

have been contravened while issuing the alleged bill and even thereafter, it is alleged that in view of three phase meter, the sanctioned load can not be 0.50 KW. Reference has been made to assessment made by the N.A. for alleged bill at 23/03/13. Reference has been made to provisions of supply code and tariff order in Dec. 2003. So also references have been made to circular no. 5 dt 26/08/13. It is alleged that inspite thereof the concerned office of the N.A.licensee acted against law with ill intension. Reference has been made that in inspection report 21.38 KVA MD was recorded and in any case, the MD is below 20 KW. By referring to meaning of "Maximum Demand" it is alleged that it is clear that there was no need to count every point, bulb etc, as done by the said officer, hence entire action is illegal. Therefore complaint is filed seeking reliefs prayed for.

4 On behalf of concerned office of the N.A.licensee reply came to be filed to the complaint, after receipt of notice, but belatedly, stating that at the time of inspection it was noticed that the connected load found 59.380 KW. The Dy.E.E on that basis made plane assessment and charged Rs. 4,98,152.65/-. The complainant has paid Rs. 50,000/- as per interim order dt. 06/04/13.

5 It is stated that as per that as per tariff applicable, plane assessment is charged for connected load competing as Rs. 4,98,152.65/- which is justified as per LT tariff applicable to the complainant institution.

6 The matter was then posted for argument, but it required to be adjourned as it was informed by the N.A.'s office that the concerned officer is busy in some meeting. Thereafter the matter was heard, Heard Mr. Deshpande the Ld. Representative of complainant and Manish Farkade Dy. E.E., the Ld. Representative of the N.A.licensee. Both the parties have filed the copies of documents and during course of arguments, the same have been referred to. From the submissions and the record it is clear that till Feb. 2013 there was no dispute and the complainant's submission that it has paid the electric bills promptly, has not been disputed. Admittedly the complainant's load was enhanced in 1990 with three phase.

7 Admittedly on 12.02.13, the premises of the complainant has been inspected. The submissions made on behalf of complainant of contravention of

provision, by the concerned officer for inspection have been dealt with from the side of N.A. by pointing out that the Principal was present and signed the said report without making any grievance or protest. Even otherwise if the spot report dt.12.02.13 is perused, it clearly supports the submission made on behalf of complainant on merits. The recital therein clearly shows that all the points, bulbs, CFL etc. have been taken into consideration, while arriving at connected load of 59.38 KW. It is pertinent to note that it is mentioned in the said report that “MD recorded at the time of checking, found 21.38 KWA”. Even it is mentioned as per bill found below 50 KW, so on the basis of the alleged connected load provisional assessment sheets has been prepared for 4,98,150/- and bill has been issued accordingly, It is further clear therefrom, that the Security Deposit has been shown as Rs. 35000/- whereas cost of the meter as Rs. 22500/-, further it is mentioned that the assessed consumption is for “26 months”, in column No. 6 of the said sheet.

9 On behalf of the complainant, all this has been disputed but it is pointed out that, the report mentions 20.56 KW, MD recorded in meter 21.38 KW. It is submitted that the concerned officer has not only totally ignored the same but has also kept certain columns of the report blank, such as, column No. 12 _____ of “load test”. The submission made by the Ld. Representative of complainant that 0.8 or 0.9 of the MD recorded is taken into consideration, it comes to 17.10 and 19.24 respectively, well within the sanctioned load. He has further pointed out that in the bills issued to the complainant the sanctioned load is mentioned as 0.50 KW, which is totally incorrect and it cannot be as there is three phase connection. According to the representative of the N.A. it was a mistake. The complainant’s representative has referred to Commercial circular No. 5 dt 26/08/05 while submitting that this was as per direction of MERC. This has not been disputed from the side N.A.licensee. The said circular has clarified the position as in the present case, there is entry of MD recorded in the meter as referred to above. At the most that could have been applied. The submissions made on behalf of complainant that at the most the load could have been 19.24 KW, as referred to above, having not been controverted from the side of N.A., this Forum is of the view that the complainant has made out a case for getting the reliefs prayed for. Moreover nothing has been explained or

pointed out any supporting material from the side of N.A. for the basis for assessment for raising alleged bill for 26 months as well as excessive amount shown towards the security deposit and cost of meter. The N.A. could not justify the legality/validity of the alleged bill, hence complainant's grievance against the same seems to be justified.

9 According to the Ld. Representative of the complainant at the most the N.A. could have issued bill for exceeded M.D. as per provisions and referred to bill of Vaishnavi Food Products Akot, by referring note below. There was no answer from the side of N.A. This Forum finds substance in the submission of the Complainant. The N.A. to issue bill for enhanced M.D.to the complainant, as per provisions and the said bill is to be adjusted from the amount already paid by the complainant.

10 The complainant has also claimed monitory reliefs towards cost and mental harassment, however this Forum is not inclined to accept the same, likewise the complainant's prayer for taking the action against the concerned officer by the N.A. licensee is to be looked into by the N.A.licensee itself in view of the facts involved in the matter. Needless to say that in pursuance to the interim order dt 06/04/13, the complainant had deposited Rs. 50,000/-, the same has to be adjusted towards the bills payable by the complainant. With such observations this Forum proceeds to pass following unanimous order:

ORDER

1) Complaint 30/2013 is hereby partly allowed. The bill issued to the complainant for Rs 4,98,150/- on the basis of assessment dt 13/02/13 is hereby set aside and the N.A. to issue bill to the complainant for enhanced M.D. as per provisions. The said bill is to be adjusted from the amount already deposited by the complainant.

2) Rest of the claim of the complainant is hereby turned down.

3) In the circumstances parties to bear their own costs.

4) Compliance report to be submitted within a period of three months from the date of this order.

Sd/-
(A.S.Gade)
Member

Sd/-
(P.B.Pawar)
Secretary

Sd/-
(T.M.Mantri)
Chairman