



(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/
Case No. 657

Date
Hearing Dt. 05.04.2016

In the matter of demand of excessive and wrong accumulated arrears of bill on the count of wrong MF applied

M/s.Nelgiri Gardens CHS.Ltd.,

- Applicant

Vs.

M.S.E.D.C.L. CBD, Belapur, 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.Janardhan Deshmukh – Consumer Representative
- 2) Shri. R.S. Sharma
- 3) Shri. M. Solanke

C - On behalf of Respondent

- 1) Shri. S.R.Tekale ,Addl. Executive Engineer, CBD, Belapur Sub Division.

Consumer No. 000313130495

1. Above named consumer having consumer No. 000313130495 CL 44.70KW SL 44.70KWcategory of 92/LT II Domestic, using the connection since 14/10/1993filed this complaint against respondent utility.

2. It is stated by the consumer that initially he was receiving the electricity bill applying multiplying factor 2 and accordingly the reading was taken and the bill was already deposited by the consumer for earlier period till Jan 2010.

It is contention of the consumer that on 16.01.2016 flying squad visited the premises and found that MF -1 was wrongly applied to the consumer which resulted in issuing 50 % less bill since Jan 2010. During the said visit, status of meter and infrastructure provided at the premises was also checked.

The flying squad gave the report and directed authority to calculate the units by applying MF-2 instead of MF-1 and to issue the revised bill along with the difference of units calculated.

3. After receiving the said report respondent utility issued bill to the consumer claiming 50% difference of units calculating MF-2 on the meter unit recorded. The claim was for the period from Jan 2007 to December 2015. The reading thus calculated was 210298 units.

The respondent utility sent letter to the consumer and demanded the difference of units (calculated as per MF-2) amounting Rs. 2485330/-.

4. It is contention of the consumer that the said demand bill issued by respondent utility is against the Principle of Natural Justice and violation of the Rules and Regulation as per provisions of section 56(2) of E.A. 2003. It is grievance of the consumer that the said bill is prior to 24 months and cannot be issued against the consumer. Therefore, entire recovery of the said accumulated units mentioned in the bill is wrong and illegal.

5. The consumer thus prayed for

- Withdrawal and quashing and setting aside the said bill issued on 25.01.2016 for Rs. 2485330./- and

- Withdraw of notice issued under section 56 (2) of E.A. and grant appropriate relief.
6. After filing this complaint before the forum (along with demand bill, spot inspection report dated 16.01.2016, disconnection notice and copy of CPL), notice was issued to the respondent utility, who appeared and filed para wise reply on 08.03.2016. It is contention of respondent utility that as per spot inspection report dated 16.01.2016 done by Assistant Engineer, the meter installed was 50/5AMP CT connected with CT and CT ratio 100/5APM. In fact, MF-2 was actually required to be applied. However, after verification of bill of December 2015 and CPL abstract since 2009 to Dec. 2015, it was found that the meter was replaced on Jan. 2010. Since then entry made in the record wrongly by entering MF-1 instead of MF-2.

It is due to human error. After perusing copy of CPL for entire period (which is filed on record) respondent utility came to the conclusion that it was case of under billing due to wrong application of MF-1 instead of MF- 2. Thus the corrected bill was raised against the consumer for 210298 units amounting Rs. 24,85330/-. Therefore entire recovery from Jan 2010 to Dec 2015 (due to 15% under billing) was now charged in the said bill of Jan 2016. According to utility, this is appropriate and correct and the consumer is liable to pay the charges as per Rule. The respondent utility prayed for dismissal of the complaint with cost.

7. After perusing the rival contentions of consumer and respondent utility, following points arose for our consideration:
- 1] Whether the respondent utility entitled to claim different of arrears due to wrong application of MF-1 instead of MF-2 for the Period from Jan. 2010 to December 2015.
 - 2] Whether consumer is entitled to any relief.

3] What ordered?

We answer 1st question negatively and other two questions positively for the aforesaid reasons:

Reasons

8. We have gone through the grievance raised by consumer, inspection report dated 16.01.2016, copy of CPL filed along with the complaint, and the submission and documents filed by the utility.
9. It is contention of respondent utility that on the day of inspection assistant engineer of respondent utility visited premises. He verified actually installed meter and infrastructure available at the site which is mentioned in the report dated 21.01.2016. It was revealed at the time of inspection that all the infrastructure used was by applying Ct ratio 100/5. The meter status and the category which is charged against the consumer was MF-1 instead of MF-2. The consumer was also given slab benefit since installation of meter. The consumer was applied MF-2 Ratio and was charged accordingly. The CPL disclosed that the change of meter had taken place in the month of Jan 2010. At the time of making entry in the record, the concerned clerk entered wrong MF (MF-1). It is also revealed that other than the change in meter, there was no change in the infrastructure it is contention of respondent utility. Thus, application of MF-1 was due to human error. Ultimately by wrong application of MF-1 there was 50% less calculation of units against the consumer. This loss of revenue was detected during the inspection.
10. At the time of hearing consumer Representative and consumer submitted that application of wrong tariff code MF-1 is outside of the scope of the consumer and it is responsibility of respondent utility. Consumer should not be punished for the act which is not done by him. Also the aggregate assessment done by the respondent utility was not correct as it is for more than 24 months from the date of detection of error.

Apparently, the record filed by utility and the contention itself revealed that accumulated arrears claimed in the demand bill along with the notice is prior to 24 months.

It is to be noted that accumulated arrears permitted to be recovered are only for 24 months as per provision section 56(2) of E.A.2003. It is already settled and decided by the Hon'ble Ombudsman even in MERC. It is held that the ratio applicable for arrears of MF-2 due recovery permissible is only for 24 months as contemplated under section 56(2) of E.A. 2003. Therefore, demanding Rs. 2485530/- against the unit already recorded in the month of December 2015 and issuing disconnection notice claiming amount difference for more than 24 months(Rs. 210298/-) is not permissible. Only 24 month's recovery could have been demanded in the demand bill issued by respondent utility. The consumer is justified in filing objection and complaint to the official which is not taken proper care in this circumstance. The demand bill and the notice is wrong and illegal. It is not in accordance with law and is liable to be quashed and set aside.

11. During the course of hearing the respondent utility calculated the amount for the period of 24 months since Jan 2014, which can be recovered from the consumer. For the remaining amount, the respondent utility is at liberty to file appropriate proceedings before the civil court.
12. Therefore, I am inclined to allow the complaint and proceed to pass following order.

ORDER

1. Consumer compliant 657 of 2015 is allowed.
2. The respondent utility directed to calculate accumulated recovery against the consumer since Jan 2014 (only for 24 months). No interest and penalty should be claimed by utility.
3. The earlier demand bill and disconnection notice quashed and set aside.

4. The respondent utility directed to revise the bill only for 24 months without charging any interest and DPC and consumer shall pay amount in equal six monthly installments along with current bill.
5. No order as to the cost.

Proceedings closed.

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**