

**Before Maharashtra State Electricity Distribution Co. Limited  
Consumer Grievances Redressal Forum, Baramati Zone  
Baramati,**

**Case No.05/2012**

**Date: 30/05/2012**

**In the matter of  
M/s.Vishal Nirmiti Pvt.Ltd.  
Kedgaon**

**- Complainant**

**V/S**

**Executive,Engineer,M.S.E.D.C.L.  
Solapur Rural Division**

**- Opponent**

**Quorum**

Chair Person	Mr. S.D.Madake
Member/Secretary	Mr. D.U.Ghatol
Member	Mr. Suryakant Pathak

- 1) M/s.Vishal Nirmiti Pvt.Ltd. is consumer of MSEDCL vide No. 345239000123 having sanction load 95 HP as L.T. Industries since 23/04/1999. The electricity bills have been charged to consumer as per multiplying factor-1 since 1999. The consumer used to pay the bills regularly.
- 2) The flying squad of MSEDCL visited the premises of consumer on 4<sup>th</sup> Feb-2012. It was noticed after inspection that meter current ratio was 100/5 amp. Whereas the current transformer ratio was found 150/5 amp. . It was observed that multifying factor should be 1.5

instead of 1. It was directed to issue bills based on multiplying factor 1.5.

- 3) The MSEDCL on the basis of report, issued supplementary bill as observed in the report dt. 04/02/2012 to the amount of Rs. 12,13,701/- (Rs. Twelve lakhs thirteen thousand seven hundred and one) The said bill was made applicable from June-2009 as the current transformer was replaced in June-2009 due to failure of earlier current transformer.
- 4) The MSEDCL issued corrected bill on 17/04/2012 to the amount of Rs. 9,65,341.80 ps., thereafter. The MSEDCL issued corrected bill by Executive Engineer on 22/08/2012 to the amount Rs. 8,67,107.83 ( Rs. Eight lakh sixty seven thousand one hundred and seven & ps. Eighty three only). The said bill was for a period between June-2009 to Jan-2012
- 5) This corrected bill is properly calculated as per consumer. The grievance is that according to consumer, no sum due from any consumer under section 56 shall be recoverable after the period of two years from the date when such sum became first due.
- 6) As per the settled legal position , MSEDCL is not entitled to recover the difference amount between the charges of electricity supplied and the amounts paid by the appellant during the period of more than two years preceding Feb-2012 . The consumer is liable to pay the difference amount between the charges of electricity supplied and the amounts paid during the period from Feb-2010 to Feb-2012.

The consumer agitated the grievance before IGRC vide application dt. 06/03/2012 . The IGRC declined to consider the

prayer of consumer and application came to be rejected on 10/04/2012.

We have heard both sides at length, we persuaded the parties for amicable settlement within the limits of Electricity Act-2003 . During the pendency MSEDCL corrected the bills, within the limits of tariff . However, there was dispute regarding the period from which the bill shall be paid. The MSEDCL insisted that the bill has to be paid with effect from June-2009 the consumer insisted that, bills cannot be recovered for more than two years as per 56 (2) of the Elect. Act. We felt it necessary in the interest of justice as per law MSEDCL is entitle to recover amount for two years.

We are of the considered view that as per the law the MSEDCL is entitle to avail a general remedy to file a suit for recovery of arrears.

Mr.Hogade claimed compensation for disconnection of electricity supply on 27/02/2012 without issuing statutory notice under section 56 of Elect. Act. It is evident that MSEDCL disconnected apply without notice. The supply was resumed immediately as 28/02/2012 on payment of bill under protest. The act of disconnection is illegal and caused inconvenience and loss to consumer so consumer is entitle for reasonable compensation. We quantify an amount of Rs.2000/- as compensation for disconnection of electricity supply for one day.

In the result, we pass the following order.

## **ORDER**

- 1) MSEDCL is directed to charge the bills for a period of two years preceding to 4.2.12 to consumer and issue a corrected bill.
  
- 2) MSEDCL is directed to pay compensation of Rs.2000/- (Rs. Two Thousand only) to consumer for disconnection of electricity supply without notice on 27/02/2012.

D.U.Ghatol  
Member/Secretary

Suryakant Pathak  
Member

S.D.Madake  
Chair Person

Date: 30/08/2012