

(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/117/588

Date:22.03.2017

Case No. 117/2016

Hearing DT 17/1/2017

In the matter of recovery of Arrears MF:2

M/s. Prestige Residency Gardenia

Behind Dalal Engineering Pvt. Ltd

Thane West-400615

- Applicant

Vs.

M.S.E.D.C.Ltd., Kolshet Sub Division

- Respondent

Present during the hearing

A - On behalf of CGRF, Bhandup

1) Shri. Anil P. Bhavthankar, Chairperson, CGRF, Bhandup.

2) Shri. R.S.Avhad, Member Secretary, CGRF, Bhandup.

3) Dr. Smt. Sabnis, Member, CGRF, Bhandup.

B - On behalf of Appellant

Not present consumer/consumer representative

C - On behalf of Respondent

Shri. Sanjay Sonawale, Addl. Executive Engineer, Kolshet sub division

Consumer No.000011293204 (M/s Precon Realators & Infra Pvt Ltd) dt. of connection 25.10.2013 connecting load 84KW 92/LT I 3 phase residential

1. Above named consumer using the said connection for his premises in the month of May 2016 consumer received additional bill of Rs 78850/- along with current bill 906160/- total amount payable 275000-/. After receiving the said bill consumer approach to respondent utility office raising dispute to the bill that the consumer received the said bill exorbitant and he prayed for correction of bill raising the interest penalty. Consumer also raised the

dispute of wrong calculation of MF:2 amounting Rs. 1035021/- since the date of installation of meter and pray for correction in the bill by reduction of amount calculating back recovery only for 24 months in view of 56(2) I.E.A. date of detection of error is on 06.04.2016. Consumer prays that I view of Writ Petition No.10764/2011 is pending before Hon'ble High Court. The arrears should have been calculated only for 24 months without interest and penalty. Consumer initially filed the said dispute before IGRC. The said dispute was not decided by IGRC within situated time against the notice of disconnection consumer approach to the Forum and filed grievance in Schedule 'A' on dated 14.09.2016. After filing the said dispute notice was issued to respondent utility by this office. After service of notice respondent utility appeared and filed reply stating that the consumer issued the bill in the month of May 2016 calculating MF:2 arrears recovery since date of connection since 25.10.2013 along with interest and penalty. Respondent utility submitted that supplementary bill was issued for amounting Rs.1031506/- from 01.04.2016 recovery of MF:2 arrears since date of connection. According to utility the said recovery is legal proper and according with the rules and regulation under 56(2) of I.E.A. Respondent utility also submitted that as per the direction the recovery of 24 months was reduced which is admitted by consumer to pay in equal monthly installment.

2. After filing the dispute I have given opportunity to the consumer and his representative who appeared before the Forum. I also gave opportunity to respondent utility whose Additional Executive Engineer appeared at the time of hearing.

3. After perusing rival contention of consumer and respondent utility following point arose to our consideration to which I have recorded my finding to the point further reason given below

- A. Whether respondent utility is entitled to MF:2 recovery arrears difference since date of connection 25.10.2013.
- B. Whether consumer liable to pay interest and penalty on the arrears of amount.
- C. Whether consumer is entitled for any relief.

Reasoning

- 4. I have perused document filed by consumer and respondent utility it appears that the date of connection is 25.10.2013 M/s. Prestige Residency Gardenia society using the said supply since October 2013. On date of inspection it is revealed that wrong MF charge in the bill previously in fact the infrastructure provided to the society revealed that it should be calculated MF:2 . The average consumption of unit Charge to consumer earlier as shown in previous bill MF:1.
- 5. The consumer received the bill on 17.05.2016 when the date of inspection on 06.04.2016. It is connection of consumer the respondent utility cannot recovered the arrears earlier to the date of detection 06.04.2016 in view of APTEL judgment 131/2009.....It is contention of respondent utility that in view of Writ Petition 10764/2011 pending before Hon'ble High Court. Whether question of recovery of MF:2 arrears more than 24 month issued is pending as it is own contention of consumer that recovery of last 24 months should be recovered. In view of section 56(2) I.E.A. and therefore till the decision of writ petition no earlier recovery could be recoverable. I have considered the said issue as section 56(2) of I.E.A. 2003 provided some due recovered only for the period of 2 years for the date of first due unless it is shown continuously and the said recovery as charge by respondent utility since 25.10.2013. I also verify the status of writ petition No. 10764/2011. I also perused judgment of Hon'ble Ombudsman and Hon'ble High Court given on this point time to time. It

appears that efforts made by respondent utility fixing liability of payment of MF:2 arrears since date of connection of error on the face of record earlier bill charge as per MF:1 instated of MF:2 and therefore liability of the recovery from the date of connection charge in supplementary bill. In view of the judgment given time to time on this issue and earlier judgment pronouns even by this Forum does not permit to respondent utility to claim recovery prior to 24 month it is necessary to me to mention that respondent utility themselves corrected the error and inform to this Forum by letter dated 16.01.2017 that the demand bill as per MF:2 recovery is corrected and the recovery is to be charge only for 24 month from the date of detection of error and therefore the consumer liable to pay only to the recovery of 24 month in equal 10 monthly installment .The rest of the recovery of the earlier period the consumer shall execute Indemnity bond accepting the liability of payment of remaining amount subject to decision of writ petition no 10764/2011. I found the recovery bill issued by respondent utility is wrong illegal and not correct hence it is liable to the quash and set aside. I found there is substance in the contention of consumer dispute raised before the Forum. Hence I am inclined to allow the complaint and proceed to pass following order.

ORDER

1. The consumer complaint No. 117/2016 is allowed.
2. The respondent utility hereby directed recalculate assessment of bill as per MF:2 only for 24 months prior to the date of detection and revise the bill accordingly the consumer shall pay the said arrears of 24 month amount due in 10 monthly installment. No interest penalty and DPC shall be charge against the consumer.

3. The consumer shall execute Indemnity bond accepting liability of payment of remaining amount subject to decision of writ petition No.10764/2011 No order as to the cost proceeding close.

Both the parties should be informed accordingly.

Proceeding close.

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:

1) 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. R.S. AVHAD
MEMBER SECRETARY
CGRF, BHANDUP

