

(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.

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

Date

Case No. 56

Hearing Dt. 28.06.2016

In the matter of about recovery of wrong MF arrears bill

M/s. Total Printer Pvt. Ltd.,

- Applicant

Vs.

M.S.E.D.C.L. Koperkhairane, Vashi

- 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. Mujeeb S. Choudhary – Consumer Representative

C - On behalf of Respondent

- 1) Mrs. Swati Deshmukh, Assistant Accountant, Koperkhairane, Sub Division.

Consumer No. 0000431322960 LT consumer

1. Above named consumer obtain service of connection to this premises situated at KK, connecting load 150HP, demand load 112KVA, tariff category LT-V B, date of connection on 12.11.1982. Above said consumer filed this complaint against respondent utility alleging that in the month of December 2015 he received demand of MF difference arrears for the period October 2014 to December 2015 for 15 months amount Rs 20,56,225/-. According to consumer they said bill is

illegal exorbitant and baseless which includes DPC and interest's as per section 55 of IEA Act 2003 MSEDCL should install the correct and accurate meter and issue accurate bill if there is any technical defect liability of payment of bill not arises of consumer. Therefore consumer prays the accumulated bill of tariff difference claim by the respondent utility illegal liable to be withdrawn and set aside. Consumer relied on APTEL Judgment No. 131/2013 dated 05.08.2014 initially consumer filed dispute for IGRC and raised objection. Consumer filed relevant bill issued to the consumer by respondent utility on various date. Consumer also filed sanction order of additional load dated 11.09.2014 demand quotation note dated 30.08.2014 and final sanction order 28.08.2014 with acknowledgment. Consumer claim that accumulated bill for 15 month issued out of with deposited 5 installments as per request of consumer installment was granted on application of consumer. IGRC considered case of consumer vide case No. 71/2015-16 on dated 05.03.2016. IGRC gave opportunity to the consumer for hearing and on dated 13.04.2016 IGRC pronouns the judgment and pass order against the consumer stating that consumption is used by this consumer there is liability to pay the charges. IGRC also say that APTEL judgment No. 131 not applicable and directed utility to recover the arrears bill in six monthly installment and DPC and interest should be waved.

2. Being dissatisfied with the judgment of IGRC consumer filed this complaint in Schedule 'A' and raised the dispute and demanded the bill issued to the consumer is exorbitant illegal and liable to be withdrawn.
3. After filing this complaint before this Forum from in Schedule 'A' notice was issued to the respondent utility. Respondent utility appeared and filed reply on dated 19.07.2016. Respondent utility submitted that the bill was issued to the consumer was claiming difference of MF: 1 instead of MF: 3 for the period October 2015 to December 2015 corrected bill as per MF3 was issued in the month December 2015 amounting Rs. 20,56,225/-. As per letter of

Superintending, Vashi consumer granted 9 installments. How was consumer applied to IGRC? and pray for installment. Five installment already given and pay by consumer in May 2016 and balance installment yet to be recovered.

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

1] Whether difference of arrears MF: 1 instead of MF: 3 for the period October 2014 to December 2015 issued by respondent utility is legal, valid and proper.

2] Whether consumer is entitled for any relief.

Reasons

5. On the date of hearing I gave opportunity to consumer who appeared to representative and raised the dispute. The dispute appears in this case challenging accumulated bill received to the consumer in the month of December 2015. The consumer apply for additional load of 86HP & on the consumer demand additional load was released in OCT 2014. Due to additional load CT's of same meter replaced and consumer billed as per previous MF . It is found wrong MF bill issued to the consumer form October 2015. Consumer was charge as per MF:1. The sanction order which was issued by respondent utility is very well within the knowledge of consumer. But for longer time consumer did not raised any objection. In this circumstances earlier sanction order of releasing the load as per demand load consumer ought to have been charge as per MF: 3. But the consumer since to be charges under billing and it appears form the record of consumer continue to use the load as per the set up of MF:3 and consume the unit. In view of letter issued by Superintending Engineer in similar cases recovery should be done in issuing supplementary bill 18 July 2009 no interest and DPC should be charge. Following this Circular IGRC granted installment to the consumer for payment of bill even consumer requested for installments and not raised proper dispute at appropriate time. After the judgment of IGRC pronouns

consumer approach to the Forum and raised objection the accumulated bill is illegal. I have again given opportunity of to the consumer and heard his objection with due respect. The judgment of APTEL pronouncing in case No. 131/2013 dated 07.08.2014 in case of M/s. Vinneny Enterprises, Kerala State Regulatory Mission not applicable of the present circumstance of appears in this case as the issued involved in this case regarding MF difference accumulated arrears. In view of section 56(2) the respondent utility entitled to recover accumulated bill for the period of 24 month. But in the present case total accumulated bill recovery is claim form October 2014 to December 2015 for 15 months. It is within limitation period therefore I found the respondent utility is justified in claiming arrears against this consumer.

6. It is pertaining to note that consumer already paid and deposited amount in 5 installments and remaining amount which calculated by respondent utility details are place before the Forum. I found remaining difference amount excluding interest can be recovered total amount due Rs. 2056225/-, already paid amount Rs.1142350/- balance amount payable by consumer 913875/-, interest calculated Rs. 54015-/. To my view interest Rs. 54015-/ should be waved as per direction and circular as punching of wrong MF is not fault of consumer and it is the fault of employee of MSEDCL. Therefore consumer should not be punish for the wrong with committed by him. In this circumstances claim raised in this dispute deserve to be stands rejected. However remaining amount 913875/- should be recovered in 6 monthly installments. Hence I proceed to pass following order.

ORDER

1. The consumer compliant 56 of 2016 is stand dismiss with cost.
2. The respondent utility entitled to recover amount Rs. 913875/- in six monthly installment along with current bill.

3. 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**