

NO.EE/CGRF/BMTZ/

Date: 28/03/2014

In the matter of

Case No.: 08/2014
Date: 28/03/2014

Complainant

M/s. Piaggio Vehicle Pvt.
Plot no.E-2, MIDC,
Dist. Pune

(Here in after referred As Consumer)

Versus

Executive Engineer (ADM)
M.S.E.D.C.L.,
Baramati Circle
Baramati


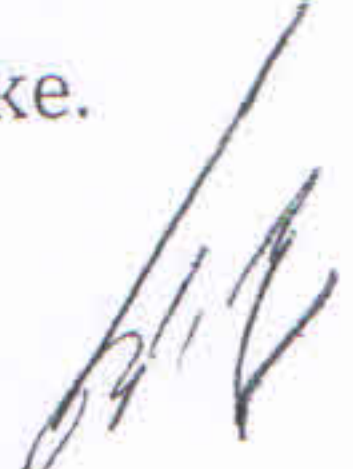
Opponent
(Here in after referred As Licensee)

Quorum

Chair person
Member Secretary
Member

Mr. S.D. Madake
Mr. .V. M. Bhattad
Mr. Suryankant Pathak

- 1) M/s. Piaggio filled complaint against MSEDCL as per the provisions S.18 of MERC's open access regulations 2005.
- 2) M/s. Piaggio vehicle Pvt. Ltd. Is consumer of opponent vide s/c no 186849005495 plot no.E2 MIDC Industrial Area Baramati.
- 3) The grievance is made in respect of excess charging of open access bill for Aug.2013. The mistake relates to incorrect consideration of open access volume 1 MW instead of 3 MW.
- 4) Complainant paid entire amount under protest and in order to avoid disconnection of electricity supply due to non-payment of bills.
- 5) MSEDCL appeared before this forum on 01.03.2014 the Executive Engineer Baramati submitted that the issue regarding excess amount will be taken before higher authorities requested time for redressal of grievance regarding the excess billing
- 6) On 25.03.2014 the EE Baramati submitted that CE(Comm) approved the open access bill correction of Aug.2013 regarding open access consumer M/a. Piaggio vehicle Pvt. Lt.
- 7) On considering the submission advanced by both sides and on perusal of all the documents it is an admitted fact that the excess bill was issued due to mistake.

- 8) It is the grievance of complainant that MSEDCL failed to take immediate steps for correction of the bill though the mistake was brought to the notice of officials from time to time.
- 9) Learned representative submitted that consumer was subjected to mental agony and financial crisis due to failure of officials of opponent to take proper steps to issue correct bill after the mistake was brought to their notice
- 10) On the first date of hearing, we observed that officials of opponent expressed their willingness to take steps for redressal of the grievance & accordingly they approached their superior officers for taking appropriate steps for redressal of the grievance.
- 11) It is pertinent to note that superior officer also immediately taken steps for correction of the bill and directed the officers at Baramati to issue corrected bill in the bills of March 2014
- 12) We are of the considered view that the incorrect bill was issued due to mistake & there is nothing on record to show that bill was deliberately issued to cause wrongful loss to complainant.
- 13) In view of the long-standing relation between consumer & opponent and the bill was issued due to bonafide mistake and considering the quantum of amount involved, we feel it proper to refrain from awarding any compensation to consumer.
- 14) We have noted that the MSEDCL charged amount by issuing in -correct bill and consumer was required to pay the bill by incurring loans and was subjected to financial crisis as opponent has not taken immediate steps for payment of money by correcting the mistake.
- 15) In view of the facts and circumstances we are of the considered view that consumer is entitled to statutory interest on the excess amount recovered on the bills. complaint is entitle to recover the interest at the bank rate as per law..
- 16) In the result, it is necessary to direct MSEDCL to refund excess bill with interest as per law. No separate order for compensation is necessary in the interest of justice. The amount is calculated properly and also affirmed by the complainant.





ORDER

1 MSEDCL is directed to refund the bill Rs. 2971416/- (rupees twenty nine lakh seventy one thousand four hundred and sixteen) with interest as per Section 62 (6) of Electricity, Act, 2003.

2 No order as to cost.

S. Madake

**Mr. S. D. Madake
(Chairperson)**

V. M. Bhattad

**Mr. V. M. Bhattad
(Member Secretary)**

S. Pathak

**Mr. Suryankant Pathak
(Member)**