

BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM
AURANGABAD ZONE, M.S.E.D.C.L., AURANGABAD.

(Case No. CGRF/AZ/AUR/ JLN / 451 / 2013 /35

Date of Filing: 11.06.2013

Date of Decision 09.10.2013

Complainant.

01) Satish Chunnial Somani,
Sr.No 32, Jalna, Beed Road,
Ambad,,Dist. JALNA.

(Consumer No. 520016034642)

V/s

02) The Executive Engineer (Admn.)
Nodal Office, O/O The Superintending Engineer,
O&M Circle, MSEDCL,
JALNA.

Respondent No.

Coram:

Shri V.B. Mantri

President

Shri V.S. Kabra

Member

Shri S.K.Narwade,

Member/Secretary

Order

1. The Grievance of the complainant is against the bill of Rs. 42600/- & 14000/- and non refund of RLC

2. The case of the complainant in brief is that, the complainant had taken LT supply connection of 50 HP for his cotton – pressing mill. The supply was released on 25.01.2002. The complainant has paid Rs 22500/- towards security deposit at the lime of LT connection. The L T supply was disconnected permanently at the request of complainant on 31.12.2010. The complainant has paid the monthly bill of Rs. 19160/- for the month of Dec. 2010 but the respondent while settling the find bill on 03.01.2012, demanded Rs.56,600/- raised on the basis of flying squad report dated 08.12.2010. The said demand is illegal therefore the complainant filed his Grievance before IGRC Jalna on 26.12.2011 and requested to withdraw the incorrect bill. The respondent during hearing did not furnish details of bill Rs. 42,600/- and of Rs. 14000/-. The IGRC however did not pass any Order.
3. It is submitted that connected load of his factory was 50 HP with contract demand is of 41 KVA. The respondent has levied charges of Rs.14000/- without giving any details. The bill of Rs. 42,600/- was issued on the basis of inspection carried out by fling squad on 08.12.210. Both the bills are illegal and therefore required to be quashed. The respondent has not refunded RLC on P.D. of supply. Hence the Grievance.

4. The respondent has submitted reply and contested claim of relief on the point of limitation. It is pleaded that, assessment bill was served on 08.12.2010 (Negligently written as 08.12.2013) and therefore Grievance is beyond period of two years. The Grievance thereby cannot be admitted, by virtue of Regulation No. 6.6. The present Grievance is filed on 10.06.2013 against the bill dated 08.12.2010.
5. It is submitted that fling squad MSEDCL Jalna assessed penalty for exceeding contract demand as per clarificatory order dated 24.08.2007. The flying squad Jalna has charged as per assessment dated 08.12.2010, which is correct and legal one. The complaint be dismissed.
6. This forum heard submissions of the Nodal officer and Mr.Kapadiya for the complainant we perused the documents
7. As per fling squad report dated 08.12.2010, it is found that sanctioned load to the unit of complainant is 41 KVA. The connected load detected to be 88.6 KVA. The reading on meter as the time of detection was found to be 109912 KWH. There is no dispute regarding flying squad report dated 08.12.2010. The flying squad has made assessment at 150% as per clarificatory order dated 24.08.2007. The copy of clarificatory order issued by MERC in case No. 26/2007 & in case No 65/2006 is filed. As per said order in case consumer exceeds his contract demand then he will be billed at appropriate demand charges for the demand recorded and will be

Billed or charged @ 150% of the prevailing demand charges for the excess demand over the contract demand.

8. In the present case sanctioned load is 41KVA where as connected load is found to be 88.6 KVA. It is therefore obvious that, the complainant has exceeded the load limit. The respondent as such is justified by virtue of clarificatory order to charge 150% of M.D. diff. The respondent has accordingly made assessment. The copy of assessment is filed. As per such assessment, the flying squad assessed at 150% and issued bill difference at 42,600/-. This forum thereby found no illegality in assessment. The bill was issued on 03.01.2011 and due date is 18.01.2011. The grievance is filed on 10.06.2013. The grievance as such is beyond limitation also as per Regulation No. 6.6 of regulation 2006.
9. Mr. Kapadiya for complainant has produced copy of order passed by Hon. Electricity ombudsman in representation No. 67/2012. We perused the said order It is found that, in that case KVAMD KWMD and power factor was never recorded for the period may 2009 to April 2010 This forum is thereby not inclined to apply said decision to this case. Mr. Kapadiya submits that, from the date of connection Jan 2002 till the date of P.D. i.e. 01.01.2011, the billing was never done on KVA basis. All the bills were issued on fixed charges basis. This forum does not find any evidence or basis to accept the said submission. The complaint is not based on those submissions. This

Forum therefore declined to accept said submissions. No other illegality has been pointed out. This forum found that the assessment bill and penalty has been levied as per clarificatory order. More over the Grievance is beyond the period of two years. Hence on both counts the Grievance is found not tenable. The complaint should be dismissed. This forum therefore proceeds to press following order

O r d e r

1. The complaint is dismissed.
2. No order as to costs.

Sd/-
(S.K.Narwade.)
Member/Secretary

Sd/-
(V.S. Kabra.)
Member

Sd/-
(V.B.Mantri.)
Chairperson.