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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. 561

Hearing Dt. 12/01/2015

Shri. Pravin D. Thakkar -

Vs.

M.S.E.D.C.L., Bhiwandi, TPL . -

Respondent

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri. Anil Bavthankar, Chairman , CGRF, Bhandup
- 2) Shri.S.B.Bhalshankar, Member Secretary, CGRF, Bhandup.
- 3) Dr. Smt. Sabnis, Member, CGRF, Bhandup.

B - On behalf of Applicant

- 1) Shri Pravin D.Thakkar - Consumer

C - On behalf of Respondent No. 1

- 1) Shri. R.R.Beloskar, Executive Engineer, Nodal Office Bhiwandi.
- 2) Shri. S.K.Dhope, Assistant Engineer, Nodal Office Bhiwandi.

ORDER (Passed on 17/03/2015)

Above named complainant is consumer of respondent MSEDCL and TPL having consumer No. 13010222871 LT-II category. The initial load was 5HP of the consumer. Therefore he moved an application to SE, MSEDCL that he required additional power for residential water pump and 67 HP (50KW) is request was applied on 27/11/2013. Thereafter complainant submitted that MSEDCL and TPL charged wrong arrears for the period from 1998 to 2007. It is prayed by consumer to withdraw wrong billing and make correction of issued bill. After filing this compliant before IGRC respondent say was called. Respondent utility submitted that as per consumer CPL from May 2000 to December 2004 and Jan 2005 to Jan2007 shows average billing as meter was not accessible and no meter respective M/s. TPL also billed consumer till July 2009 on

average basis. Consumer approach Nodal Office on 28/08/2013 and asked for M/s. TPL verification. Consumer also informed about the theft of meter to police station on 08/07/2013. TPL reported on 27/07/2013 that old meter is not matching with the consumer No. Therefore MSEDCL office could not authenticate. After hearing both parties. IGRC shown in ability of considering the dispute stating that as per MERC Regulation 2006 the complaint is time barred. Secondly Xerox copy of complainant cannot be held sufficient ground to show the dispute before 15 years. TPL billed the consumer on average basis since 2009. Police complainant launched on July 2013 by complainant, after laps of six year from handing over business to TPL. Consumer not supported any document or spot inspection report of consumption. Parties request after handing over business to TPL on this ground demanded withdrawal of wrong average bill with interest was refuse by IGRC vide dated 10/10/2014.

Being aggrieved by the said order present complaint is filed. Before this Forum on 05/01/2015. After filing the said complaint, notice was issued to the respondent. Respondent appeared before the Forum and filed its say on 05/01/2015. It is contention of respondent the complaint filed before IGRC is rejected the complaint for want of limitation. Grounds mention by consumer in complaint are false, Connection issued to the consumer Shri. Ramesh D. Thakkar on 11/06/2007 LT-I residential purpose and connected load was 50KW. Consumer approached on 01/10/2013 saying that connecting load was shown by mistake when consumer was billed 180 units, Since 2002 and he made payment regularly. During the visit respondent found the premises was locked and meter was missing. Hence the company had reversed all excess bill from Feb 2007 to March 2009. Credit of amount Rs. 18,947/- was passed on 14/12/2013. The dues payable were Rs. 13988/-. It is explained to the consumer that sanction and connecting load was inform data by MSEDCL was 50KW and cannot be changed by TPL. The grievance made against the TPL was not correct as consumer did not file documentary proof. Therefore M/s. TPL correctly raised the bill and confirm that sanction load was 5 HP the connected load was 50KW. Therefore consumer required to make proper application to MSEDCL as per procedure lead late down in MERC Regulation 2006. Therefore R.L.C. levied for year 2003 to Oct. 2006 which is prior to period of taking over service by M/s. TPL as RPL credit since 2007 is verified from the CPL. As per table of R.L.C., credit given to the consumer from 13/12/2008 to 13/02/2009, which is submitted by respondent. So far as interest and security deposit are concerned deposit lying with the MSEDCL of all consumer. Therefore this TPL Company give the credit to the consumer and interest on security deposit as per advice of MSEDCL. So far as no such advice is received by M/s. TPL. Therefore the complaint is not tenable and liable to be rejected with cost.

Consumer filed document of earlier bill of March 2009. Complaint given to police station 06/12/2013, spot inspection report dtd. 29/04/2014. Respondent was present on all following dated for hearing before this Forum sitting. The said Forum heard complainant consumer and his representative to the satisfaction. The Forum also perused billing the document filed by consumer and respondent. So far as the ground of limitation is concerned the is respondent utility say in that the complaint filed beyond the limitation is not correct as previously MERC permitted consumer to file compliant within 2 year from the cause of action arose to the consumer within 2 years. He can make the complaint in this case as TPL spot inspection of the premises was made by respondent company on 29/04/2014 and report is submitted. The bill issued to the consumer did not shown arrears from due date. Thirdly meter missing compliant logged by consumer is 16/12/2014. Therefore he approach to IGRC after the inspection report received to him it can be said that cause of action arose to the consumer to raise the dispute before IGRC. We found it within limitation. So far as handing over the business to M/s. TPL since June 2007 not disputed for wan't of record.

Admittedly proper advantage of credit which was required to be given as per say before TPL. It is given only on advice received for MSEDCL and further admittedly no such advice was received to Ms/. TPL however RIC credit was already give by TPL as mentioned for 13/12/2008 to 13/02/2011. Similarly the interest and Security Deposit also given to consumer on advice of MSEDCL which is not given during the hearing before this Forum it is reviewed that.

The sanction load was 5HP since June 2002 connecting load was found during inspection 50HP. Since June 2007 the bill was issued by M/s. TPL the average unit consumed by complaint is about 180 unit. The allegation made of excess billing is verified at the time of hearing. Technical representative calculated fix charge of Rs. 500/- per month from February 2007 to August 2009 charges as per the tariff of Rs. 100/- per 10KW and for 50KW the charge was 500 per month from September 2009 onwards on fix charge was taken.

The billing pattern was by monthly bill issued to the consumer calculated 1 HP is equal to 0.746KW MSEDCL fixed charges is Rs. 500/- per month as per actual units consumption plus unit 180 charge is equal to 1811 as actual use found by consumer during inspection as the bill prior to 2007 is calculated which was found excess was already given credit as it is revealed the sanction load is 5HP. But actual use by consumer 180. Therefore the bill charge by M/s. TPL is not excess the bill cleared by MSEDCL from TPL change the bill Rs. 500/- which is perusable charge. Therefore the charge for 2013 claiming excess charge is not correct as such from 2007 Feb. to August 2009 the fix charge bill was Rs.13989/- not paid plus meter charges Rs. 2500/- which is

to be paid by consumer for getting no dues the total amount required to be paid Rs. 19489/- as such this Forum after going all the relevant document and say of consumer required to pass following order.

The consumer complaint is partly allowed. The Respondent utility MSEDCL is directed to re access bill from 2007 Feb to August 2009 on fix charges of Rs. 13989/- plus meter charge of Rs. 2500/- as meter was found missing. Therefore as per the MERC Regulation the charges could be recovered from date of connection in the bill showing proper sanction load and connected load 50KW in place of 5HP and charge proper tariff as per the reading and actual use of unit by the consumer as the prayed of re excess of the bill shall be proper made by respondent and recover the amount Rs. 16489/- on this amount no interest no penalty no OPL required to be charged against consumer. Hence order

ORDER

- 1) Compliant no 561 is partly allowed.
- 2) The Respondent utility is by directed to recovery excess bill from the consumer form Feb. 2007 to August 2009 fix as per charges Rs. 13989/- additional meter charges Rs. 2500/- total amount Rs. 16489/- shall be recovered from consumer.
- 3) The respondent utility shall not change any interest or penalty or cost against the consumer. Hence the above said order be complied and reply the same within 30 days.
- 4) The respondent utility is directed to give proper credit. Interest on Security Deposit of shown in the future bill arrears which was given and also mentions in future bills utility.
- 5) The respondent shall make correction of sanction load and connected load of meter show be bill actual unit used load by consumer calculate.

No order as to cost.

Both the parties be informed accordingly.

The compliance should be reported within 45 days.

Proceeding closed.

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**

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

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