



(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/112/09

Date:18.04.2017

Case No. 112/2016

Hearing Dt. 17/1/2017

In the matter application of wrong tariff and exorbitant bill raised against the consumer by respondent utility.

Mr. Rajendra Adikeshav Velu Naidu

At. Chipali Pst Nere

H.No656, Tal Panvel

Navi Mumbai-410206

- Applicant

Vs.

M.S.E.D.C.L. Bhingari Sub Division

- 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. Archana Sabnis, Member, CGRF, Bhandup.

B - On behalf of Appellant

1) Shri. Suraj Chakraborty – Consumer Representative

C - On behalf of Respondent

1) Shri.Swami Additional Executive Engineer, Vashi Sub Divison.

Consumer No.029150195304 Date of connection 10.05.2005 90 /LT1 Res.

Single phase Connected load 2.17KW

1. Above named consume filled application before the respondent utility official informing that the consumer is using the said connection along with 2 other connection. One for residential and second one is agricultural activity forming animals like cow, got and fisheries since December 2008. Consumer got bill which is issued by respondent utility officer for amounting Rs 1,43,774/- along with disconnection notice under section 56 (1) of I.E.A.2003 . After receiving the said bill consumer approach to the respondent utility and filed this application that respondent utility illegally issued the said bill for amounting Rs.1,43,774/- without his knowledge application of wrong tariff. Consumer alleged that notice under section 56(2) of I.E.A. threat of disconnection was not proper as one connection is used for residential and other one is agricultural purpose. Therefore consumer challenge that new agriculture meter should be provided to the consumer and set aside the recovery bill which is issued by respondent utility office. Initially the consumer raised the dispute along with certificate issued by Agricultural University Rahuri in his name and filed application in from no 'X' before IGRC. on date 24.11.2016. It appears form the record that IGRC not decided the dispute within stipulate period of 2 months. Therefore consumer is approach to this Forum and notice under section 56(2) threat of disconnection of issued. Consumer filed application in Form No. 'A'. before this Forum on dated 24.11.2016 and pray that respondent utility issued wrong bill agricultural meter be provided and set aside the recovery bill issued by respondent utility office. Consumer also pray for taking action against erring officer for illegal disconnection of supply without giving proper notice. Consumer attach copy of 7/12 exact and exact of ferfar register in his name consumer also filed details of PD connection of this consumer since 30.12.2007 and also filed outstanding bill 179621/- up to Nov. 2016 . After filing the said dispute on dated 24.11.2016 notice as issued to the respondent utility by this Forum.

2. After receiving the said notice respondent utility appeared and filed reply on 05.04.2017. It is contention of respondent utility consumer filed this complaint

without any cause of action as consumer already filed application before the respondent utility office bearing consumer No.029150183161. According to the scheme of theft finding program the premises was visited by official of respondent utility. Consumer found using the said supply for aquarium fish beading, developing and selling the fish. According to respondent utility the consumer was found doing the business of selling aquarium fish this activity false under commercial tariff and therefore since the date of application of tariff difference charging commercial tariff bill was prepared and bill issue to the consumer. Respondent utility filed copy of CPL for the perusal. Respondent utility further submitted that as per provision of recovery against the consumer by transferring the arrears in the name of consumer against live connection situated in the same property which stands in the name of same consumer. However the consumer supply was started on 10.03.2005 the first bill issued to the consumer in Feb. 2006 as per reading. Thereafter the bill was issued till December 2007 but due to non payment of the said bill the connection was permanently disconnection Jan. 2008 and there was arrears Rs 1, 79,621.26. Many time notices was issued against the consumer to pay the PD arrears but consumer neglected the said notice. Even the consumer was issued notice under amnesty scheme and restricted to pay PD arrears under scheme but consumer refuse to paid the said arrears. As in same name connection of consumer was disconnected for non arrears payment of PD arrears amount which stands in the name of consumer therefore complaint filed by consumer is misrepresentation of facts which is liable to set aside with cost.

- a. After perusing the rival contentions of consumer and respondent utility, following points arose for our consideration:
- b. Whether respondent utility officer entitle to recover the PD arrears bill Rs.1,79,621/- stands against the consumer no 029150183161 bill dated Jan. 2008.
- c. Whether action of disconnection of notice taken by respondent utility is legal valid and proper.

- d. Whether consumer is entitled for any relief.
 - e. What order?
3. I have given opportunity to the consumer and his representative Shri. Suraj Chakraborty appeared in this case. I also gave opportunity to respondent utility Nodal Officer who appeared I have perused all the document filed by consumer and respondent utility in support of their complaint.

Reasons

4. This dispute arises and raised by consumer after the notice under section 56(2) of I.E.A. issued against the consumer along with bill. I have minutely perused the outstanding recovery bill the premises which is situated at Chipali Tal. Panvel given address the said connection is used by consumer. There is no dispute about consumption of this service by consumer of this given address.
5. If appears from the dispute that consumer no 029150183161 the connection was permanently disconnected as per record on 06.12.2007 outstanding bill which was raised against PD arrears Rs.1,36,590/- which was admittedly not paid by the consumer instated of paying the said bill consumer did not paid the said bill in the stipulated time.
6. It is contention of respondent utility of that as per the entitled means to the transfer the due on live connection of consumer which is situated in the same premises and use by the same consumer and therefore PD arrears due transfer to residential connection use by consumer and therefore action taken issuing legal notice for recovery of those arrears which was outstanding and not paid by consumer till the notice is given. Consumer approach to initially to IGRC respondent utility official by filing application which was indicate that PD arrears was due and consumer did not pay the same.

7. It is also brought to the notice of this Forum that to give benefit under amnesty scheme old PD arrears recovery attempt also made by respondent utility office and total outstanding amount shown due arrears till November 2016 Rs.1,36,590/- was due against the consumer.
8. So far as complaint filed by this consumer before this forum along with application dated 18.01.2017 considered by this Forum as continuous demand was raised by respondent utility official .During the course of hearing the consumer representative Shri. Suraj Chakraborty agreed after verification of copy of CPL. His contention that the commercial tariff which was wrongly applied to the consumer by respondent utility officer as on the ground the certificate issued by competent authority and his application for convert the said connection under agricultural tariff falls in the tariff category as the considering the activities. The dispute application of proper tariff raised by the consumer under protest if the said tariff is revised and bill issue amount 1,43,777/-required to be recess .The question verified by this Forum it appears from the dispute considering though it is old in the year 2008 justification cause raised by the consumer seems to be legal and proper as the activities applicable to the consumer falls under the agricultural tariff category only. After perusing the electricity bill issued to the consumer for the activity which was goan in PD already falls under agricultural tariff since the date of connection. But under flying squad visit they found the activity fish and aquarium fish development this activities falls under agricultural tariff therefore the question is applicable to the consumer which tariff shall be applicable according to decent modification of tariff order issued by MERC applicable form June 2016. The agricultural tariff category seems to be applicable to the consumer. The old PD arrears recovery charging commercial tariff admittedly not correct and therefore I found substance in the contention of consumer. Hence I am inclined to grant relief to consumer and recovery bill Rs. 147774/- is not legal valid and proper as wrong tariff commercial charge by respondent utility for the said

period . Therefore I am giving direction to respondent utility to revise and recess old PD arrears bill and correct the same by application of agricultural tariff to the consumer.

9. It also appeared that amount 143774/- is huge amount cannot be paid lumpsum therefore consumer deserved to pay the revise arrears of assessment bill charging agricultural tariff should be recovered in equal 6 monthly installment along with current bill. The notice thereat of disconnection which was issued under the circumstance on consequences of not payment of PD arrears bill within stipulated time and therefore disconnection to supply cannot be said to be illegal and therefore action taken by respondent utility official is legal valid and proper.

10. I heard argument and submission by consumer representative he agree to pay the bill in six monthly installment provided agricultural tariff application should be effected in the given period The reply of Utility received to forum on date 07/04/2017 vide letter in AEE/PNL-I/Billing/863 Date 5/4/2017 and utility representative not appear before forum after giving many opportunity hence delay in order Therefore I am inclined to allow the consumer complaint of consumer and proceed to pass following order.

ORDER

1. The consumer complaint No. 112/2016 is allowed.
2. The Respondent utility officer directed to revise and reassess the bill applying agricultural tariff and issue fresh bill. The bill amount shall be recover in six monthly installment without charging any interest and penalty along with current bill. The bill issued charging commercial tariff stands set aside.
3. No order as to the cost.

Proceeding close.

Both the parties be informed accordingly.

The order is issued under the seal of Consumer Grievance Redressed Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup.

Note:

1) If Consumer is not satisfied with the decision, it may proceed 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 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

ANIL P. BHAVTHANKAR
CHAIRPERSON
CGRF, BHANDUP

RAVINDRA S. AVHAD
MEMBER SECRETARY
CGRF, BHANDUP