

**Consumer Grievance Redressal Forum  
Maharashtra State Electricity Distribution Co. Ltd.  
Bhandup Urban Zone, Bhandup**

Ref. No. Secretary/MSEDCL/CGRF/BNDUZ/

Date :

Case No. 130

Hearing Dt. 03/07/2007

**In the matter of bill revision**

**Shri Mahesh Kumar Agrawal of Bhiwandi**

- Appellant

Vs.

**MSEDCL, Bhiwandi**

- Respondent

**Present during the hearing**

**A - On behalf of CGRF, Bhandup**

- 1) Shri S.L. Kulkarni, Chairman, CGRF, Bhandup.
- 2) Shri S.B. Wahane, Member Secretary, CGRF, Bhandup.
- 3) Mrs. Manik P. Datar, Member, CGRF, Bhandup.

**B - On behalf of Appellant**

- 1) Shri Pravin Thakkar, representative.

**C - On behalf of Respondent**

- 1) Shri R.P. Choudhary, E.E. & Nodal Officer, MSEDCL, Bhiwandi.
- 2) Shri D.R. Barhate, MSEDCL, Bhiwandi.

**Preamble:**

The consumer registered his grievance with this Forum on 15<sup>th</sup> June 2007 vide case No. 130. The hearing date was fixed on 03/07/2007 at 11.30 a.m. All the concerned were invited to attend the case. The consumer approached directly to this Forum, as there was no internal Grievance Redressal Cell set up till then.

**CONSUMER'S SAY :**

- 1) Though the consumer's meter was replaced in August 2002, consumer was receiving bills with Reject status and average billing with 9600 units per month.
- 2) A letter dtd. 01/11/2003 from consumer states that his factory was closed from 31/07/2003 due to slackness in business of doubling machine.
- 3) Though he had given a letter of closer of factory, no changes had been effected in his power bills. He continued to get the bills on average basis. He requested to utility that bills should be revised as per meter reading.
- 4) First spot inspection was carried out by utility on 30/12/2003 which shows that the supply was not in use and final reading on meter showed 46738 units.
- 5) Consumer further states that in the month of Jan-2004, he sold out his doubling machinery and installed 24 power looms and one kandi machine with connected load of 25 HP against 20 HP sanctioned load.
- 6) Consumer had given electrical contractor's report and test report regarding the reduced load from 15/07/2004 in D-1 form. He also submitted the application enclosing the electricity bill for reduction of load on 15/07/2004.
- 7) Utility charged the consumer over load penalty based on 48 HP connected load against 20 HP sanctioned load. But as per letter given by the consumer on 15/07/2004, consumer had only 25 HP connected load with 20 HP sanctioned load so penalty should be charged only on 5 HP instead of 28 HP.
- 8) Though the spot inspection was carried out three times on 31/12/2003, 18/06/2004, 06/08/2004 by utility, no actual action had been taken by utility and sent to the consumer average bills. Consumer reiterated that papers were misplaced by utility, but when corruption amount was paid by the consumer's papers were made available.
- 9) Consumer sent an application explaining his grievances from time to time on 01/11/2003, 15/04/2004, 12/06/2004, 20/12/2006, 30/12/2006 and 04/06/2007, but no action had been taken by utility.

10) As per letter dtd. 20/12/2006, the said factory was again closed from April 2006 and no supply was there. Utility should squash the bills on average basis and issue the bill on minimum charges.

11) As per S.O.P. issued by MERC dtd. 20/01/2005 reading of the consumer meter should be taken once in every two months. Faulty status cannot be charged for more than three months period. S.O.P. was not maintained by utility so the compensation should be awarded to the consumer.

12) Utility had submitted their compliance on 9<sup>th</sup> July, 2007. The reply was given by the consumer on 12/07/2007 requesting to fix one more date of hearing to clarify some more points regarding the case. Consumer had submitted one more rejoinder on 20/08/2007 explaining the non-maintaining of S.O.P. in details.

- a) As his application was not in prescribed proforma utility had never informed him to submit correct application for reduction of load.
- b) When supply was not in use, utility cannot charge over load penalty, which was unfair, unjust and illegal with consumer. Hence over load penalty should be withdrawn from the date of application dtd. 15/07/2004
- c) Consumer had submitted a copy of order issued by Ombudsman in the case of Shri N.D. Thakkar. Similar action is contemplated in this case also. Hence over load penalty should be calculated as per Ombudsman's order.

**Prayer of the consumer :**

1) To consider his case for withdrawal of amount on account of reject and faulty status, average bills should be revised as per meter reading, over load penalty should be calculated correctly and should be charged the minimum charges during the closure of the unit.

2) The utility had failed to maintain the S.O.P. and therefore compensation is payable to him which should be recovered from utility.

3) An amount of Rs. 25,000/- should be awarded as compensation for mental stress.

- 4) Provide facility of part payment of out standing dues in four installments.

**SAY OF THE UTILITY :**

Utility sent their compliance regarding the case No. 130 vide reference SE/BWD/Nodal Office/Tech/CGRF/00745, dtd. 9<sup>th</sup> July 2007 which is as follows:

- 1) The bill issued to the consumer during October 2002 is on lock status and in Nov-2002 with reject status.
- 2) Bills during August and Sept.-2003 were issued with lock status.
- 3) Then bills during October 2003 to March 2005 were issued with reject status, in spite of actual reading taken from October, 2004 to Jan, 2005.
- 4) Bills during July 2006 to Jan 2007 were issued with inaccessible status.
- 5) The consumer had submitted an application on 15/07/2004 only for correction of bills and not for reduction of load purpose. Consumer did not enclose any papers regarding the reduction of load from 48 HP to 25 HP. The enclosure with this letter was only electricity bill.
- 6) The consumer had not submitted his documents for load reduction in prescribed proforma. So the application dtd. 15/07/2004 could not be treated as demand for load reduction. The report submitted by the consumer was not inwards by utility indicating it's receipt in the office doubtful.
- 7) As consumer had not submitted the documents as per prescribed proforma. Therefore the load reduction could not be sanctioned. Hence overload penalty from 16.04.05 to April 06 cannot be withdrawn.

**OBSERVATIONS:**

On going through the submissions from both the sides, the Forum has observed the following points :

- 1) Mahesh Kumar Agrwal is having a industrial connection for doubling industry at S. No. 16, Village Khoni, K.P. Shah Compound, Bhiwandi with Cons. No. 013542309428 having sanctioned load of 20 HP with 48 HP connected load.

- 2) Consumer's meter was replaced in August, 2002 with new meter No. 20487 with initial reading 3356 units. Which was reflected in CPL in September, 2002.
- 3) Bill in Oct, 2002 was issued on lock status and in November, 2002 was issued with reject status. But the credit for four months for lock status was given in the month of November, 2002 for Rs. 42271.24/-.
- 4) Then from December, 2002 to October, 2003 bills were issued as per meter reading.
- 5) From October, 2003 to September, 2004, bills were issued on RNA/REJ status with average 8567 units. No credit was given to the consumer. Hence bills should be issued as per meter reading.
- 6) From October, 2004 to March, 2005 meter was showing actual reading but the bills were issued with reject status which should be revised and issued as per meter reading.
- 7) From April, 2005 to June, 2006 bills were issued on reading basis.
- 8) From April, 2006 to June, 2006 bills were issued on minimum basis.
- 9) From July, 2006 up to Jan 2007, bill were again issued inaccessible.
- 10) Consumer submitted the test report and application form for reduction of load from 48 HP to 25 HP as connected load and 20 HP sanctioned load. As per utility's view, consumer submitted two applications on the same date (15.07.04) which were neither registered in utility's register nor in warded by utility's concerned division. The applicant consumer further vide his letter dt. 4.2.2005 informs that he is yet to start power loom unit. It is confirmed by the spot inspection report submitted by the consumer himself dt. 6/8/2004. Which indicates that the purpose of supply was twisting machines. Both being contradictory to each other. Hence not considered.
- 11) Consumer alleged that the overload penalty charged by utility is not as per Rules and Regulations. The consumer was using 48 HP load against 20 HP sanctioned load. Utility was charging him fixed charges for 48 HP load a Rs.

60/HP. In spite of that utility was also charging 200% penalty on excess or unauthorised load of 28 HP. The tariff order provides that the penal charges (and not the penalty) should be at double the rate which means that penalty on excess connected load would be at 100% i.e. Rs. 60/HP. Since the utility had levied at Rs. 120/HP as penalty for excess connected load. Hence, consumer was stating that incorrect penalty amount load from October, 2002 to May, 2005 should be waived. To support this say, consumer had submitted Ombudsman judgments copy of Case No. 2 of 2005 dt 9<sup>th</sup> March, 2005 between Nayanlal D. Thakkar v/s MSEDCL. Which indicates "In case of consumers (who do not opt for LTMD based tariff) the demand (fixed) charge will be levied only on 50% of the sanctioned load, provided the actual drawal is less than or equal to sanctioned load". And "In case of excess connected load, the consumer shall be billed based on actual connected load and shall be levied penal charges for unauthorised connected load at double the rate of fixed charges applicable under tariff applicable to general motive power consumers prevailing from time to time." During the hearing utility also agreed to rectify the mistake according to the order of Ombudsman.

12) Further, as per MERC order dt. 14<sup>th</sup> July, 2005 in case of 2 of 2003 where in commission has directed MSEB under clause 33 as below :

e) Assessment for violations would differ depending on the period of occurrence and its corresponding tariff and loads, as follows :

1) **Period prior to 10<sup>th</sup> June, 2003 (i.e. prior to EA, 2003) : As per Clause 3 (e) of MESB's Conditions of Supply.**

2) **Period from 10<sup>th</sup> June, 2003 to 30<sup>th</sup> November, 2003 (uptil date of effect of Tariff Order) : One and a half times the normal tariff for the load exceeding the sanctioned load, measured by connected load method.**

3) **Period from 1<sup>st</sup> December, 2003 onwards : If exceeding the sanctioned load has been measured by maximum demand recorded by meter, then two times the tariff application for the exceeded portion of the load (maximum demand minus sanctioned load). No penalty will be applicable if exceeding the sanctioned load is claimed on the basis of connected load method.**

f) *MSEB shall refund any amounts collected on account of invocation of Connected load / Power Factor penalty not in line with this dispensation, to the concerned consumers along with interest at the rate applied by MSEB to their consumers, from the date of collection till the date of refund, but not later than three months from this Order.*

These principles also apply in instant case and hence bills should be revised accordingly.

13) The applicant has requested to apply provisions of standard of performance prescribed for the respondent DL in regard to not taking the meter readings and further procedural aspects prescribed. From the CPL it is seen that the position of meter inaccessible, locked, reading not available and reject status doubtful. However these instances are too frequent and therefore the negligence of the concerned utility persons is obviously seen. It is therefore suggested that the respondent utility should fix up the responsibility on concerned utility staff for their failure of not taking the meter reading in time and bring to the notice of applicant consumer. The action should be completed expeditiously.

14) As regards applicant's request to grant him compensation to be recorded from respondent utility, it is not found strongly justifiable for the reasons that :

- a) His request for total bill revision is granted giving him due justice.
- b) The concerned staff is being punished for lapses on their part.

## **ORDER**

As mentioned in the observations as above :

1) The applicant's consumer energy bills should be revised as per actual meter reading for the period from Oct-02 to Feb-07

2) With the bill revision there will be reduction / waiver of penalty as under :

a) As per Ombudsman order dt 9<sup>th</sup> March, 2005 and as mentioned above reduction in penalty in the bills for the period from October, 2002 to November, 2003 and should be as per given in column 11 of the above observation.

- b) As per MERC order dt 14<sup>th</sup> July, 2005 as mentioned above, waiver in penalty should be effected in the bills for the period from December, 2003 till date. It is already mentioned in column No.12(3) of the above observation.
- 3) The action should be taken against the concerned staff on their failure to take meter readings in time as prescribed in S.O.P.
- 4) No orders as to award any compensation to the applicant.
- 5) The bills corrections at 2 (a) and (b) should be done within one month from the date of these orders.

The order is issued under the seal of Consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 27<sup>th</sup> of September 2007.

Note : 1) If Consumer is not satisfied with the decision, he may go in appeal within 60 days from date of receipt of this order to the Electricity Ombudsman in attached "Form B".

Address of the Ombudsman

The Electricity Ombudsman,  
Maharashtra Electricity Regulatory Commission,  
606, Keshav Building,  
Bandra - Kurla Complex, Bandra (E),  
Mumbai - 400 051.

2) If utility is not satisfied with order, it may go in appeal before the Hon. High Court within 60 days from receipt of the order.

**MRS. M.P. DATAR**  
**MEMBER**  
**CGRF, BHANDUP**

**S.B. WAHANE**  
**MEMBER SECRETARY**  
**CGRF, BHANDUP**

**S.L. KULKARNI**  
**CHAIRMAN**  
**CGRF, BHANDUP**

**CONSUMER GRIEVANCE REDRESAL FOURM  
MAHARASHTRA STATE DISTRIBUTION COMPANY LTD**

Ph. No. 25624315  
25624316  
25624322

Consumer Grievance Redresal Forum  
"Vidyut Bhavan", Gr. Floor,  
L.B.S. Marg, Bhandup (W),  
MUMBAI - 400 078

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REF.NO. Secretary/CGRF/MSDCL/BNDUZ/Case No. 130/

Date :

To

***Shri Mahesh Kumar K. Agarwal,***  
Shop No. 2, Kalyan Road,  
Near Aasbibhi Dargah,  
**BHIWANDI – 421 302.**

**SUB** : Decision issued in respect of case No. 130.

Dear Sir,

In response to the grievance put up by you with the Forum vide case No. 130 dt. 15/06/2007 hearing is completed on dated 03/07/2007 & the order passed on vide this office order No. 00167 dtd. 27/09/2007 is enclosed herewith for your information please.

Thanking you,

Yours faithfully

Encl : As above

**SECRETARY**  
CGRF, MSEDCL,  
BHANDUP

c.s.w.r. to :

- 1) Chief Engineer (L.M.),  
M.S.E.D.C.Ltd., H.O.,  
Prakashgad, Bandra (E),  
MUMBAI – 400 051.
- 2) The Chief Engineer, MSEDCL, BNDUZ, Bhandup.

Copy f.w.cs. to :

The Executive Engineer (Office) & Nodal Officer,  
Consumer Grievance Internal Redressal Cell,  
Office of the Superintending Engineer,  
O&M Circle, MSEDCL, Bhiwandi.

**CONSUMER GRIEVANCE REDRESAL FOURM  
MAHARASHTRA STATE DISTRIBUTION COMPANY LTD**

Ph. No. 25624315

25624316

25624322 Secretary/CGRF/MSDCL/BNDUZ/Case No. 130/

Consumer Grievance Redresal Forum

"Vidyut Bhavan", Gr. Floor,

L.B.S. Marg, Bhandup (W),

MUMBAI - 400 078. □

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To

***Shri Mahesh Kumar K. Agarwal,***

Shop No. 2, Kalyan Road,

Near Aasbibhi Dargah,

**BHIWANDI – 421 302.**

**SUB** : Registration of your grievances dtd. 15/06/2007.

Dear Sir,

The grievance submitted by you is registered to this Forum vide Sr. No. 130, dtd. 15/06/2007 & hearing date is fixed on 03/07/2007 at 11.30 am. at the office of the Consumer Grievance Redressal Forum, Vidyut, Ground Floor, LBS Marg, Bhandup, Mumbai -78.

Therefore, it is requested to attend the hearing on the above date alongwith documents in support of your grievance. In case of failure to attend the hearing on the above date, this Forum shall decide the Grievance Ex-parte on merit which may please be noted.

Thanking you,

Yours faithfully

**SECRETARY  
CGRF, MSEDCL,  
BHANDUP**

c.s.w.r. to :

**Nodal Officer/ The Superintending Engineer,  
I.C.G.R.C., O&M Circle, Bhiwandi.**

-- He is requested to attend the hearing on the above date alongwith the concerned authority & the details of report related with the grievance of the consumer.

**CONSUMER GRIEVANCE REDRESAL FOURM  
MAHARASHTRA STATE DISTRIBUTION COMPANY LTD**

Ph. No. 25624315

25624316

25624322 Secretary/CGRF/MSDCL/BNDUZ/Case No. 130/

Consumer Grievance Redresal Forum

"Vidyut Bhavan", Gr. Floor,

L.B.S. Marg, Bhandup (W),

MUMBAI - 400 078. ☐

Date

To

**The Nodal Officer & *Superintending Engineer*,**  
Consumer Grievance Internal Redressal Unit,  
MSEDCL., **Bhiwandi**.

**SUB :** Submission of point wise compliance  
in respect of case No. 130.

As per MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulation 2006 vide clause No. 6.12, the copy of grievance registered at Sr. No. 130 is being forwarded to your office for submission of issue wise compliance. The hearing date of the case is fixed on dated 03/07/2007 at 11.30 pm. However, the Nodal Officer shall act as the co-ordinator for filing the reply, making submission, providing issue wise comments on the grievance, submitting compliance status / reports etc. Therefore it is requested to submit point wise compliance to this Forum in respect of the case in consultation with concerned authority within 15 days from the date of issue of this letter or one week before the date of hearing which ever is earlier.

The copy of compliance should also be provided by you to the consumer before hearing.

**SECRETARY  
CGRF, MSEDCL,  
BHANDUP**

