

(A Govt. of Maharashtra Undertaking)  
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Consumer Grievance Redressal Forum

“VidyutBhavan”, Gr. Floor,

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REF.NO. Member Secretary/CGRF/MSEDCL/BNDUZ/

Date

Case No. 582/527

Hearing Dt. 26.02.2015/17.03.2015/11.08.2015

**In the matter of wrong billing**

**Shri. Shriniwas Sudamani** - Applicant

Vs.

**M.S.E.D.C.L., Bhiwandi, Torrent Power Limited, Bhiwandi** - 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 Applicant**

- 1) Shri. Pravin 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**

1. Above name consumer is having to connection baring No. 013012000221 and 230. The consumer already raised dispute regarding calming of PD arrears and against the bill and the matter was decided by this Forum bearing case No. 527/2014 in the month of average bill. This Forum already

pronounces judgment on 25/02/2014 being aggrieved by the said judgment. The above said consumer approach to MERC in case No. 165/2014 as per judgment dated 08/5/2012. The consumer was permitted to filed break wise bill and dispute. After giving decision to utility for compensation and rectification of the bill of consumer in view of said direction this consumer against approach to this Forum and filed complaint bearing No. 582 on dated 10/02/2015. This Forum decided the issue after giving opportunity to both the parties and pass order/judgment dated 13/5/2015 utility was directed to issued separate bill for the disputed period and the bill for reaming arrears period.

2. In view of said direction of this Forum it appears that utility issued to separate bill for the disputed period amounting Rs. 46,558/- and Rs. 778/- as such the utility complies the order.
3. Now against on 29/6/2015 the above name consumer filed appeal agonist of issuing of bill to this Forum on dated 30/6/2015 raising objection the utility issued the bill for the period December 2000 to January 2004 along with interest and DPC and directed to consumer the paid said bill within due date within 15days. It is prayed by consumer the respondent utility not acted as per order and issue the bill with interest or DPC.
4. According to consumer the principle amount is 12,6,33/- and interest charges 2462/- total amount payable 15,476.33/- less amount already paid Rs. 5000/- which is paid on 30/11/2004 and total amount as per consumer payable Rs. 10,476/- instead of the respondent utility directed to pay the amounting Rs. 46,558/-. It is non compliance of the order and therefore consumer prayed for necessary direction to be issued to respondent utility.
5. After filing this application notice was issued by Secretary dtd. 07/07/2015 directing respondent utility to give Para wise reply and say matter was fix. Thereafter for the hearing on consumer appeal before Forum opportunity was

given to both parties for filing document and argue the matter. According respondent utility submitted initially arrears of bill up to 2007 issued to the consumer for Rs. 93000/- as per order of this Forum revised bill was issued to consumer calming amount Rs. 47,377/-. It is contention of utility for the disputed period March 2001 to June 2004 interest which was calculated for disputed period Rs. 19,758/- and delayed payment charges Rs. 32,283.97/- total amount Rs. 52042.05/- which was less charged to the consumer.

6. On dated of issuing of the said bill as per CPL of Torrent Power Ltd. Rs. 99,379/- was shown out of this arrears of MSEDCL is Rs. 60395/- amount of Rs. 52042/- DPC plus interest was deducted up to June 2014 and the bill was issued for amount Rs. 46,336/-.
7. Bifurcation of amounting Rs. 99,379/- is given by utility are as under principle amount Rs. 60395/- interest 30962 DPC 1098 disputed period bill is claim amounting Rs. 55,287/- in which actual energy charges bill is Rs. 46558/- which is arrears before March 2001.
8. For the month February 2001 amounting charges Rs. 16,400/- plus interest charges total amount 27,000/- out of which amount of Rs. 5000/- already paid by consumer is deducted as such total amount was payable to earlier period Rs. 22,000/-.
9. Now it is contention of consumer in the month of November 2004 he paid amount of Rs. 5000/- where as the bill was calculated wrongly.
10. After giving proper opportunity to consumer and his Representative Shri. Pravin Thakkar who appear and argue before the Forum. I have called CPL report and verified the same as per actual calculation which was already made by this Forum for the disputed period of March 2001 to January 2004 actual amount payable was calculated by us.
11. The contention of consumer to calculate separately the bill of February 2001 and the actual amount paid in November 2004 where as the actual

amount shown payable by the consumer the assessment bill which was calculated till March 2004 was not at all paid by consumer. Therefore all sanction made by consumer is absolute not tenable in fact consumer has to obey order passed by this Forum shall be complied properly. After receiving the bill issued by respondent utility in compliance of the said order.

12. It appears that consumer taking this advantage of mistake committed by respondent utility in issuing the bill dated 5/3/2015 in which there is mention arrears to be payable by consumer. Along with interest and DPC in fact the amount is not included any interest DPC as per direction of this Forum.
13. It also appears that for non compliance proper action is required to be taken by consumer as per procedure before appropriate Forum. In fact it appears that respondent utility issued the bill within one month to the consumer and complied the order properly. Therefore I come to conclusion there is no subsequent found. It contention of consumer raising the dispute objecting the payment of bill. Therefore I am not ancient to consider. It is proper Forum to raised the dispute again as per Regulation of MERC this Forum shall not entertain the following dispute which is already decided finally by this Forum. Hence application filed by the consumer liable to be dismiss with cost.
14. During the pending application of consumer for final order this consumer again filed review application which is register by this Forum as 582/2015.
15. While considering review application of judgment and order passed by this Forum the consumer filed review application. Therefore this Forum seen necessary to decide both application on merit for final determination on the contention of consumer about the issue raised in both the application considering the issue raised by the consumer in both application question arose before Forum as consumer utility issued bill received to the consumer dtd. 05/03/2015 demanding amount of Rs. 46,558.81/- for the arrears before

March 2001. There is mention in the said bill through arrears are with interest and DPC therefore reason for verification of demand bill as challenge by the consumer was issued consider by this Forum.

16. I have given opportunity to respondent utility to explain the writing of the bill on which claiming amount Rs. 46,553/- explanation the say was filing date 21.07.2015. According to respondent utility it is submitted that the arrears demand bill was issued after passing judgment and order by this Forum and demanded the said bill for the period April 2001 to April 2014 bifurcation of the said bill was given in the reply where as the dispute decided by this Forum earlier from March 2001 to July 2004 and July 2004 January 2007. Therefore respondent utility entitled to claim arrears of the bill which is bifurcation and explain below

1) As per CPL bill issued till February 2001 arrears 15481.83 on which arrears in March 2001 interest is claim 2698.16 total amount till end of March 2001 calculated 18179.59/- and from July 2004 to January 2007 total amount claim in arrears till January 2007 is claim 46,558/-.

17. It is contention of utility objection raised by consumer challenging the decision of IGRC and CGRF which is finally decided no jurisdiction or such dispute can be entertain by the Forum again. However considering grievance of consumer and to verify whether there is arithmetical calculate error occurred in claiming of arrears of the bill by respondent utility is place before this Forum are not. Considering contention of both consumer and respondent utility and after going through the details. It is clear that respondent utility not entitle to claim interest or DPC on earlier bill while claiming arrears. Therefore respondent utility here by directed to verify and not to claim any interest and DPC on claim bill amount from March 2001 to January 2007 as order pass earlier by this Forum shall be complied properly.

18. I found there is no arithmetical or error in the calculation of amount but as r/u claim in the reply bill as respondent utility claim in the reply the interest is change is improper.

19. There is no other ground or any reason for inter payers in earlier order pass by this Forum mention by way of document or error is brought to the notice of this Forum hence both the review application filed by the consumer dated 30.06.2015 and dated 17.03.2015 582/2015 stands dismiss with cost.

**ORDER**

1. Appeal/application filed by consumer dated 30/6/2015 in case of 527/582/2015 stands dismiss with cost.
2. 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:

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**

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

**RAVINDRA S. AVHAD  
MEMBER SECRETARY  
CGRF, BHANDUP**