

(A Govt. of Maharashtra Undertaking)

CIN : U40109MH2005SGC153645

PHONE NO. : 25664314/25664316

FAX NO. 26470953

Email: [cgrfbhandupz@gmail.com](mailto:cgrfbhandupz@gmail.com)

Website: [www.mahadiscom.in](http://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/290

Date: 23.01.2018

Hearing Date: 12.12.2017

CASE NO.37/2017

**IN THE MATTER OF WRONG BILL CHARGED TOWARDES CT FAILS**

M/s. The Executive Engineer,

MIDC-I,Wagle Industrial Estate

Wagle, Thane (w) Mumbai-400604.

(Consumer No. 000011173853 )

. . . . (Hereinafter referred as Consumer)

**Versus**

Maharashtra State Electricity Distribution Company Limited

through its Nodal

Officer,

Thane Circle, Thane

. . . . (Hereinafter referred as Licensee)

**Appearance : For**

**Licensee**

Shri. R.K. Marke, AEE, Wagle Sub Division

**For Consumer –** Shri. M.S. Kulkutaki (Executive Enginner MIDC-I)

[Coram- Shri A.M. Garde- Chairperson, Shri. R.S.Avhad -Member Secretary

and Vacant - Member (CPO)].

1. Maharashtra Electricity Regulatory Commission, is, constituted u/s. 82 of Electricity Act 2003 (36/2003). Hereinafter for the sake of brevity referred as ‘MERC’. This Consumer Grievance Redressal Forum has been

established as per the notification issued by MERC i.e. “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006” to redress the grievances of consumers vide powers conferred on it by Section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, (36/2003). Hereinafter it is referred as ‘Regulation’. Further the regulation has been made by MERC i.e. Maharashtra Electricity Regulatory Commission. [Electricity Supply Code and other conditions of supply Regulations 2005] Hereinafter referred as ‘Supply Code’ for the sake of brevity. Even, regulation has been made by MERC i.e. Maharashtra Electricity.

2. MIDC has constructed Vardan building in Wagle Industrial Area in the year 2002, Thane. The built-up spaces from this building are allotted to various central and State Govt. offices, Viz Regional Passport office, Industrial Safety and Health Department, National Sample Survey Organization, Industrial Court, Central Excise, Employees Provident Fund Organization, Food & Drugs Administration and Tribal Development Department on outright and rental basis. MIDC carries out day to day maintenance of the building.
3. Flying squad unit of M/s. MSEDCL visited Vardan building on 17.11.2016 and checked the energy meter. They have found some problem in Y-phase voltage. They have stated in their spot inspection report that the meter bearing consumer no. 000011173853 is 35.03% slow and bill of recovery amount Rs. 1478,380/-, dt. 01.04.2017 was raised against slowness of meter for the period from January 2010 to November 2016. Accordingly this office vide letter under ref. Sr.No.4, dt. 07.04.2017 had given a letter to M/s. MSEDCL and met the concerned officials to revoke the electricity bill of Amt. Rs. 14,78,380/-. However this office had not received any reply from M/s. MSEDCL.

This office had then submitted the appeal letter to M/s, MSEDCL along with application to Forum for redressal of grievance vide letter under

ref. Sr. No.6 to revoke the electricity bill. Accordingly, this office had received letter from the Internal Grievance Redressal cell to attend the hearing on dt. 21.09.2017 at their Wagle Estate Div office vide letter under ref. Sr. No.7. The Executive Engineer, MIDC, Thane Div-I for the application attended the hearing on dt. [21.09.2017@14.00hrs](#). Now the Internal Grievance Redressal cell of M/s. MSEDCL vide their letter dt. 11.10.2017 under ref.Sr.No.8, received by this office on dt. 27.10.2017 had given decision that applicant consumer M/s. MIDC had to pay total bill of Rs. 14,78,380/- towards recovery for slowness of meter for the period from January 2010 to November 2016.

4. The decision given by the Internal Grievance Redressal cell of M/s. MSEDCL is not acceptable by complainant MIDC on the following grounds,
  - I. The meter is the property of M/s. MSEDCL and sealed by M/s. MSEDCL.
  - II. The meter provided by M/s. MSEDCL is before January 2010 and same meter is still in working condition i.e. meter is not replaced from year 2009 to till this date.
  - III. The meter is sealed and opened M/s. MSEDCL representative for taking monthly readings. Even at the time of taking monthly readings no any MIDC person are present.
  - IV. MIDC has no right to open the seal and check the meter.
  - V. It is the responsibility of representative of M/s. MSEDCL to check the consumptions of major consumers regularly i.e. after every three to six months period and if found any problem take necessary precautions and do needful since the meter belongs to M/s. MSEDCL
  - VI. As this bill raised is for very long period i.e. of seven years and there is no fault of MIDC, therefore it is not acceptable to MIDC.

5. Licence/MSEDCL in reply stated as below:

6. The Flying squad inspected the premises on dtd. 17.11.2016 and observed that, Y phase PT missing at Meter. The Flying Squad forwarded report to this office on dtd. 13.12.2016 and instructed to recover the plain recovery for short billed 134364 units for the period of Jan. 2010 to Nov. 2016.
7. As per FS Report, the plain recovery bill for Current Missing is issued to consumer on dtd. 01.04.2017 amounting Rs. 14,78,380/-
8. The Hon'ble Ombudsman observed in case No. 60 of 2017 and Review Petition no. 07 of 2017, there is no any limitation for recovery in case of current missing from any phase. Both the orders are produced for perusal.
9. As per Hon'ble Bombay High Court order (Division) in W.P. No. 7015 of 2008 dtd. 20.08.2009 has held that, there is no any limitation in case of plain recovery for short billing.
10. The IGRC also upheld the recovery amount and issued order that the recovery amount is legal and proper
11. We have heard both sides and have gone through the judgments cited in Mumtaz's Enterprises Case and of Hon'ble High Court in Rototex Case.
12. The flying squad Thane has inspected the consumer M/s. Executive Engineer MIDC on 17.11.2016 and accucheck was done of meter no 05281243 and found it 35.03% slow and Y phase at meter terminal found zero volts. Since CTs were plug in type, the missing Y phase voltage was connected to the meters terminal properly and the same meter was continued. The MRI of the meter was downloaded and it was observed that the Y phase voltage was missing since 26.12.2009@ 12.032 till the date of inspection i.e. 17.11.2016. Then as per recommendations of flying squad meter was replaced in the month of Dec. 2017 and old meter no. 05281293 was found 'OK'. As against this tenor of the objection of the consumer herein is of denying knowledge. There are no substantial questions raised.
13. That being so there is no reason to reject the contention of the licensee about slowness of the meter and the recovery shown.

14. Even on the point of limitation the licensee has successfully relied on the judgment above stated in case of Mumtaz Enterprises and Rototex.

15. On behalf of consumer it was submitted that as per 6.29 MERC Supply Code periodical meter testing was required to be done by the licensee which has not been done. We have gone through the provision. But then that does not disallow the licensee to recover the bills beyond 3 years. No such provision is shown.

In the above view of the matter Grievance fails.

### **ORDER**

Grievance is dismissed.

Both the parties should be informed accordingly.

The compliance should be report within one week.

The order is issued under the seal of Consumer Grievance Redresses 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**

**ANANT M. GARDE  
CHAIRPERSON  
CGRF, BHANDUP**

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