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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. 656

Hearing Dt. 30.05.2016

In the matter of recovery excess supplementary amount wrong multiplying factor

M/s. Deepak P. Jain

- **Applicant**

Vs.

M.S.E.D.C.L. Vashi 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. Suraj Chakraborty – Consumer Representative

C - On behalf of Respondent

- 1) Shri. Chate, Additional Executive Engineer, Vashi Sub Division.

ORDER

1. Above named consumer obtained this connection under the category of 70 LT II B since 01.09.2012 contract demand load 42KVA and Sanctioned load 42KW. It is contention of consumer in the month of Jan. 2016 respondent utility issued bill of date 16.01.2016 charging MF: 2 unit

payable for amount Rs. 5,52,810/- along with current bill consumer issued letter from respondent utility dated 21.12.2015 along with supplementary bill charging MF:2 additional unit 27674 or amounting Rs. 447790/- payable on us before 15 days notice for the period Feb. 2015 to November 2015. According to complainant demand of the check bill accumulated for the period Feb. 2015 to Nov. 2016 is wrong and exorbitant in view of judgment MF:2 recovery can be charge only form the date of inspection and therefore demand of accumulated bill is objected by the consumer as illegal and improper. Consumer prayed for 20 installment bill granted for repayment of accuracy also prayed for Interim relief giving direction to respondent utility for refund. After filing this complaint on 24.02.2016 notice was issued to respondent utility. After service of notice respondent utility appeared and filed reply. It is contention of respondent utility giving details of consumer and category of connection service connected on 20.03.2012 tariff category LT commercial on 12.12.2015. The inspection carried out of the said premises and found consumer wrongly bill till the date as MF:1 existence setup for connection at the site sanction and connecting load and CT charge MF: 2. Therefore the inspection report suggested the change the category MF:1 to MF:2. Accordingly, Addl. Executive Engineer Vashi Sub division issued letter dated 21.012.2015 bearing letter No. 2764 demanded additional unit charges 27674 valid for amount Rs. 4,47,790/-, respondent utility prayed that the reported period calculated in Feb. 15 to Nov. 15 and demand bill is raised against this consumer in view of provision of section 56(2) of E.A.2003. Respondent committed that arrears bill recovery period about two prior to date of inspection the judgment in W/P/10764/2011 pending issue before Hon'ble High court existing provision period arrears recovery wrong application of category MF:1

instead of MF:2 additional unit can be claim period of 2 years. Respondent utility gave the schedule of charging additional unit and difference applying MF:2 category to this consumer from Feb. 2015 to Nov. 2015 descent of calculation of unit and value amount payable by consumer to given the reply in favor. I have perused the dispute raised by the consumer. It is pertaining to note that this consumer also filed refuse before IGRC and pray for installment by applying of Schedule 'X' dated 15.06.2001 prayer as mention in Rule before IGRC requested for 20 installments. It is appears that the consumer not raised any dispute of wrongly applying of MF:1 and came MF:2 category charge against bill.

2. After perusing the rival contentions of consumer and respondent utility, following points arose for our consideration:

1] Whether supplementary bill and the notice issued by respondent utility is legal, valid and proper.

2] Whether Consumer can raised new brand before this Forum which is not disputed before IGRC.

3] Whether consumer is entailed for any relief.

Reasons

3. On dated I have given opportunity to consumer and Representative Mr. Suraj charkrabouty and Nodal officer Shri. Patil for Vashi Sub division. I have perused dispute raised by consumer partly before IGRC letter attach to schedule 'A' on perusal reviewed that due that financial status of consumer. It is requested to grant 20 installments. As no dispute for objection about wrongly application of category MF:1 charge in to MF:2 to give said circumstances as per Regulation consumer ought to have raised dispute before IGRC per and then within two month of IGRC decision with

complaint ought to have been filed. But this consumer approach to the Forum as threat of disconnection and objection raised for recovery of supplementary bill.

4. According to respondent utility on 12.12.2015 the site inspected by the premises was made by the official of respondent utility and it is reviewed wrong category charge for paying MF:1 instead of ought to have been charge as per the category of MF:2 . Therefore demand letter calculation of additional unit was access and supplementary bill was prepared along with notice .

5. I found the supplementary bill and notice which is legally proper amount access and calculated verified and recess by the time of hearing in view of provision of section 56 (2) permissible unit of wrong application of billing instead MF:1 should to charge and MF:2 was detected on 12.12.2015. Therefore the utility charge assessment of the unit from Feb. 2015 in fact when it is permissible of to 24 month why utility not entertain calculated additional unit payable 24 month prior to the date of inspection. On perusal of the dispute with reasonable and proper view utility agreed claim and charge additional unit since Feb. 2015. According to period of limitation it is within the period of 24 month the calculation appears to be made only for the period of 10 months .There is no additional charge interest and DPC in view of provision under section 56(2) the assessment table given by respondent utility in their reply is verified and it is not illegal or improper. Therefore, consumer liable to pay charges for additional unit 27674 valued for 4,47,790/- as demanded in supplementary bill and notice in the fair

interest of justice as consumer six duly to pay accumulated charges in 20 installment the issue was decided by IGRC and complaint filed before this Forum in the fair interest of two justices when arrears was up to period of 10 months as claim by respondent utility. I found weekend and 10 monthly installments along with current bill without charging interest and DPC benefit should be allowed to the consumer. Hence, rest of relief raising objection to charge MF:1 to MF:2 category raised by the consumer is not mentionable. Hence bill and the legal notice is legal, valid and proper. It is liability of consumer to pay the same. I proceed to pass following order.

ORDER

1. The consumer complaint No.656 /2015 stands dismissed.
2. The Respondent utility entitled to recovered additional unit charges 27674 charge MF: 2 since Feb. 15 to Nov. 15 447790/- shall be recovered from consumer in 10 equal installment along with current bill. Rest of prayer claim by the consumer stand dismiss. Interest and DPC benefit should be allowed to the consumer.

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**