicable for load below than 20KW.

Please remove the existing LTMD meter and install us a normal 3 phase LT meter with load reduction up to 18KW.

They have paid total Rs. 8,82,880/- in the period of Jan-2017 to Oct.2017. then also the arrears of Rs. 142836/- is seen as outstanding.

The interest and DPC also charged on the accumulated bills, average bills and wrong bills. The same is not maintainable. Please withdraw the total interest and DPC.

The disconnection notice issued by MSEDCL on dtd. 07.11.2017, copy attached.

In view of the above, please consider our following prayers and give us justice.

Please withdraw the debit bill adjustment of Rs. 226052/- in Jan.2017, which is wrong illegal and baseless.

Please withdraw the power factor penalty wrongly levied in June 2017 amounting Rs.35158/-.

Please withdraw the interest and DPC charged in the entire disputed period.

Please grant us STAY against disconnection till disposal of this case.

Please reduce our load from 21KW to 18KW and please remove the existing LTMD meter fast/ inaccurate meter and install us a normal 3 phase meter except LTMD/TOD meter.

Please direct MSEDCL to handover me the copy of CPL, CMRI data and initial reading and final reading reports.

Please grant us 3 equal monthly instalments without charging interest and DPC for payment of balance amount.

MSEDCL in reply contended that as per consumer's request, the load enhancement is done in the month of Aug. 16 and meter replacement is done in the month of Aug. 16 i.e. single phase to Three phase. The consumer has billed with '0' units for the period Aug-16 to Dec.2016, but

consumer was suing the supply during this period and the consumption was 18390 units.

Accordingly, the B-80 is taken in the month of Jan-2017 of amount Rs. 2,26,052/- with exhibit No.1 and the said B-80 is taken for four months. The final reading considered for the above B-80 was 18390 KWH.

The B-80 taken in the month of Jan-2017 was for the period August-2016 to Dec. 2016 which is as per reading found on the meter and it is correct. Hence no need to refund this amount.

The consumer has given an application to withdraw the power factor penalty charges in the month of Jun-2017 and it is withdrawn in the month of July-2017 with exhibit no.2

The consumer personal ledger is enclosed with this letter.

The consumer has not submitted any complaint letter to this office regarding the excess reading of meter.

The consumer Shri. Suresh C. Kothari is having consumer No. 0000960896994 and meter No. MHD14205 has asked for the reduction of load but till date he has not submitted the single application for the same in prescribed format.

According to point No. 11, the consumer says that he has paid the amount of Rs. 8,82,880/- in the period of Jan-2017 to Oct. 2017, then also the arrears of Rs. 1,42,836/- is reflected as outstanding.

While going through the available billing records for the period Jan-2017 to Oct. 2017. It is observed that the bills issued for the above said period are of amount Rs. 8,82,880/- and the consumer has paid only Rs. 6,88,075/- against the bill amount of Rs. 8,82,880/- whereas during this period the bill amount cheque of Rs. 1,87,889/- was bounced in the month of Feb. 2017 exhibit No. 3 Due to which the arrears Rs. 1,87,1889/- is reflected as outstanding in the bill.

Their office has issued 11 nos. Of bills for the period Dec.2016 to Oct. 2017 and the consumer has made payment six times against the above 11 nos. Of issued bills. Hence there is no need to waive off the DPC charges.

By considering the above said points and the bills issued to the consumers are correct, hence it is requested not to issue the stay order in respect to disconnection notice given by this office.

3. We are heard both sides. It is pointed of that B-80 has been taken in the month of Jan-2017, though admittedly consumer was initially billed with zero units since beginning till Dec. 2016.

Further it is pointed out that PF penalty has already been withdrawn as per document produced at Ex 2 with reply. There is mere general allegation made that bills are huge. This is a hotel business and some vague and general allegations are being made. Merely because bills were not issued regularly initially that does not disentitle MSECL from recovering the charges. It cannot be said to be retrospective recovery in the sense not into to be allowed. We do not see any merit in the grievance. Hence we pass following order.

ORDER

Grievance is dismissed.

The compliance should be report within one week.

The order is issued under the seal of Consumer Grievance Redresses Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup.

Note:

- a) The consumer if not satisfied, may file representation against this order before the Hon. Ombudsman within 60 days from the date of this order at the following address. “ Office of the Electricity Ombudsman, Maharashtra Electricity Regulatory Commission,606, Keshav Building,Bandra - Kurla Complex, Bandra (E),Mumbai - 400 051”

- b) b) consumer, as per section 142 of the Electricity Act, 2003, can approach Hon'ble Maharashtra electricity Regulatory Commission for non- compliance, part compliance or
- c) Delay in compliance of this decision issued under" Maharashtra Electricity Regulatory Commission (consumer Redressed Forum and Ombudsman) Regulation 2003" at the following address:-
- "Maharashtra Electricity Regulatory Commission, 13th floor,world Trade Center, Cuffe Parade, Colaba, Mumbai 05"
- d) It is hereby informed that if you have filed any original documents or important papers you have to take it back after 90 days. Those will not be available after three years as per MERC Regulations and those will be destroyed.

I Agree/Disagree

**ANANT M. GARDE
CHAIRPERSON
CGRF, BHANDUP**

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