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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. 16/2016

Hearing Dt. 16.09.2016

In the matter of wrong MF recovery supplementary bill

M/s. Venus Furniture - Applicant

Vs.

M.S.E.D.C.L. Airoli 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.

B - On behalf of Appellant

- 1) Shri. Tapan Pradhan - Consumer Representative

C - On behalf of Respondent

- 1) Mr. Mahajan Additional Executive Engineer, Airoli sub Division.

Consumer No. 000159031460

1. Above named consumer already filed his complaint against respondent utility alleging that he obtained supply to the premises for running business under the name and style of M/s. Venus furniture Pvt Ltd , MIDC, Airoli on dated 10.02.2016.Respondent utility issued supplementary bill for amounting Rs. 23,36,230/- claiming applying wrong multiplying factor to the premises MF:2 instead of MF:3 since dated of connection. After consumer received supplementary bill along with notice under section 56(A) on dated 22.03.2016

consumer raised the dispute against respondent utility initially before IGRC cell on dated 20.02.2016. After receiving the said complaint IGRC registered case and issued notice for the hearing on 05.03.2016. It is contention of consumer that he received un paid bill on 10.02.2016 directing to pay Rs2336230/- issued by respondent utility wrongly without any justified reason alleging that correction of multiplying factor difference is claim form the consumer calculation of unit difference otherwise threaten to disconnect the supply. It arrears that IGRC cell not deciding the dispute within stipulated time of 2 month therefore non action of IGRC gave for the question to consumer to filed this complaint. Therefore consumer approach to this Forum and filed this complaint Schedule A alleging that he received illegal and exorbitant bill no provision for issuing of supplementary bill available to the respondent utility. The respondent utility cannot recovered arrears of difference of wrong application of to the premises accumulated more than 2 year and the section 56(2).The contention of respondent utility is illegal false claiming difference wrong application of MF factor to instead of to the premises. Consumer pray that no arrears can be in view of judgment Appeal No. 131/2013 APTEL judgment dated 07.08.2014 and therefore relief may be granted to the consumer at set aside the demand bill and grant appropriate relief. After filing this complaint notice was issued to the respondent utility given after service of notice respondent utility failed to file any reply of no information or document on supply to the .The Forum gave reasonable and proper opportunity to the respondent utility but no action is taken. The attitude of the respondent utility found reluctant and nor taking proper care for giving representation in spite of direction giving by this Forum to particular officer Airoli sub division concern officer was warn and inform repeatedly by Member Sectary now it is reported the respondent utility not appearing not filing any reply. Hence I have no other option to considered the hearing of the consumer and decide this matter ex-party against the respondent utility.

2. Therefore I gave opportunity to the consumer to make his grievance and accordingly on date 07/06/2016 consumer approach with representative and adjudicated the claim. It appears that supplementary bill issued by respondent utility dated 23.03.2016 claiming difference of arrears of amount calculated Rs 2384285/- .The document supplied for consumer perused by me, It appears that supplementary bill claiming wrong MF apply to this consumer 2 instead of 3 and unit calculated 261163 for the period was charge which include PD charge penalty additional charge and other charges as shown in the supplementary bill no reason added or inform by the respondent utility who is responsible for applying wrong MF category claiming MF:2 instead of MF:3 and since what period. Certainly the consumer cannot be with held responsible for the act of respondent utility. Therefore according to me no penalty interest or other charges are payable by the consumer. Therefore supplementary bill issued by respondent utility apparently seen that exorbitant charges claim for sufficient long period.
3. On the perused provision section 56(2) Indian Electricity act 2003 the period of limitation of available to the respondent utility claiming arrears of MF difference limit should be restricted only for the 24 month from the date of detection earlier. The bill indicates that sufficient adjustment was given charging supplementary bill. The respondent utility failed to give any reason for claiming accumulated bill without giving period of charging arrears and therefore I am in client to accept the claim of consumer and proceed to pass further order.

ORDER

1. The consumer complaint No.16/2016 allowed.
2. The respondent utility hereby directed to issue revised bill for the period of 24 month claiming appropriate unit for this period and recovered difference of

MF:2 to MF:3 without charging any interest and penalty as the fault is not of consumer but less charges of MF:2 issued to the consumer . Hence, no order as to the cost.

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

**ANIL P. BHAVTHANKAR
CHAIRPERSON
CGRF, BHANDUP**

**RAVINDRA S. AVHAD
MEMBER SECRETARY
CGRF, BHANDUP**