

MAHARASTRA STATE ELECTRICITY DISTRIBUTION CO. LTD.

KONKAN ZONE RATNAGIRI

Consumer Grievances Redressal Forum Ratnagiri

Consumer case No. – 02/2014

Date :- 04.01.2014

**Shri. Dilwar Haji Kasanmiya Mukadam
Near Hajar Ice Factory,
White Sea ,Ratnagiri
Tal .& Dist-Ratnagiri .**

Complainant

V/S

**Executive Engineer
Maharashtra State Elec.Dist.Co.Ltd.
Ratnagiri**

Opposite Party

Quorum of the Forum

- 1) Mr. D. S. Jamkhedkar
Chairman**
- 2) Mr. V.B.Jagtap.
Secretary Member**
- 3) Mr. J.P. Biwalkar
Member**

On behalf of consumer

- 1) Mr. Imtiyaj Hasanmiya
Mukadam. (Consumer)**

On behalf of opposite party

- 1) Mr. A.W.Mahajan,
Executive Engineer, Ratnagiri**
- 2) Mr.G.B.Ghodke,
Assistant Engineer, Ratnagiri**

Maharashtra State Electricity Regulatory Commission Consumer Grievance Redressal Forum and Ombudsman Regulation 2003 Vide Clause No.8.2

- 1) The Consumer has come before this forum to get quashed the impugned bill dated 05/12/2013 under which he has been asked to pay Rs. 10,65,035/- being difference amount due to change in multiplying factor.

Facts of the case in brief are as follows.

The consumer has been provided with the electric supply for his Ice-factory. His consumer Number is 210010270434.

It is his case that the meter provided to him was changed on 14.10.2011. Thereafter he found the bill issued were of lesser amount. So he approached concerned authority. The meter was checked and it was found that MF 1 was applied in his case instead of 2 and a difference amount of Rs.63520/- was got deposited from him. Then after the bills were issued by applying MF 2.

Then he received the letter from Mahavitrans on 06/12/2013 to the effect that the premises was checked by Vigilance authorities and it was found that MF 4 should have been made applicable instead of 2. A demand of Rs. 10,65,035/- was also made being difference amount due to misapplication of MF as 2. The notice of disconnection was received by consumer on 27.12.2013. and he immediately approached this forum for getting urgent relief.

The consumer has sought quashing of the impugned bill by filing this complaint.

- 2) A notice of the complaint was issued to Mahavitrans calling upon it to file say. Accordingly Mahavitrans has filed say and objected the complaint.

It is submitted by Mahavitrans that proper demand could not be made due to wrong application of MF due to human error and since the bill or demand is escaped one, Mahavitrans can very well demand the difference which is in limitation.

It is submitted that CT operated Meter had been installed for the consumer when the earlier meter was burnt on 14.10.2011. External CT Ratio of the Meter was 200/5 Amp and internal was 50/5 and so MF should have been 4 but mistakenly MF 2 was applied and when the mistake was realized, the correct MF i.e. MF 4 was made applicable which is correct and proper and the difference which is in limitation has been claimed. With this background, rejection of the complaint has been claimed.

Both the parties advanced their argument on the lines of their contentions.

Following points arise for our consideration and we have given findings against each of them for the reason given below .

No.	Points	Findings
1.	Whether the bill dated is correct and proper ?	No.can claim difference of only 24 months with reference to revised sheet.
2.	What order	As per final order

Reasons

Point No. 1 :-

It is not disputed by the consumer in this case that the MF 4 applied in this case is correct and proper. even otherwise, it reveals from the external and internal C.T. which the meter is having, the multiplying factor applied in this case is correct and proper. So we hold that MF 4 applied in this case is correct and proper.

Then comes the question as to for how much period Mahavitaran could claim the difference. In this case Mahavitaran has claimed difference for the period commencing from October 2011 to October 2013, which naturally for 25 months.

In fact, Mahavitaran can only claim difference of the period of 2 years from the date of raising the bill. The bill has been raised on 05.12.2013. so from this date or months, we will have to count 2 years. Mahavitaran can only get difference amount of 24 months of the period prior to Dec. 2013. being difference of escaped bill. In this respect, we may usefully refer to the ratio laid down by our High court in 7015/2008.(M/S ROTTEX POLYSTER V/S ADMN DADARA & NAGARHAVELI ELECTRICITY DEPARTMENT)

Considering the legal provisions of Electricity Act 2003 and the ratio of the case referred Supra, we hold that Mahavitaran is only entitled to get difference of the period of 24 Months from the date of raising the bill i.e. for the period from Dec.2011 to Nov.2013.Forum observed some apparent mistake is calculation of arrear. claimed by Mahavitaran. When asked to reconcile, the Deputy Executive Engineer has submitted a revised calculation sheet showing they amount of arrears @ Rs.10,57,418.22/-instead of Rs. 10,65,033.27/-claimed earlier. So Mahavitaran is expected to revise the bill on the basis of revised sheet and to issue fresh bill in accordance therewith.

Hence we answer the point accordingly

Point No.2:-

In the result the bill dated 05.12.2013 for Rs.10,65,035/- deserves to be quashed and so we quash it considering the aforesaid observation Mahavitrans may issue fresh bill for the period from Dec.2011 to Nov.2013 in accordance with law and regulation and 24 equal monthly installments be given to pay the amount.

Hence we proceed to pass following order.

Order

- 1) **Complaint application is allowed with no order as to costs.**
- 2) **The bill and demand dated 05.12.2013 for the amount of Rs.10,65,035/- (Ten Lakhs Sixty Five Thousand Thirty Five Only) is squashed and set aside.**
- 3) **Mahavitrans is at liberty to issue fresh bill for the difference for the period from Dec. 2011 to Nov.2013 in accordance with Rules and Regulations.**
- 4) **The consumer be given facility to pay the arrears claimed under the bill in 24 equal monthly installments. Without interest and DPC.**
- 5) **In case consumer desires to appeal against this order he should file his appeal to the following addresses.**

**Secretary,
OMBUDSMAN, Maharashtra State Electricity Regulatory Commission,
606/608, Keshava Building,
Bandra Kurla Complex,
Mumbai – 400 051.
Phone No.022 – 2659 2965.**

**D.S.Jamkhedkar
Chairman ,C.G.R.F.
Konkan Zone**

**J.P.Biwalkar
Member,C.G.R.F.
Konkan Zone**

Date : 06.03.2014

Place : Ratnagiri

Dissenting Opinion

I the undersigned shri. V.B.Jagtap in my capacity as member /Secretary of this Forum do not agree with the finding of this order.

As per the documents on record, I do agree with the fact that there is some manual mistake while issuing the bills and hence the consumer was billed as per MF

2 instead of MF 4. On the same finding this Forum has passed the above order. It is seen from the observations made by the Forum that mahavitaran is entitled to recover the difference of bill only for the period of past 24 months. To record this observation, Forum referred the order passed by Hon. High Court in W.P. No.7015/2008 (M/s Rototex Polyester V/s Administrator Dadara and Nagar Haveli Electricity Department), but while going through the order passed by Hon High Court in W.P. No.7015/2008 it is seen that the Hon High Court allowed the recovery for the period from July 2003 to July 2007 in case of escaped billing due to wrong MF. Hence by honestly following the ratio laid by Hon. High Court, I am of the opinion that Mahavitaran's action to issue the additional recovery bill with MF 4 for the period from October 2011 to October 2013 i.e. for past 25 months is right and proper.

Also while going through documents on record it is seen that the consumer has not demanded for any installments, but by taking Suo moto decision this Forum has granted 24 installments for the payments of supplementary bill. Allowing such installments without any demand from consumer will result into blockage of huge revenue of Mahavitaran, definitely such type of order will create financial dilemma to Mahavitaran. Hence I am of the opinion that, installments for the payments of past recovery should be granted only after the consumer's demand.

V.B.Jagtap
Ex.Engineer,C.G.R.F.
Konkan Zone

Date : 06.03.2014

Place : Ratnagiri