



(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/02/87

Date:19.06.2017

Case No. 2/2017

Hearing Dt.09/05/2017

In the matter of wrong and excessive billing

Mr. K.P.Mahatre

Shop No -03,Plot No 385, Sector 385,sector-19

Koperkhairne Navi Mumbai-4000703

- **Applicant**

Vs.

M.S.E.D.C.L. Koperkhairne 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. Krishana Patil – Consumer

C - On behalf of Respondent

1) Shri. Ajit M. Prnoiv, Addl. Executive Engineer, Uran Sub Division.

Consumer No. 000228548154

1. Above named consumer obtained supply to premises under the category of LT I Res1 -Phase connecting load 1.60KW date of connection 2.04.2001.

Consumer received bill on dated 21.12.2016 for amounting Rs. 44220/- along with current bill. After receiving the said bill consumer approach to IGRC in filed complaint stating that petitioner consumer running shop at ground floor and use for commercial purpose. Therefore the activities come under the commercial tariff and not under residential tariff supply given and mention in the bill. Consumer stated that for this purpose officer neither inform or gave any intimation no permission was passed on the consumer. Therefore provision of 126 under I.E.A.2003 was attracted. Consumer also required to penalty and charge for said purpose. Therefore MSEDCL issued supplementary bill for amounting Rs. 42450/-. However the period is not described the copy of the bill attached as EXHIBIT 'A' .Consumer pray for verification and issue of bill. After filing complaint in form No.'X' IGRC registered case vide No.132/2016-17 on this March 2017 opportunity was given for hearing. IGRC pronounce the judgment on 20.03.2017 and stated that as per Regulation No. 6.8 prime-facie grievance falls within the provision of 126 of I.E.A.2003 and offense provided under section 135 to 139 and also mention recovery of arrears of bill amount not disputed .IGRC please to dismiss the complaint.

2. Being aggrieved by the said judgment of IGRC consumer approach to the Forum and filed this complaint in schedule 'A' on 14.02.2017. After filing the said complaint notice was issued to the respondent utility. Consumer pray that supplementary bill issued mention the period of retrospective effect and provision of 126 not attracted there is no negligence on the part of consumer. However respondent utility faulted in not changing proper criteria and tariff appropriate as per rule .Therefore in view of decision dated 11.02.2004 in case No.24/2001 the supplementary bill required to corrected and as per

judgment of APTEL no retrospective recovery can be claim in bill by respondent utility. The date of detection of error is on 13.02.2017. However the bill period shown 2014-2016. Therefore consumers approach to the Forum and challenge the supplementary bill and claim for relief. After filing he said complaint notice was issued to the respondent utility. After service of notice respondent utility appeared at file reply on 20/4/ 2017. Respondent utility submitted that the consumer issued the bill of tariff difference from residential to commercial from the date of connection using the said premises for commercial purpose. However the bill was claim mentioning residential purpose as per provision the respondent utility can claim difference of 2 years. Therefore supplementary bill was claim by the respondent utility and issued against the consumer which is appropriate proper. Hence consumer liable to pay the same.

3. Respondent utility pray for rejection of complaint on the ground that provision of 126 attracted against this consumer. Therefore under the provision of 6.8 the complaint cannot be entertain by this forum. Regulation 6.8 of Maharashtra state Electricity Distribution Regulatory commission(Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulation 2006 which is read as"*If the Forum is prima facie of the view that any Grievance referred to it falls within the purview of any of the following provisions of the Act the same shall be excluded from the jurisdiction of the Forum:*
 - (a) *unauthorized use of electricity as provided under section 126 of the Act;*
 - (b) *Offences and penalties as provided under sections 135 to 139 of the Act;*
 - c) *Accident in the distribution, supply or use of electricity as provided under section 161 of the Act; and*
 - (d) *recovery of arrears where the bill amount is not disputed."*

4. After perusing the rival contentions of consumer and respondent utility, following points arose for our consideration to which I have recorded my finding to the point further reasons given below
- 1] Whether complaint filed by consumer is tenable 2 years of provision was 6.6 Regulation under the 2006.
 - 2] Whether consumer is entitled for revised of bill for the date of detection of error and no retrospective period recovery bill liable to be paid by him.
 - 3] Whether consumer is entitled for any relief.
 - 4] What order and reason.

Reasoning

I have given opportunity to consumer and his representative as well as Nodal Officer, add Executive Engineer, KK, sub division. The issue was heard by this Forum. It appears that when the dispute as receiving the said bill dated 21.12.2016 issued to the consumer was not shown attracting provision of section 126 the recovery of arrears amount claim amount Rs. 24220/- amount mention in the bill payable on 19/12/2015 seems to be plain recovery bill. However consumer challenges the said bill before IGRC. The IGRC already mention that assessment of the bill even plain recovery bill section 126 was charge against the consumer under I.E.A. 2003 .After going through the provision clause no 6.8 of CGRF Regulation 2006. There is exclusion and barred of jurisdiction to entertain such dispute falls under section 126 or section135 of the said act. Hence the dispute regarding plain recovery bill of 126 is totally barred. In view of the said provision as respondent utility willing to the plain recovery bill and in reply only mention that difference of residential to commercial which ought to have been claim and charge against the consumer since the date of connection. However the difference of recovery of arrears can be claim only restricted to two years it means respondent utility

willing to recover the bill for the period 2 years tariff difference but in my view even plain recovery bill simplicities cannot be challenge if provision of 126 I.E.A.2003 attracted against the consumer. In complaint itself the consumer mention that the provisions of section 126 attracted against this consumer on the same ground IGRC refuse to entertain the dispute. To my view this Forum also justified in not entertaining the complaint as provision of 126 attracted against this consumer. Hence, prayer of supplementary bill challenge by the consumer also cannot be entertain and prayer of claiming the tariff difference only from the date of detection of the error in view of the judgment provision cannot be attracted in this forum I found the dispute is outside the preview the provision of clause 6.8 CGRF, Regulation 2006. Hence, I am not inclined to grant any relief. Therefore consumer complaint liable to be dismiss. Hence, I proceed to pass following order.

ORDER

The consumer complaint 02/2017 is stands dismissed with 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, and 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