



Consumer Grievance Redressal Forum, Kalyan Zone

Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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No.EE/CGRF/Kalyan Zone/

Date of Grievance : 10/08/2015

Date of Order : 24/08/2017

Total days : 744

**IN THE MATTER CASE OF GRIEVANCE NO. K/E/914/1114/2015-16 IN
RESPECT OF UNIQUE IND. DEVELOPMENT WELFARE ASSON,
36/37, K.N.DHUMAL NAGAR, BEHIND RASHMI BUNGLOW, WALIV
ROAD, VASAI (E) PIN CODE NO. 401 208 REGISTERED WITH
CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE,
KALYAN REGARDING REFUND BILLING DISPUTE.**

Unique Ind. Development Welfare Asson,
36/37, K.N .Dhumal Nagar,
Behind Rashmu Bunglow,
Waliv Road, Vasai (E),
Pin Code-401 208

(Consumer No. 001840317311)

... (Hereinafter referred as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited
through its MSEDCL, Addl. Ex. Engineer,
Vasai Circle, Vasai (E), S/Dvn.

..... (Hereinafter referred as Licensee)

Appearance:- For Licensee :- Shri Waman, ALO, Mrs. Desai, Dy Manager,
Mrs Dambe-UDC, Vasai Circle.

For Consumer : Shri Harshad Sheth-Consumer's representative.

[Coram- Shri A.M.Garde-Chairperson, Shri A.P. Deshmukh-Member Secretary
and Mrs.S.A.Jamdar- 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. Hereinafter referred as 'Supply Code' for the sake of brevity. Even, regulation has been made by MERC i.e. 'Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply & Determination of Compensation) Regulations, 2014.' Hereinafter referred 'SOP' for the sake of convenience (Electricity Supply Code and other conditions of supply) Regulations 2014'.

2] This grievance is regarding wrong billing and classification. Supply was given on 20/7/2012 for street lights to the consumer which is an association of Industry owners in the Industrial area. There was no meter reading nor bills tendered by the Licensee for 31 months. Thereafter for the first time, bill was tendered in January 2015 for 31 months amounting to Rs.3,53,890/-.

3] During arguments, two points came up for consideration. One is whether Licensee MSEDCL can demand arrears for a period of more than two years in view of the provisions of Section 56(2) of the I.E. Act. Secondly, whether Licensee can categorise this consumer as commercial one for tariff application.

4] On both the above counts Licensee was unable to substantiate their action. It is clear from Section 56(2) of I.E. Act that Licensee can claim the arrears only for two years. So far as tariff is concerned, we have gone through the MERC Tariff Order in case No. 19/2012 and MSEDCL Circular No. 175 dated 5/9/2012. It is clear therefrom that when the supply is given for street light for Industrial area or MIDC it should be categorized as industrial.

No more discussion is required.

In the above view of the matter the Licensee MSEDCL can recover the charge only for 24 months and that too by applying industrial tariff. Also I. C. G.C.T.C. charges should be proportionately applied. The bill in question has to be revised accordingly.

This matter is not decided within time as the parties to have produced some documents.

Hence the order.

ORDER

- 1] Grievance application of the consumer is hereby allowed.
- 2] The bill in question issued to consumer in January 2015 is hereby quashed.
- 3] Licensee MSDCL is directed to issue revised bill for the period of 24 months immediately preceding last billing date with also proportionately applied ICGCTC.
- 4] Slab benefit be given to the consumer.
- 5] Compliance be reported within a period of two months from the date of receipt of this order.

Date: 24/08/2017.

(Mrs.S.A.Jamdar)
Member
CGRF, Kalyan

(A.P.Deshmukh)
Member Secretary
CGRF, Kalyan.

(A.M.Garde)
Chairperson
CGRF, Kalyan.

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, 606/608, Keshav Bldg, Bandra Kurla Complex, Mumbai 51".
- b) Consumer, as per section 142 of the Electricity Act, 2003, can approach Hon. Maharashtra Electricity Regulatory Commission for non-compliance, part compliance or

- c) delay in compliance of this decision issued under “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & 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.

The consumer submitted that though IGRC has passed the order by allowing his grievance application and by directing Licensee to refund all the dues with interest, in next billing cycle, Licensee have not complied the order of the IGRC. Therefore, the consumer approached this Forum on 10/8/2015 with grievance that inspite of the persuasion, Licensee has not paid the amount in time. His grievance application along with accompaniments sent to the Nodal Officer vide this Office letter No.EE/CGRF/Kalyan/145 dated 10/8/2015.

3] Today i.e. on 08/07/2016 CR Shri Harshad Sheth and Officers of Licensee are present. In this case there was a grievance of consumer regarding refund of amount of Rs. 70,728. 28 Ps towards PF penalty due to Genus meter given on 27/1/16. However, the Licensee has rectified it and same is credited in the bill of February 2016 under B-80. The CR given in writing that Licensee has settled consumer's claim in full and final satisfaction and pleaded that now there is no complaint in respect of Genus meter ,PF Penalty of past period, SD + ASD + interest and they do not demand extra interest and compensation as per SOP 2014.

4] In view of the above, this matter is disposed off.

5] This matter could not be decided within time as CR has submitted that he is suffering from knee pain and requested to adjourn his grievance applications till June 2016. The then the Executive Engineer has heard the

grievance from both sides. In the meantime, the then the Executive Engineer-cum-Member Secretary has been transferred. Moreover, this Forum is functioning in absence of regular Chairperson and regular Member Secretary, the present Member Secretary in charge is discharging the additional work of Chairperson along with the regular work of Member Secretary from 28/6/2016, in addition to his regular portfolio as Executive Engineer Enquiry MSEDCL for Kalyan Region.

Hence the order.

ORDER

Grievance of consumer is hereby disposed off.

Date: 21/07/2016.

I agree

**(Mrs.S.A.Jamdar)
Member
CGRF, Kalyan**

**(L.N.Bade)
Chairperson-cum- Member Secretary
CGRF, Kalyan.**

**** (In the sitting of Forum, the Chairperson is not available. As per MERC Regulations (2006), Clause 4, the technical member shall be the Chairperson of such sitting in which Chairperson is not available and hence in the present case, the technical member performed the role of Chairperson of the Forum).**

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