

(A Govt. of Maharashtra Undertaking)

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Consumer Grievance Redressal Forum

“Vidyut Bhavan”, Gr. Floor,

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

Mumbai – 400078.

REF.NO. Member Secretary/CGRF/MSEDCL/BNDUZ/114/575

Date:16.03.2017

Case No.114/2016

Hearing DT:22.02.2017

In the matter of issuing wrong bill accumulated arrears with interest billed
issued by respondent utility to the consumer in the year 2006-2007

Mr. Rajendra P.Sachdeov

- **Applicant**

Vs.

M.S.E.D.C.Ltd., Bhiwandi, Torrent power Ltd.,

- **Respondent**

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri. Anil P. Bhavthankar, Chairperson, CGRF, Bhandup.
- 2) Shri. Ravindra S. Avhad, Member Secretary, CGRF, Bhandup.
- 3) Dr. Smt. Sabnis, Member, CGRF, Bhandup.

B - On behalf of Appellant

- 1) Shri. Pravin Thakkar - Consumer Representative.

C - On behalf of Respondent No. 1

- 1) Shri. S.K.Dhope, Assistant Engineer, Nodal Office Bhiwandi.

Consumer No. 14562356291

1. Above named consumer occupying the said premises use for commercial purpose sanction load 10HP/22 HP date of connection 20.12.1998 security deposit Rs 11000/-. Above named consumer initially raised the dispute by application given to the respondent utility on 14.09.2015 stating that MSEDCL issue accumulated arrears bill against the consumer for claiming

amount Rs 83,000/- which include interest additional load charges and capacitor penalty till the period of 2007. Consumer raised the grievance against the respondent utility initially as mention in the application the MSEDCL charge exorbitant accumulated charges and included capacitor penalty along with interest and also recovered wrong charges of use of additional load also not shown security deposit amount no benefit was given and also claim interest. Therefore after receiving the said bill consumer raised the dispute by filing application in Schedule 'X' to IGRC cell .Consumer pray as the capacitor was already installed in the year 2006 and from May to December 2006 wrong capacitor penalty charges recovered by utility MSEDCL at appropriate time. Consumer requested to withdraw the additional load charges recovered and penalty of capacitor charges and interest. Consumer also pray that security deposited and interest there on not properly credited. Accordingly initially dispute was filed before IGRC cell thereafter IGRC gave opportunity to the consumer and respondent utility MSEDCL.In registered case No.171 hearing was conducted on 18.10.2016 and IGRC decided the said dispute on 16.11.2016 and partly allowed the claim giving direction to utility MSEDCL to calculate SD interest should be calculated as per rules and mention in next bill. However IGRC rejected the claim of withdrawing of capacitor penalty and additional load charges. Being dissatisfied with the order of IGRC and consumer approach to the Forum and field this grievance in Schedule 'A' .Consumer have rejoinder appeared and gave the complaint the Security deposit Rs 2200 was shown balance 12.06.2016. However the additional load charges and penalty was capacitor charges wrongly claimed consumer raised grievance raising objection was recovery of penalty capacitor charges and additional load charges along with interest and DPC. Consumer objected that respondent utility not followed MERC order case No. 44/2008 dtd. 12.09.2008 giving clearance guidelines to the

respondent utility to visit the premises and clarified the power penalty and intensive applicable to the consumer who have MD based tariff provided the meter to be measure the power factor. As per section 62(6) of I.E.A. 2003 proper determination of tariff is required to be followed. Consumer attach copy of SD dated 08.12.1998 amounting Rs. 2200/- copy of decision of case No. 44/2008, application dated 14.09.2015, 21.09.2015 consumer also attach copy of application dated 06.02.2002 along with receipt of test certificate Priya Capacitors Pvt. Ltd., copy of Circular 25 letter issued by Chief Engineer dtd 16.04.2005, General Circular Commercial 375dtd. 23.05.2003, copy of judgment in case No. 431/2012 *Kalpana Thakkar Vs Executive Engineer, Bhiwandi.*

2. After filing the said grievance on dated 3.12.2016 notice was issued to the respondent utility MSEDCL after service of notice respondent utility appeared and filed reply. It is contention of respondent utility above name consumer is using the said power supply. Initially the load was connected 10 HP the supply which is used for power loom. The said unit when it was working during the year 2006-07 the actual use of supply is more than limit of sanction supply 10HP. Therefore additional load charges for claim and recovered from consumer according to actual use of supply and billing. Respondent utility submitted that TPL Ltd., started working in since 26 Jan. 2007 prior to that respondent utility MSEDCL was looking after the affair and recovery of the bill to the area. The consumer filed application on 05.05.2006 initially does the cause of action arose for raising dispute to the recovery bill included additional load charge and capacitor charges levied by consumer. However the consumer filed this grievance beyond the period of two years on 05.09.2015 there was delay of 09 years and 4 month. It is submitted by utility the applicant raised the grievance against penalty and additional load charges claim form year 2002 and the

grievance is filed on 05.09.2015. Respondent utility further pointed out that the consumer paid the bill regularly in interval after 2002 and thereafter when all the affair and business charge taken by M/s. TPL Ltd., The consumer filed application for extension of load increase up to 22HP. Thereafter in the year 2015 the consumer filed his grievance raising dispute was earlier recovery bill alleged to be challenge in this complaint. The respondent utility MSEDCL charge additional load of 11HP against the existing sanction load 10HP by letter dated 28.12.2001. The consumer consumption pattern was observed and the connecting load was 22HP. Consumer was not applying to M/s. TPL Ltd. for reduction of sanction load. Respondent utility pray for consumer complaint is time barred beyond the period of 2 years as per provision 6.6 the dispute cannot be entertain by this Forum hence liable to be dismiss. Respondent utility filed copy of CPL, respondent utility TPL filed copy of bill for the month June 2015 and circular order dated. 16.04.2005. I have perused the entire document filed by consumer and the respondent utility thoroughly.

3. After perusing rival dispute of consumer and the respondent utility following points arose to our consideration to which I recorded my findings to the point further the reason given below
 1. Whether consumer is entitled for relief of withdrawing of additional load penalty and capacitor charge claim during the year 2006-2007.
 2. Whether consumer complaint is within limitation.
 3. What order?

Reasoning

4. I have given opportunity to the consumer and his representative Shri Pravin Thakkar appeared for Rajesh Sachdeo it appears form the grievance that in the year 2002 consumer approach to the respondent

utility MSEDCL and pray for extension of load charges additionally recovered and claim in the bill during the said period. Consumer also filed copy of application dtd.05.09.2006, receipt of test certificate capacitor no date and copy of Circular 25 dated 13.01.2006 and copy of decision CGRF, Bhandup in case No.431. The objection raised by consumer admittedly during the period of 2006-2007 at that time M/s.TPL supply company Ltd was not in existent the question of raising dispute in the year 2015 no cause of action arose to the consumer. However, the current bill issued to the consumer by M/s TPL supply clearly mention the connecting load is 22HP when the first application made by consumer against respondent utility MSEDCL the copy of the bill disclosed that connecting load was 10HP, periodically bill issued by respondent utility MSEDCL to the consumer consistently shown connecting load was 10HP actual consumption of supply use by the consumer is used more than 10HP. The additional load of 12HP which was used by the consumer after laps of sufficient time the application is made for reduction of supply but persistently till the unit was in functioning the actually power use in more than 10HP. Therefore I have not found any illegality clamming additional load factor bill charge as per actually use of energy by consumer.

5. The question of claiming additional penalty capacitor charges consumer relied on the application given by him requesting withdraw the capacitor penalty. The receipt which was attach to the application having no bear date there is no authenticated signature of respondent utility of MSEDCL or TPL supply. To my view merely production of receipt of rest certificate capacitor does not mean actual capacitor was installed. However when the complaint is given by consumer respondent utility authorizes officer stated that no inspection was made and the capacitor penalty charges was recovered during the period of 6 month.Respondent utility gave action

calculation of those charges at the time of hearing copy of CPL and calculation of charges as inform by utility by letter dated 20.02.2017 since 06.05.2006 to December 2006 total capacitor penalty Rs. 7526/- was recovered. I have given direction to respondent utility to visit the premises and confirm whether capacitor was installed in the unit and try to find out since when the capacitor was installed. There is no definite opinion express in the inspection note.

6. It appears to me that IGRC while deciding the dispute considered the Security deposit and invent benefit to the consumer as It is continuous process of event and it is required to be mention in further current bill. The recent bill submitted by M/s TPL against the said unit disclosed there is SD of 11000/-. However consumer claim and filed the receipt of SD of Rs 2000 and Rs 200 for earlier period giving monitory benefit the cause of action should within the period of 2 years from the date of cause of action. I found IGRC decided the dispute and grant only relief of SD and interest is proper. However, objection raised by the consumer for withdrawal and refund of Capacitor penalty charges and additional load charges are seems to be proper. I do not found any justification or reason place before this Forum to be consider at this stage as per provision of 6.6

MERC (CGRF & EO) Regulations 2006 there in Regulation 6.6 which reads as

"The Forum shall not admit any Grievance unless it is filed within two (2) years from the date on which the cause of action has arisen." The consumer complaint is beyond the period of 2 years from the date of cause of action. Hence, I accept the reply giving by respondent utility MSEDCL I found the judgment referred by consumer and the circular was at

the proper time the complaint should have been raised and considered by utility properly as the cause of action is between 2005-2007 cannot objected and raised the dispute in 2015. Therefore I do not found any substance and reason to entertain to the said dispute by this Forum. However in the benefit of the interest of justice at this hearing I found capacitor charges Rs. 7526/- was wrongly recovered it should be credited and benefit in the future bill. However substantial claim for withdraw and refund of additional load charges and penalty with interest cannot be refund as it is beyond the period of limitation. Hence I proceed to pass following order.

Order

1) The consumer complaint No. 114/2016 stands dismissed.

No order as to the cost.

Both the parties should be informed accordingly.

Proceedings closed.

The compliance should be reported within 45 days.
The order is issued under the seal of Consumer Grievance Redressal Forum
M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup.

Note:

If Consumer is not satisfied with the decision, he may file representation within 60 days from the 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 file representation before the Hon. High Court within 60 days from receipt of the order.

(I Agree/Disagree)

(I Agree/Disagree)

**DR. ARCHANA SABNIS
MEMBER
CGRF, BHANDUP**

**SHRI. ANIL P. BHATHANKAR
CHAIRPERSON
CGRF, BHANDUP**

**SHRI. RAVINDRA S. AVHAD
MEMBER SECRETARY
CGRF, BHANDUP**