

5(A Govt. of Maharashtra Undertaking)
CIN : U40109MH2005SGC153645

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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. 585

Hearing Dt.08/04/2015

In the matter of wrong tariff and excess recovery bill.

M/s. Siddhachal CHS

- Applicant

Vs.

M.S.E.D.C.L., Kolshet Sub Division

- 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. Prakash Sardar , Consumer Representative.

C - On behalf of Respondent No. 1

- 1) Mrs. C.B.Pradhan, Assistant Accountant, Kolshet Sub Division.

ORDER (passed on 23/04/2015)

M/s. Siddanchal CHS III Phase Consumer No. 000011865861.

1. Above named consumer filed this compliant against the Respondent alleging that he has received excess bill from Respondent utility for the month of March 2014 for Rs. 41,840/-. It is contention of the consumer that since installation of meter he used to receive monthly bill of meter ranging from Rs. 2000 to 2,400/-; but in the month of April 2014 he received bill of Rs. 41,840/-. Therefore he approached Executive Engineer, Commercial,

Kolshet, Thane and made application on 02/05/2014. (Copy of the bill enclosed) He also made an application to IGRC with a grievance of receiving excess bill and also prayed for Change of tariff from commercial to residential. He also alleged that respondent cannot claim the arrears of bill for more than 2 years out of the disputed period.

2. After filing this complaint, the Respondent utility submitted that the consumer was receiving regular bills and was paying it till April 2014. There was no complaint even at the time of inspection, when it is found during the inspection by Dy. Executive Engineer, Kolshet Sub Division on 02/05/2014.
3. After consumer made application the bill was corrected, consumer pattern was changed and the meter was replaced. The arrears which were recorded as per the unit were charged as per the old meter consumption recorded (50930 units on 18/07/2013.) It is contention of consumer that about 2065 units were charged extra in the month of March 2014 and actual meter reading was recorded in July 2014. The consumption taken 50730 units. Therefore the bill recovered as per slab for the period which was calculated from the date of application for change of tariff to residential. The period calculated was of 2 years. Accordingly status of B-80 was issued to consumer and the bill was corrected.
4. It is contention of utility that the said consumer was previously charged as a commercial which was due to technical error. The revised bill was issued to consumer for the months of May to September 2014. Amount was deducted was as follows:

May- Rs. 21321.47/-

September Rs. 10047/-

December Rs. 8272/-

Thus a total amount Rs. 39640.47/- was reduced and revised bill was issued. Accordingly IGRC decided the dispute after hearing of consumer on 12/06/2014.

5. Being dissatisfied by the order of IGRC consumer filed this complaint before CGRF; alleging that wrong tariff was applied to consumer since year 2000 and recovery of excess bill was made against the consumer. The consumer has requested for the refund of excess amount paid.
6. After filing the said complaint notice was issued to the respondent directing them to submit the documents.
7. It is contention of utility that proper tariff charge of residential was applied from the date of application in the month of May 2014 and for subsequent period. The credit was given to the consumer and revised bill was issued.
8. Thereafter the complaint was fixed for hearing from time to time. On date Consumer Representative Shri. Prakash Sardar and consumer were heard. For utility Addl. Executive Engineer, Shri. Digankar was present, and was heard. It appears that respondent utility made change as per application for proper tariff of Residential on request made by the consumer in the month of May 2014.
9. **As provision of clause 13 of E.A. 2003.** Utility is authorized to change tariff on application of consumer or suo moto if they found that the wrong tariff was applied.

In the present case the consumer was already given benefit of change of tariff from commercial to residential since May 2014. The arrears of 2 years were calculated for the unit which was recorded on the meter.

It is stated by the utility that at the time of replacement of meter, previously used units were loaded and charged at residential rate.

10. Consumer has prayed for the refund from the date of installation of meter in the year 2000. The said benefit cannot be given. As per the rule the arrears of wrong tariff recovery has period of limitation of 2 years. The same rule shall be applicable to the consumer for the recovery of wrong tariff. It adjustment if any for the period and cannot be extended back to 03/01/2000 as prayed by consumer. We found respondent utility justified in giving proper credit to consumer and the reduction of the bill as per unit recorded on old meter. The difference as recorded in CPL in new and old meter is 52795 units. Till January 2014 the difference was of 52795- 50930 = 1865 units, which was charged by utility. The benefit in the month of 18/07/2013 and in subsequent bill was already given. Therefore we found the calculation made was proper.
11. It appears from record that old paper of this consumer about installation of connection 03/01/2010 is not filed. Admittedly the application given by consumer on 02/05/2014 for change of commercial to residential is already considered.
12. It is contention of utility that application of commercial tariff was shown in the bill due to technical fault, which was not intentional. However in this regard authorized Officer of respondent utility is at liberty to take proper action to on erring Officer working at appropriate time.
13. The respondent utility is hereby directed to change the tariff to residential and not commercial and it should be shown in future bills. The amount which is charged in the bill of May 2014 of Rs. 41,840/- is already corrected. Therefore the consumer is hereby directed to pay the

appropriate residential tariff charges as shown in corrected bill by respondent utility.

Hence, we proceed to pass following order

ORDER

- 1) The consumer complaint No. 585 is partly allowed.
- 2) The respondent utility is hereby directed to change tariff from commercial to residential and should be shown in future bills. The arrears claimed due to application of wrong tariff shall be deducted from demanded bill and remaining amount shall be paid by consumer immediately.
- 3) No order as to cost.

Both the parties be informed accordingly.

Proceedings closed.

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

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

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