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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)

1. Above named complainant is consumer of respondent MSEDCL and TPL having consumer No. 13010222871 LT-II category. The initial load was 1KW. 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 22/07/2013 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 till 2009. Police complainant launched on 08 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 order No. 1590 on dated 10/10/2014.

2. Being aggrieved by the said order present complaint is filed. Before this Forum on 04/11/2014. After filing the said complaint, notice was issued to the respondent. Respondent appeared before the Forum and filed its say on 02/01/2015. 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, which is prior to period of taking over service by M/s. TPL as RCL credit since 2008 is verified from the CPL. As per table of R.L.C., credit given to the consumer from 13/12/2008 to 18/11/2014, which is submitted by respondent. So far as interest and security deposit are concerned deposit lying with the MESDCL of all consumer. Therefore the TPL Company give the credit to the consumer of 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.

3. Consumer filed document of earlier bill of June 2009. Complaint given to police station July 2013, spot inspection report dtd. 09/07/2013. 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 09/07/2013 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 08/07/2013. 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.
4. 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 RLC credit was already give by TPL as mentioned for 13/12/2008 to 18/11/2014. 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.
5. Report of loss of meter given in the year 2013 arrears as a shown on old meter which was not deposited liable to be charge for billing unit for 8040 as actual

meter reading shown, arrears of Rs. 2,18,000/- required to be paid by consumer to MSEDCL.

ORDER

- 1) Compliant no 561 is partly allowed.
- 2) The Respondent utility is directed to recover energy bill for 8040 units, fix charges for dispute period and meter cost as per prevailing rate.
- 3) The respondent utility shall not charge 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.

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.

DR. ARCHANA SABNIS
MEMBER
CGRF, BHANDUP

SHRI. ANIL P. BHATHANKAR
CHAIRPERSON
CGRF, BHANDUP

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