

(A Govt. of Maharashtra Undertaking)
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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.528

Hearing Dt. 04/02/2015

M/s. Cinemax Cinemas India Pvt. Ltd., - Applicant

Vs.

M.S.E.D.C.Ltd., Gadkarii sub division - Respondent

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri. Anil P. Bhavthankar, Chairperson, CGRF, Bhandup.
- 2) Shri.S.B. Bhalshankar, Member Secretary, CGRF, Bhandup.
- 3) Dr. Smt. Sabnis, Member, CGRF, Bhandup.

B - On behalf of Appellant

- 1) Shri Deepak Dlanoria , Consumer Representative.

C - On behalf of Respondent

- 1) Shri. Ajay Narayanrao Chafale, *Addl. Executive Engineer, Gadkari sub division*

ORDER (Passed on 07/03/2014)

Above named complainant filed this compliant on 18/02/2014 stating that he is consumer of respondent bearing No. 000019053720 Billing Unit 4728 Gadkari sub division. Above said consumer is having 71 LT commercial categories for load 50KW. Since in February he received bill for the month Aug 2011 to July 2013, amounting to Rs. 2,62,000/- for 27 months. Prior to the said period letter was sent to respondent for issuing slot wise bill and calculation of proper units. He made compliant to IGRC at for receiving exorbitant bill for the period may 2011 to July 2013 and paid for slot wise revised bill and adjustment of amount which is already paid by consumer. The said compliant was decided by respondent utility within two months. Therefore this complaint is filed by consumer before Forum on dated 28/02/2014 after filing this

compliant notice was issued to respondent. Respondent approached and filed reply and documents stating that the Forum already decided the said compliant by order dated 02 May 2014. It was expected by the respondent utility to obey the order pass by Forum. Due to non compliance consumer again required to file review application under section 19 of MERC Regulation stating that the period under section 56(2) of Electricity Act 2005 recovery is restricted for 24 month instead of 27 month demand and calculation of unit 45,000/- by utility is not proper. After filing this curative petition on 15/07/2014 notice was sent to respondent. Respondent appeared and filed reply stating that as per CPL the unit was calculated 45,000/- which was charged in the bill, to the consumer by issuing provisional bill amounting Rs.2,65,000/-, which is objected by consumer stating that implementation of earlier order of this consumer Forum was not followed by respondent properly. Therefore this application created review of earlier order of this Forum after filing this review application against notice was given to respondent. Respondent appeared and filed there say stating that this Forum did not allow slot wise recovery for the period April 2011 to May 2013. However respondent also asked for clarification of the order in these circumstances. I have perused original compliant of the consumer and earlier say filed by respondent. It appeared to me that report filed by spot inspection and inspection of report connected load is verifying to which the report indicated that meter is in working condition and OK report is made. It is reported that the said meter not recorded slot wise reading and there was error. Therefore the meter was replaced after verification of actual units within 24 hours. Consumer by the complainant in this circumstances the report also submitted that between the disputed period. all the reading recorded in a slot and the unit value calculated 2,37,452/- till September 2013. The rebate which was given to the consumer was withdrawn and amount of 24940/- of DPL recovered from the consumer and the bill was issued for Rs. 2,62,392/-. The said amount was to be deposited within 7 days. The amount calculated 2,37,452/- which was recovered after cancellation of rebate. Therefore consumer is required to pay said amount. After filing the said report it appears from the record that consumer do not want to pay this bill and therefore this review application is filed.

I have again given opportunity to consumer and respondent for filing document and also heard arguments of both the sides Provisional bill issued on 26/11/2006 to the consumer indicated a slot recovery amount 2,63,390/-. No bifurcation or the period of slot of recovery mentioned. To my view if the said document could have filed earlier clarification would have been appear in the earlier order passed by this Forum.

In view of section 19 of MERC Regulation of Ombudsman Rule this Forum can review the earlier order. Therefore after giving fresh opportunity to both parties and after considering document of meter replacement report and the said report indicates error of not reading slot wise reading by earlier meter and admittedly said old meter was replace in this circumstances the respondent not justified in recovery of unit which is only recorded on a slot form he consumer therefore at a time of fresh hearing the

report submitted slot wise recovery details and also submitted interest on security deposit payable to the consumer. After tax deduction at source which is calculated as per the table give below table in these circumstances the respondent as well as compliant entitled to seek properly clarification in this Forum enable to recover appropriate slot wise consumption and unit from the consumer.

It also appears that the consumer is entitled for rebate in the payment of bill after slot wise calculation for the month August 2011 as per revised bill the different which is calculated. After test report of meter the bifurcation of 45000/- unit is to the calculated slot wise consumption to 32500 & 12,500 which is for the month of and between the disputed of May 2011 to July 2013.

After calculating the amount, respondent utility submitted the report which required to give adjustment of unit which is 4,00,000/-. The respondent utility also required to refund the amount. The respondent utility also required to calculate the interest Rs. 51432.99/- after tax deduction at source which is permissible interest shown in arrears required to be reflected in future bill for approximate amount 27,464/- +2049.26 which is shown in the bill of December 2014 required to be withdrawn. The respondent is required to give credit of unit in the bill of April 2012 for unit 12500 and 32500 unit in the bill of April 2011 required to be adjusted the amount which is calculated approximately August 2011 324222.75 and April 2012 1,31,240.30/- approximately required to give adjustment. Therefore to my view this is a fair case for giving clarification of and earlier order as patent error appeared on face of record to which consumer eligible to receive proper benefit of earlier order pass by Forum. Therefore I allowing the review clarification order unavailing respondent utility in the benefit of consumer and also calculate proper slot wise unit and consumer shall receive proper unpaid interest on security deposit also adjustment of units which is 4, 00,000/- as calculated above. Hence, I proceed to pass following order

ORDER

- 1) The review application is allowed.
- 2) The respondent shall disclose the slot wise breakup of dispatched bill and unit for the March 2011 to July 2013 the month August 2011 the unit which is required to be adjusted as per Rules Rs. 4,00,000/- for adjustment and unit bill
- 3) The respondent shall pay the interest on Security Deposit amount Rs. 51132/- for the period April 10 to April 2014 of TDS and of recover other the permissible deducting charges and with interest on arrears which is be mention in from revised bill of December 2014, 27464/- and 2049.06 required to be withdraw claim.

- 4) The respondent shall give the credit of to consumer for unit 12500 for month of April 2012 32500 for the month of August 2011 approximately the adjustment of amount for the month August 2011 calculated 32422.75 for the month April 2012 1, 38,242. As per calculation submitted by respondent no further interest or DPC shall be payable by the consumer.
- 5) The respondent shall pay Rs. 1000 to consumer toward cost of litigation and their bear own.
- 6) The respondent comply the said order and filed compliance report within 30 days for receiving of this order.

No order as to cost.

Both the parties should be informed accordingly.

Proceeding close.

The compliance should be reported within 45 days.

The order is issued under the seal of Consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup.

Note:

1) If Consumer is not satisfied with the decision, he may file representation within 60 days from the 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
BHANDUP**

**SHRI. ANIL P. BHATHANKAR
CHAIRPERSON
CGRF, BHANDUP**

**SHRI. S.B.BHALSHANKAR
MEMBER SECRETARY CGRF,
CGRF, BHANDUP**