

(A Govt. of Maharashtra Undertaking)

CIN : U40109MH2005SGC153645

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Consumer Grievance Redressal Forum  
"Vidyut Bhavan", Gr. Floor,  
L.B.S. Marg, Bhandup (W),  
Mumbai – 400078

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

Date

**Case No.661**

Hearing Dt. 11.05.2016

**In the matter excess billing cons. no. 000431444801**

**M/s. Roma Chemical Pvt. Ltd.,**

**- Applicant**

Vs.

**M.S.E.D.C.L. Koperkhairane 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. Sabnis, Member, CGRF, Bhandup.

B - On behalf of Appellant

- 1) Shri. Pravin Thakkar – Consumer Representative.
- 2) Shri. Rakesh N. Goyal - Consumer

C - On behalf of Respondent

- 1) Mr. Nanavati, Addl.Executive Engineer, Koperkhairane Sub Division.
- 2) Mrs. Swati Deshmukh, Assistant accountant, Koperkhairane Sub Division.

### **ORDER**

1. Above name consumer filed this complaint against respondent utility stating that respondent utility issued demand of electricity bill along with disconnected notice on 07.03.2016 or bill amount for amount RS. 9,96,391/-. The respondent utility issued bill dated 10.02.2016 charging wrong interest and DPC and claim exorbitant bill for amount Rs. 7,52,400/-. It is alleged that "y" phase of the meter was not properly connected. Therefore display of units for the period Oct. 2015 to Jan. 2016 incorrect bill was issued. It

Therefore accumulated arrears bill claim by respondent utility in fact as per section 55 E.A. 2003, MSEDCL required to installed correct and accurate meter and “y” phase was not properly connected and zero consumption was recorded is not faulty of consumer and as it is responsibility of utility installed proper appropriate meter and equipment and cables consumer submitted that in Case No. 499 M/s. Ashok Enterprises Vs MSEDCL Forum decided similar issue that their no provision in MERC Regulation recovery of arrears in retrospective period. Therefore recovery of the bill issued amounting Rs. 7,52,400/- is totally wrong consumer relied on the judgment reported 131/2013 Vianney Enterprises Vs. Kerala Electricity Regulation Commission. Accordingly consumer pray for granted of stay order against recovery of bill arrears and also alleged that disconnection action taken by respondent utility MSEDCL without issuing 15 days prior notice under section 56 E.A. 2003 which was issued on 10.02.2016 notice issued on 03.03.2016 and supply was disconnected on 09.03.2016. Consumer prayer for compensation of Rs. 10,000/- and also claim of Interim relief seeking order of reconnection immediately. After filing this complaint on 10.03.2016 notice was issued to the respondent utility by this Forum. Consumer also filed complaint in Forum No. ‘X’ to the IGRC on dated 29.02.2016 Notice was issued on 03.03.2016 but IGRC not decided dispute within the period of 2 months. Therefore consumer approach to this Forum and filed this Complaint on 10.03.2016. After filing the complaint respondent utility appeared and filed reply on 28.03.2016. It is contention of respondent utility MSEDCL issued the bill .After verifying and testing the meter and as per MRI data retrieved form the meter the bill is access properly no additional charges access on the basis of purpose of load utility MSEDCL issued bill for amounting Rs. 7,52,400/- for “y” phase current Zero and not restore to period March 15 to Jan.2016. It is contention of respondent utility the meter is electronic devise it may get faulty at any time when it is observed CT not

showing the current reading. On the basis of bill access from March 15 to Jan. 2016 the meter was replaced new meter was installed on 24.02.2016. The consumer regularly paying the bill which was issued as the meter was not showing 1 phase current consumer was charged 2/3 of the total bill due to one phase current was missing when it is observed by testing division Vashi. Consumer meter was not working properly the assessment of the bill was issued considering MRI data retrieved from the meter the meter was replaced on 24.02.2016 MRI data received from the period March 2015 and it is reviewed one phase of the meter was missing the MRI data report was submitted in the copy was issued and thereafter the bill was accessed from March 2015 onwards the bill was accessed from the date of detection of 1 phase of current was missing and MRI available since March 2015. The assessment of the bill was made correctly and not exorbitant. According to utility the supply was disconnected. After giving prior notices. It is issued on 18.02.2016 & 03.03.2016 the copies of the notices are filed by respondent utility. Therefore disconnection was not illegal as per the MRI data Report the assessment of the bill is proper. Respondent utility also submitted copy of assessment of the bill for the month 15 to Jan. 2016. After deduction of already paid charges and units were calculated average units of last 3 months 57,228/- already paid unit 35,000/- + 34,191/-. Accordingly the unit to be charged against this consumer 344694 as per MF 4 reading available on 14.03.2015 and final reading was available on 02.02.2016 70819/-. The amount charged calculated per month according to unit total amount recoverable 7,52,388/- which is correct according to utility respondent utility filed all necessary documents. I have minutely considered the same during pendency of the case consumer appeared on 05.05.2016 and submitted that he read to deposit current bill and pray for seeking order of not to disconnect supply till decision of this case. Accordingly, it appears that consumer deposited certain

amount. I have given opportunity for hearing to the consumer and his representative. I also gave opportunity to respondent utility officer appears before the Forum and submitted point wise reply. After perusing the rival contentions of consumer and respondent utility, following points arose for our consideration:

1. 1] Whether respondent utility entitle to recover arrears of bill 7, 52,400/- and bill is legal and proper.
- 2] Whether consumer entitled for any relief
- 3] Whether alleged disconnection on 03.03.2016 was legal and proeper.
- 4] What relief and order.

### **Reasons**

It appears form the record the dispute raised by this consumer. Accumulated bill issue by the respondent utility for amounting Rs. 7, 52,400/- is exorbitant illegal the reason of issuing the said bill was analyze by this Forum. The respondent utility submitted confidential report, MRI data dated 30.12.2015. It reviewed one phase voltage current found zero and “y” phase of CT was faulty meter shows irregular phase and neutral voltage meter glass was broken. After receiving of the copy of the said report even the meter is accepted on 29.12.2015 which shows meter capacity 50/5,connected CT ratio 200/5 and meter was genus company the accuracy of the said report was tested. The meter shows “y” phase of current of zero AMP “y” phase of the CT is faulty meter is needs to be replace meter indicated irregular phase and neutral phase and responding to optimal calculation of MRI report and meter glass was broken as per the said report. According to utility the meter was replace on 24.02.2016 the question of assessment of the bill exactly of which place the “y” phase was not giving phase and recording units on the meter was resulted in under billing. It is necessary to mention that consumer

raised the dispute objecting to accumulating recovery since March 15 when actually the faulty was detected in the month of Jan 2016 clearly consumer refuses to accept any liability of consequence of recording incorrect units. To my view meter testing report and inspection report indicated the meter glass was broken and “y” phase current shows missing CT. It is contention of respondent utility is fact is observed during the inspection at the premises in the month Jan 2016 after testing and verification of report MRI data was retrieved and it is notice 3/2 ratio of recorded unit was charge and therefore the consumer under bill assessment of the bill since the data it is available March 15 was access. After giving benefit of already paid unit charges and deduction of the amount as calculated in the sheet submission of the consumer taking advantage of above two sided judgment one is of the same Forum decided the case which was brought to the notice. To my view earlier judgment of this Forum is not binding on me. Another judgment of Appeal No. 131/2013 is in respect of reclassification of tariff recovery means application of wrong tariff and arrears of recovery prior to be date of detection of error instated of commercial category tariff was made applicable with due respect to the said judgment. To my view the said judgment is not applicable in the case of arrears of recovery for any reason for under billing of consumer. Therefore objection raised by the consumer is legal not tenable. At the time of hearing. I have verified the assessment of the bill and it was discuss with officer of utility appears before this Forum. It is reviewed that assessment is properly made by the respondent utility proper deduction of unit and the amount already paid is deducted and only charge unit which was under bill due to failure of one phase of CT meter was under bill was consumer earlier period was properly charge. It is appears that consumer wanted to take benefit of existing reason not due to his fault but the assessment of the his bill indicated extra charges penalty, interest was added in the bill which was assessment subsequently as consumer used supply for his benefits. Therefore his liable to pay accurate use unit as per assessment in the faire interest of the

consumer. I am in client grant repay the recovery bill in six monthly installment. I found there is no substance in the objection raised by consumer in this complaint. Hence, consumer complaint liable to be dismiss.

### **ORDER**

- 1) The consumer complaint No. 661/stands dismiss.
- 2) Respondent utility to entitled to recovered arrears demanded bill Rs. 7,52,388/- in six monthly installment without charging any interest and DPC. Amount already deposited by consumer shall be given set off.
- 3) No order as to the cost.

Both the parties be informed accordingly.

Proceeding stayed.

Compliance should be reported within 30 days.

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**