

Before Maharashtra state Electricity Distribution Co. Ltd.

Consumer Grievance Redressal Forum, Baramati Zone.

Case No. 2/2013

Date:- 20 /11/2013

In the matter of
M/s. Vijay Raj Milk and Milk Products
Pvt. Ltd. Katar Khatav
Dist. Satara

Complainant.....

V/s.

Maharashtra State Electricity
Distribution Co. Ltd. Div. Office
Vaduj. Satara Circle

Opponent.....

Quoram -

Chair-person:

Member/Secretary:

Member :

Mr.Sharad D. Madake

Mr.Vijay M. Bhattad,

Mr. Suryakant Pathak

1. Complainant Shri. Rajendra Bapurao Mohite, Partner of firm Vijayraj Milk and Milk Products, Katar-Khatav, Tal. Khatav, Dist:-Satara filed the complaint before this forum on 23-09-2013 in 'A' form on following grounds.
2. Complainant has taken electrical connection from M.S.E.D.C.L. having consumer No. 201440016702 for milk dairy since 15-12-2007. According to complainant, the electricity bills of the said connection have been paid regularly from the date of connection. It is submitted that, on 24th June 2008 M.S.E.D.C.L. issued supplementary based multiplying factor for a period between February 2008 to April 2008, and the said bill was paid on 28-06-2008 by complaint. Complainant further contended that, bills have been paid regularly even after June 2008.
3. Complainant submitted that M.S.E.D.C.L. issued supplementary bill on 22-5-2013 for the amount of Rs. 20,09,761/- Rupees Twenty lakhs nine thousand seven hundred and sixty one) for a period between August 2008 to March 2013. Complainant alleged that the said supplementary bill is not legally recoverable and is not correct bill.
4. The complainant requested the M.S.E.D.C.L. for correction of the said supplementary bill however instead of correcting the bill, M.S.E.D.C.L. issued notice on 12-06-2013 as per provisions of section 56 of Electricity Act, 2003.

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5. Complainant filed complaint before the Internal Grievance Redressal Forum on 17-08-2013, however during the pendency of the complaint, M.S.E.D.C.L. issued notice Under section 56 of Electricity Act, 2003.
6. Complainant prayed that supplementary bill be cancelled and M.S.E.D.C.L. be restrained to disconnect electricity supply on the ground of non payment of said supplementary bill.
7. The matter was fixed for appearance of both parties on 03-10-2013, we ^{persuaded} ~~per~~ ~~used~~ both sides for amicable settlement of the disputes. Both sides expressed willingness for the settlement and accordingly matter was adjourned to 21-10-2013. In the mean-time consumer ~~was~~ asked to pay regular bill to M.S.E.D.C.L. was directed till then not to disconnect the electricity supply of consumer.
8. On 21-10-2013, initially Shri. Rajendra Mohite filed application for adjournment on the ground of compromise, due to inability of Shri. Vijaysingh Bagal, partner of complainant. The Executive Engineer ~~have~~ no objection to extend time in case complainant was ready to compromise.
9. At the time of hearing of this application, both sides also filed on record written notes of argument along with supporting documents. Both sides also filed documents dated 15-10-2013 stating that, compromise issued was satisfactory discussed.
10. On 21-10-2013 complainant filed application stating that, the supplementary bill is admitted. It is prayed that complainant be permitted to pay the supplementary bill to the amount of Rs.20,09,760/- (Rupees Twenty lakhs nine thousand seven hundred and sixty) by one ^{hundred} ~~under~~ monthly instalments. M.S.E.D.C.L. filed say and submitted that as per policy of M.S.E.D.C.L. maximum 56 instalments be granted for payment of bill. It is further submitted that proper order may be passed in the interest of justice. Consumer submitted that, due poor financial position. Complainant is unable to pay huge amount in 56 instalments as suggested by M.S.E.D.C.L.. Consumer filed financial statement of Vijayraj Milk and Milk Products, issued by V.S. Jadhav and company, Chartered Accountants, indicating that complainant firm is at loss.
11. M.S.E.D.C.L. Filed on record circular dated 18-07-2009 issued by Director (Operation) stating that number of instalments to ^{be} ~~granted~~ shall be equal to number of months for which supplementary bills are issued.

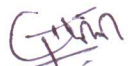
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12. Opinion of member secretary

During hearing on dt. 21.10.2013 complainant has agree to pay the supplementary bill Rs. 20,09,760/- and agreed for amicable settlement. Only dispute is regarding monthly installment of supplementary bill. I, am of the opinion that fifty six (56) installments are sufficient to complainant for repayment of supplementary bill which are in line with M.S.E.D.C.L. guide lines.


(V.M.Bhattad)
Member/Secretary
CGRF, Baramati.

13. We have considered the documents produced on record in support of their contentions. We are of the view that as both sides expressed willingness to settle the issued, the only dispute is regarding instalments. Considering that complainant is in financial crisis reasonable instalments are necessary to pay the amount. We feel that, payment of supplementary bill by equitable instalments would meet the ends of justice. Consumer has requested for unreasonable instalments, which may result to wrongful loss to M.S.E.D.C.L. Considering the poor financial position of complainant, financial loss caused to the business, public money involved and financial loss of M.S.E.D.C.L.. We feel that payment of supplementary bill in seventy two instalments would meet ends of justice.

14. It is pertinent to note that due to negligence of the concerned employee of M.S.E.D.C.L.. Complainant has been subjected to harassment and financial crisis. It is submitted that, M.S.E.D.C.L. also suffered financial loss due to failure of concern employee to take appropriate steps on time due to lack of supervision. It is necessary to take appropriate measures to save the consumer from harassment and also to M.S.E.D.C.L. from financial loss, due to misfeasance of employee.

15. In the result, the following order is passed in the interest of justice.



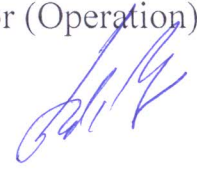




ORDER

1. Complainant is permitted to pay the supplementary bill dated 31-05-2013 in 72 monthly equal instalments.
2. These instalments shall be paid without levy of interest or D.P.C. as per guideline No. 2 of Circular dated 18-07-2009 issued by Director (Operation).
3. No order as to cost.

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Mr. Sharad.D. Madake
(Chairperson)


Mr. Suryakant Pathak
(Member)

Date: 20/11/2013.