

.(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/

Date:

**Hearing Date: 12/06/2018**

**CASE NO.103/2018**

M/s.Core Fitness,  
C/o.Moraj Fianaz Pvt Ltd,  
Shop.No.01,Plot No.57,  
Koperkhairne, Navi Mumbai.

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Applicant

V/s.

Additional Executive Engineer,  
MSEDCL  
Koperkhairne, Navi Mumbai,

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Respondent

Appearance

For Consumer – Suraj Chkrobarty Consumer Representative

For Licensee - Swati Deshmkh Koperkhairane Sub-division,MSEDCL

[Coram- Dr. Santoshkumar Jaiswal- Chairperson, Shri. R.S.Avhad -Member Secretary and Sharmila Ranade - Member (CPO)].

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 subsection 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] Here in after 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.

The Applicant consumer has filed application to this Forum for interim order dated 07/04/2018 against threat of disconnection from Distribution Licensee (Respondent). The notice issued to the Respondent and after hearing interim order passes not to disconnect supply

The applicant has filled this representation stating that M/s. Core Fitness is a tenant of the premises in mentioned in cause title. The respondent is the officer of MSEDCL attached to Vashi Division Office, and whose action and inaction is impugned in this objection. The assessment given by Addle Executive Engineer is of Rs.8, 16,757/- which is from 2012 to Feb 2018. The Applicant Further submit that M/s. Core Fitness, has taken the premises on rent from M/s. Moraj Fianaz Pvt Ltd the address mentioned in cause title. The respondent is the officer of MSEDCL attached to Vashi Division Office, and whose action and inaction is impugned in this petition. The applicant is the tenant of the Plot.No.57, Koperkhairne, Navi Mumbai. The applicant has made the agreement for the said premises on rent basis, under a lease agreement. Therefore, still according to the record and information of MSEDCL the electric meter and or services stands in the name of owner M/s. Moraj Fianaz Ltd. But, any way, the applicant are consuming electricity as the duly authorized representative and also beneficiary consumer of said premises, thus applicant is a bonafide electricity consumer of

MSEDCL, bearing consumer no. 000220076814. The applicant as tenant and paying the energy bills in before date. This is the responsibility of billing department to take the bill and give us the justify bill according to MERC guideline. The respondent has rise the bill all of suddenly, which is negligence of his own staff.

The applicant has registered agreement on dated 30/07/2016. The said all units consume by old tenant. If the bill is given and taken properly, the said dispute may not arose. The applicant has submitted that as per u/s.56(2) of EA 2003 the distribution licensee can permissible to recover 24 months recovery but in this case the D.L reacted for more the two years which also the violation of u/s.56/2 Electricity Act 2003. The Consumer therefore prayed that Provide us interim stay for disconnection of supply till hearing and Instruct to the Respondent to revise bill as per u/s.56(2) as the responded first demand of supplementary bill is on date Feb 2018.

On the other hand the Respondent MSEDCL has filed reply dated 30 June 2018 .The Respondent has stated that the electricity supply given to consumer 08.12.2011 bearing consumer no 000220076814 Since the date of supply meter number 3303615 having meter digit 5 but wrongly updated in system 4. Till Oct 2016 the meter reading was 2826 as per photo but in January 2017 meter reading was 14669 but punch as 1468 due to wrong digit punched at the time of NSC feeding. The same mistake had rectified in Jan 2018 and supplementary bill for 65370 units amounting Rs 816750 /- was generated. The necessary slap benefit for the period oct2016 to Feb 2018 is given vide bill revision no 8034692 .The bill issued to consumer is correct and as per use of electricity.

On hearing both sides, I have gone through the contented of the grievances application and also gone through the point wise reply submitted by the Respondent, it appears that the meter of the applicant consumer is of 5 digits but it was wrongly updated in the system as 4 digits. The said mistake was corrected by Respondent in the month of January 2018 and bill for 65370 units amounting Rs 816750/- generated and issued to

consumer. It is not disputed that the said amount was towards accumulated units on the meter. It is the responsibility of the Respondent for the periodic testing and maintenance of all consumer meters and issue correct energy bill to consumer .The mistake is committed by the Respondent. Section 56(2) of the Electricity Act 2003 provides as under It is the responsibility of the respondent to correct the mistakes and it is also lawful that Respondent shall correct the bill and recover only for 24 months as per provision of section 56(2) of the Electricity Act 2003, which reproduce as below *56(2) Notwithstanding anything contained in any other law for the time being in force, no sum due from any consumer, under this section shall be recoverable after the period of two years from the date when such sum become first due unless such sum has been shown continuously as recoverable as arrear of charges for electricity supplied and the licensee shall not cut off the supply of the electricity.*

There is also conflict of Judgements of two division benches of Hon'ble High court of Bombay in the matter *Rototex Polyster V/s Administration Dadra Nagar Haveli* and *Awadesh Pandey Vs Tata power Co. Ltd* regarding interpretation of 56(2) of the electricity Act 2003. The matter is pending before larger bench of High court. In several Judgements by Hon'ble ombudsmen that past arrears for period more than two years preceding the date of demand or supplementary bill are not allowed in terms of section 56(2) of the Act. The period of recovery was restricted for 24 months considering the provision of section 56(2) of EA 2003.

In the above circumstances grievances made by the applicant are correct. Hence, I proceed to pass following order.

in the result, the representation is hereby partly allowed. Hence proceed to pass following order

## ORDER

This application is hereby partly allowed.

Respondent shall recover the corrected arrears for 24 months only.

No order as to the cost.

**I Agree/Disagree**

**I Agree/Disagree**

**MRS. SHARMILA RANADE,  
MEMBER  
CGRF, BHANDUP**

**Dr. SANTOSHKUMAR JAISWAL  
CHAIRPERSON  
CGRF, BHANDUP**

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

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

### Note:

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) consumer, as per section 142 of the Electricity Act, 2003, can approach Hon’ble Maharashtra electricity Regulatory Commission for non- compliance, part compliance or

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, 13<sup>th</sup> floor,world Trade Center, Cuffe Parade, Colaba, Mumbai 05”

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.