

PHONE NO. : 25664314/25664316

FAX NO. 26470953

Email: cgrfbhandupz@mahadiscom.in

Website: www.mahadiscom.in

Consumer Grievance Redressal Forum

“Vidyut Bhavan”, Gr. Floor,

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

Mumbai – 400078.

REF.NO. Member Secretary/CGRF/MSEDCL/BNDUZ/35/219

Date: 23.11.2017

Case No. 35 /2017

Hearing Dt. 04/10/2017

In the matter of refund of excess amount recovered towards wrongly connecting load excess shown in bill

Mrs. Snehalata Suresh Dhuri

- (Consumer)

Maharashtra State Electricity Distribution Co. Ltd. (MSEDCL)

Kisan Nagar 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

Mr. Arun Dashrath Jadhav

– Consumer Representative

C - On behalf of Respondent

Mrs. Gauri J. Brahmane, Addl. Executive Engineer, Kisan Nagar Sub Division

Consumer No. 000010333628

1. Above named consumer initially made application on 20.02.2015 stating that since July 2010 the consumer is charge excess amount by showing additional load wrongly display in the bill 70KW. Consumer raised the grievance stating that on the said meter this consumer number obtained connection on 04.05.2007. The initial connection load was 15.30KW which was sanction. Thereafter connecting load was increase by 5KW and it was shown 20KW but wrongly it is shown 20.5KW. Therefore consumer made complaint to Addl. Ex. Engr on receiving the said complaint inquiry was made and there after consumer applied for additional

load 20KW since July 2017. Accordingly the inspection was made and the proper documentation is obtained from consumer and additional load 20KW was sanctioned. Thereafter the load was shown $20 + 20 = 40$ KW. The consumer submitted that the bill should display the additional connection load included 40KW but it was shown wrongly 70KW. Thereafter the consumer continually paid the amount charged by the respondent utility by showing 70KW therefore consumer suffers monetary loss. After knowing this consumer made complaint to the respondent utility office on 30.04.2015 and requested to reduce the load and connect as per sanctioned load properly. The said application was not considered for 8 months therefore consumer approached to respondent utility office and applied under Right to Information Act on 30.11.2015 consumer received the said document and thereafter verifying the instated of 40 KW load the document bill record disclosed 70KW which was recovered by respondent utility office. Therefore consumer raised the dispute to rectify the error and take necessary action against erring officer and also claim refund of excess amount recovered by respondent utility since last 6 years. After filing the said complaint consumer attached copy of sanction letter issued by respondent utility on 07.02.2010, copy of original bill receipt deposit necessary charges paid, copy of letter issued on 25.10.2008, copy of bill since beginning 2010 onwards, copy of CPL, Copy of extract, Copy of Agreement of sale, copy of application for additional load dtd.04.06.2010 and all other relevant documents.

2. After filing the said grievance before IGRC consumer thereafter again made application in the year 16-17 dtd. 21.08.2017. Consumer also attached copy of approval letter proposal given by respondent utility office dated 05.04.2016. It appears from the record that IGRC did not decide the dispute within stipulated time. Therefore consumer approached to the Forum and filed grievance in form 'A' on dated 16.09.2017. After filing the said grievance notice was issued to respondent utility. After receiving the notice respondent utility appeared and filed reply 04.10.2017. It is the contention of respondent utility office that letter received from consumer in July 2010 for refund of excess amount paid sanctioned connecting load 40KW required wrongly punched 70KW. On 20.02.2015 on basis of document since June 2010 made application for load extension along with the document.

Accordingly to respondent utility competent authority sanction the load 40KW which was earlier 20.30KW copy of CPL July 2010 observed the consumer is paying 70KW from July 2010 and the maximum demand hardly around 6.29KW as per copy of CPL. After referring the said document office note was forwarded to the competent authority for approval of refund of amount Rs 10,17,920/- due to wrong punching and sanctioning of load 70KW instated of 40KW the amount was calculated since Jan.2010 to June 2010, August 2010 to December 2010, Jan 2011 to Feb, Nov, June 2012, November 2013 to June 2014, July 2014 to August 2014 could not be done due to technical reason as mention in calculation sheet. It is submitted by respondent utility that B-31 registered PC -0 2010 is not present available in sub division office to determine the effect of wrong punching load done by concern clerk while punching in IT document at that proper time. Therefore the excess amount calculated Rs 10, 17,920/- since July 2012 to December 2014 for five years and six months the proposal was forwarded to competent authority for approval. The competent authority restricted the limitation of refund of amount for last 2 years instead of July 2010 copy of the said approval attached by respondent utility. It is contention of respondent utility that as per Regulation of 6.6 of Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations 2006. The forum shall not admit the grievance unless it is filed within 2 years from the date of cause of action arisen. Respondent utility pray for rejection of competent with cost. Consumer attached all necessary documents since date of connection onwards.

3. After perusing rival contention of the consumer and the respondent utility following point arose for our consideration to which I have recorded my finding to the point further the reason given below
 1. Whether consumer is entitled for refund of amount Rs 10,17,920/-with interest since June 2010.
 2. Whether consumer is entitled for interest on the said amount.
 3. Whether consumer complaint is within limitation.
 4. What order?

Reasoning

5. I have given opportunity to the consumer and his representative to appear before this Forum. On perusal of dispute it appears that initially the consumer himself submitted that the date of connection is 04.05.2007 initial load is 15.30KW which was increase subsequently to 20.5KW Thereafter in the month of July 2016 consumer approach to the respondent utility office and pray for reduction of load but the said application is not considered for 8 months even thereafter consumer perused the said issued and made application in 2016 and 17, copy of the said bill and the contention attached by the consumer. It appears that since the error was detected on face of document came in the knowledge of consumer he approach to the respondent utility office on 15.10.2015 and made the representation to correct the connecting load and refund of accesses amount. Accordingly the proposal was not considered since date of making application on 20.02.2015. It is patent error fault of respondent utility not considering application of consumer at appropriate time and not acted as per Regulation. Therefore contention of respondent utility the compliant is time barred absolutely not tenable. To my view the consumer made application for extension of load which was sanction as per order of respondent utility official. The said sanction letter is perused by me, it appears that the said sanctions by the respondent utility official properly and therefore the load was extended additional 20.00KW. It is brought to the notice of this Forum that since July 2010 the copy of the bill produced before this Forum displayed that the wrong punching entry regarding connecting load was appeared of 70KW. This mistake was admitted by respondent utility official boldly. The stand taken by respondent utility official the registered and document at appropriate time is not available in the office but the continuous e bill issued to the consumer due to wrongly punching disclose the sanction load instead of 40KW it is wrongly punch and shown 70KW and the consumer was charge accordingly.

6. It is surprise to note that the proposal was forwarded by respondent utility for approval and the said approval obtained on 10.06.2016 directing refund of amount Rs. 10,17,920/- but respondent utility official contented that the refund limit is restricted by sanction officer up to 2 years as consumer entitled for refund of the said amount only for 2 years. I disagree the stands taken by respondent utility official as consumer at the first time approach to the respondent utility official and made representation which was not considered. This is share negligence on the part of respondent utility official therefore the consumer should not suffer monetary. As the approval and sanction for refund of the said amount is calculated and approved as per B-80 Rs 10, 17,920/- the consumer paid refund amount only for 2 years is bad in Law. As various judgment referred in the case of refund of excess amount recovered the period of limitation of 2 years not applicable in consumer sheet. As per guideline and Regulation the consumer should have been received entire amount which was refunded due to wrong punching error committed by official by respondent utility office. Therefore I am inclined to take serious view to initiate the enquiry and action against erring officer by respondent utility highest authority. In this case the consumer pointed out that the amount is refunded only for the period of 2 years and the remaining amount is not paid which is calculated and shown by the consumer and also verified from the record and therefore objection raised by respondent utility that the dispute should have been raised from the date of cause of action not applicable in this present case as consumer already approach when the effect of error committed in Jan.2010. The wrong punching error committed by respondent utility office at appropriate time the consumer pointed out this mistake in representation which was not looked in proper way. To my view the cause of action arose to the consumer to raise the dispute and accordingly he raised the said dispute. The calculation of 2 years done by the respondent utility is not proper. Therefore by deducting the already paid amount remaining unpaid amount calculated from Jan 2010 is revising. Therefore I am inclined to give direction to the respondent utility to revise the unpaid amount and it should be refunded to consumer along with interest at the

rate of 12% per annum from the date of earlier amount paid onwards and shall refund the said amount with cost. Hence I proceed to pass following order.

ORDER

1. The consumer complaint 35/2017 is allowed.
2. The consumer is entitled for refund of amount since June 2010 which was already approved Rs 10,17,920/-. After deduction remaining amount shall be paid with interest from the date of earlier amount refunded onwards.
3. The consumer complaint is within limitation the respondent utility shall pay cost of litigation to the consumer.
4. The order shall be complied and reported within 30 days.

Both the parties should be informed accordingly.

Proceeding close.

The compliance should be reported within 30 days.

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

**ANIL P. BHAVTHANKAR
CHAIRPERSON
CGRF, BHANDUP**

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