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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: 31.05.2016

Case No. 44 /2016

Hearing Dt.12.07.2016

In the matter of withdrawal of excessive bill charge under MF-2 recovery and proper tariff refund

Mr. Shivnath Chintaman Mhatre

- Appellant

V/s.

Maharashtra State Electricity Distribution Co. Ltd. (MSEDCL)

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.
- 3) Dr. Smt. Sabnis, Member, CGRF, Bhandup

B - On behalf of Appellant

- 1) Shri. Suraj chakrobouty – Consumer Representative

C - On behalf of Respondent

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

Consumer No.000157301527, sanction load-96KW,

Connected load- 96KW, Date of connection 15.02.2008

Above named consumer filed this complaint against the respondent utility from raising objection issuing wrong excess MF:2 recovery bill and application of proper tariff. Respondent utility issued supplementary bill to the consumer having consumer no. 000157301527 unit 4641 Airoli subdivision sanction load-96KW, Connected load- 96KW, supply was given H.No.1435, Near K.K.Photo, Talavli Village,Ghansoli. The above said consumer received supplementary bill form respondent utility claiming difference of MF:2

16,20,878.68/- along with notice under section 56 (1) I.E.A.2003 issued by respondent utility. According to consumer he approach to the respondent utility for extension of load supply in the year 2013 and also applied for change of tariff category from commercial to industrial to the premises. As per direction of MERC the respondent utility failed to act upon the representation of consumer and issued wrong bill. The recovery claim by the respondent utility is wrong since last 3 year therefore consumer pray for refund and also requested to proper direction to the respondent utility applying proper tariff. Initially consumer approach to IGRC Cell and field his grievance in Schedule 'X' along with notice and supplementary bill issued on 24.02.2016. Consumer also filed agreement of occupying the premises SSI Licenses, Central Board Exide license, Shop and establishment license.

Consumer filed this complaint before the Forum as IGRC not deciding the grievance within the period of 2 month and claims the relief. Along with separate application of grant of interim relief not to disconnected the supply. This Forum gave opportunity to the consumer and his representative to appear on date and after hearing the contention of consumer and perusal of document this Forum heard the matter on 31.05.2016 and pass interim order directing consumer to pay amount of Rs. 4, 00,000/- on before 06.06.2016 and also issued show-cause notice to respondent utility to give the reason and para wise remark why ex-party order should not be confirm. In spite of notice respondent utility want appear and filed the document of sanction the order issued by Executive Engineer, Vashi Division to the premises of the consumer The said sanction order indicate that at para no 9 the service connection was issued as per the report TOD CT operator meter which CT ratio 200/5A was installed and the said report is acknowledge by consumer and therefore the tariff should have been applied MF: 2 and not MF: 1. Consumer approach to the Forum and filed document leave and licenses dated 30.01.2013. According to own contention of consumer he applied for load extension to the respondent utility at that time the short fall difference of MF Factor was came in the knowledge of respondent utility and therefore supplementary bill was issued which is challenge by this consumer before this Forum

In spite was interim order was granted in favour of consumer therefore no record or report is filed whether consumer complied the interim order or not .Even on the said submission neither respondent utility nor the consumer is showing any interest obviously the interim order was obtained by consumer and he was benefited. It is brought to my notice by office the matter is pending since last 2-3 month and no action is taken by respondent utility. I have perused record and found the interim order was pass in favour of consumer neither complied nor any report is filed before the Forum the respondent utility also not shown any interest. In spite of notice dated 01.09.2016 and earlier notice received by respondent utility. I found no further cause of action or dispute continued by consumer ever to grant him any relief ultimately the interim order pass by this Forum dated 31.05.2016 not complied by the consumer stands call back. Coming to the merit of the case respondent utility is at liberty to take proper action for applying proper tariff as per guidelines of MERC. The difference of claiming arrears of MF: 1 to MF: 2 shall be calculated separately without charging any interest and penalty for the period of 24 months from the date of detection earlier.

As per Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulation, 2006 Clause No 4 and Clause No 8.4 which read as " Every order made by the Forum shall be a reasoned order either in Marathi or English and signed by the members conducting Proceedings" & as per clause 4(c) " one member shall be a representative of a register voluntary consumer protection organization of the area, working preferable for at least five year' on matters concerning consumer grievance ". The member was on long live so delayed in Judgment. Hence order. Consumer complaint stands dispose of accordingly.

ORDER

The consumer complaint no. 44/2016 stands dispose of accordingly.

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:

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**

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**