

(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/

Date

Case No. 652

Hearing Dt. 12.04.2016

In the matter of issuing excessive bill beyond period of 2 year by respondent utility

Shri. Pankaj Seth

- Applicant

Vs.

M.S.E.D.C.L. Uran, 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. Vijay V. Khedkar – Consumer Representative

C - On behalf of Respondent

- 1) Shri. Vishal Anunda Dhangar, Addl. Executive Engineer, Uran Sub Division.

Consumer No. 025550007155

1. Above named consumer has filed this complaint against respondent utility. He has stated that in the month of December 2015 respondent utility's officer visited premises for inspection of the meter on 07/12/2015. The meter and infrastructure was verified by respondent utility.
2. It is reported that the consumer is under billed due to MF-1 since 6.11.2012. On the date of inspection, actual supply received by the consumer was MF-2 instead of MF-1. Therefore, the officer of respondent utility reported to

Zone and Division. On 25.01.2016, respondent utility issued bill to the consumer along with notice of disconnection for Rs. 23,59447.19/- This was because of calculation of difference in units (calculated as per MF-2). After receiving the said notice, consumer approached IGRC. He has stated that he was receiving the supply to the premises situated at address on consumer No. 025550007155 since 21.02.2004. There was limited load of 3 phase. The consumer had installed 100KVA transformer at the said premises in 2001 and proper verification report was submitted of the same.

3. Accordingly, the consumer was issued the bill and it was paid regularly. On 30.12.2015 consumer received the bill showing 2359450 debit adjustment The consumer was shocked with this. It is contention of the consumer that he was regularly paying the bills as per tariff.
4. Being dissatisfied with the demand made by respondent utility, he has filed this complaint. It is contention of consumer that the bill issued by the respondent utility is excessive, incorrect and there is no liability on consumer pay the bill charging MF-2.
5. After filing the complaint before IGRC it appeared from the record that IGRC issued the notice but failed to decide within stipulated period of 2 months. Therefore, consumer approached this Forum on 12.04.2016.
6. After filing this complaint notice was issued to the respondent utility. On 06.03.2016 respondent utility filed para wise reply. It is contention of respondent utility that consumer filed this complaint without any cause. M/s. Pankej Seth having this business premise, applied for connection on 21.04.2004. The supply was released with load of 30KW on 06.11.2012. MSEDCL (Vashi) replaced the

meter and gave NC-1 report to Urban Subdivision. Initially MF-2 was attached for the supply of this consumer, but after replacement of the meter in Jan. 2013, he was wrongly issued bill applying MF-1 instead of MF-2 up to Nov. 2015.

7. Thereafter testing batch once against tested visited premises on 07.12.2015 and reported that instead of MF-1 the supply as per report should have been charged as per MF- 2 considering total load attached to the premises. The discrepancies were communicated to consumer and also reported to sub division as of direction the assessment of the consumer unit was charge. During the period Jan. 2013 to Nov.2015 as per MF-1, Rs. 157095/- was the amount assessed and Rs. 2080997.71/- was bill for the difference due to assessment of unit as per MF-1. Thus the consumer was charged Rs.232190.58/- Also the consumer liable to pay the additional consumption towards reassessment charging MF-2. Bill already paid has been deducted.
8. I found that IGRC, Vashi division is reluctant to decide the matters within stipulated time, thus levying burden on his Forum. No action has been taken by the higher authority despite reporting the said fact. Hence once again matter should have been reported to higher authority for taking suitable action.
9. After perusing the rival contentions of consumer and respondent utility, following points arose for our consideration:
 - 1] Whether the respondent utility entitled to recover additional charges as per MF-2 for the period of 3 years.
 - 2] Whether legal notice and supplementary bill is legal, valid and proper.

Reasons

10. We have given opportunity to the consumer and his representative as well as the utility.

11. IGRC decided this complaint on 11.04.2016 when matter was already adjudicated before this Forum and interim order was passed. Therefore order pronounced by IGRC is void as itio extended his jurisdiction and wrongly applied its mind. IGRC also erred in considering the issue of limitation in case of recovery of arrears.
12. It appeared from the arguments of consumer the respondent utility had earlier visited the premises on 12.12.2012 when the fact of wrong MF had already come to the knowledge of the respondent utility. In spite of this, they continued applying MF-1 instead of MF-2. NC-1 report and the letter dated 06.11.2012 reflected application of wrong code MF-1 instead of MF-2. It is a great surprise that the responsible officer ignored this report and continued to give wrong bill, thereby causing revenue loss to MSEDCL.
13. Now, the opponent issued bill for accumulated arrears of Rs. 235945/- on 03.12.2015 to the consumer for the period more than 2 years. As per settled law, the respondent utility can recover arrears (due to application of wrong code MF-1 instead of MF-2) only for 24 months. In spite of interim direction, the respondent utility continued to claim recovery of entire amount against the consumer.
14. However, this mistake seems to be cured by IGRC order dated 11.04.2016 during the pendency of the dispute before the Forum. Respondent utility was instructed to calculate MF-2 arrears for 24 months only from the date of detection of error. The date of detection of error is the date of second visit (07.12.2015). The utility cannot transfer the burden of payment on the consumer which accumulated due to fault on the part of utility. Utility can collect the arrears only for 24 months from before the date of the detection of error. I am inclined to allow the consumer to pay these arrears in equal six monthly installments.

15. There are many cases decided by this Forum and also by appellate authority on this issue. Under section 56(2) for accumulated difference of arrears period of limitation available under Electricity Act is two years only. For period more than this, respondent utility can recover it by approaching appropriate civil court. Hence we proceed to pass following order.

ORDER

1. Consumer compliant 652 of 2015 is partly allowed.
2. The respondent utility is directed to recover the arrears accumulated due to difference MF-2 for the period of 24 months only without interest and DPC in six equal monthly installments.
3. Supplementary bill and legal notice is quashed and set aside.
4. The consumer is entitled to deduction of already paid amount from this 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**