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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. 593

Hearing Dt. 05/8/2015

In the matter of issuing if wrong bill by respondent utility

Shri. Viraji Narayan Patel

- Applicant

Vs.

M.S.E.D.C.L. Vashi Sdn.

- Respondent

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri. Anil P. Bhavthankar, Chairperson, CGRF, Bhandup.
- 2) Shri.R.V.Avhad, Member Secretary, CGRF, Bhandup.
- 3) Dr. Smt. Sabnis, Member, CGRF, Bhandup.

B - On behalf of Appellant

- 1) Shri. Suraj Chkrabourty – Consumer Representative

C - On behalf of Respondent

- 1) Shri. P.V.Samudre, Addl. Executive Engineer,Vashi sub division

ORDER (06/8/2015)

- 1) Above named consumer filed the Review petition against order passed by this Forum in case No. 573/2014. According to consumer respondent utility issued supplementary bill to the consumer dated 27/10/2014 for amounting Rs. 7,19,170/- towards slowness of meter for the period from May 2013 to September 2014 (16 months).

- 2) As per contention of consumer in case of defective meter as per Regulation No. 15.4.1 respondent utility can issue the bill for 3 months period only. However in this case respondent utility issued exorbitant bill without following procedure and without taking in to consideration reply of consumer. Therefore said notice demanding the bill was challenged by the consumer.

- 3) After filing the said consumer complaint on dated April 2015, the office issued notice to the respondent utility. The respondent utility filed it's reply on dated 10/2/2015 and additional replies on 30/7/2015 and 15/7/2015. It is contention of respondent utility that as per order of IGRC and CGRF due to detection of slowness of meter by 44.34% the units which were calculated after testing of meter and accucheck were labile to be charged against the consumer (18429 units) amounting Rs. 1,58,120/- for the period. Thus the salves is charged in the month of July 2015. According to respondent utility the above named consumer was found initially to use excess load than the sanction 45KW. The actual load used is 89 KW ,due to this excess load CT of the meter was burnt. This is clearly the fault of consumer.

- 4) After testing of said meter in the month of Octobers 2013. The slowness of the meter defective 44.34% the factor was calculated.
 - 1) 113558 unit record consumer of 55.66% 204021 100% consumption the difference recoverable unit recorded 90463 units for difference of 44.34% slowness charges against the consumer.

- 5) It is also found that due to use of additional load instead of 45HP actual load of 89HP was used therefore the said consumer fast in the category as

per the opening Circular No. 120 dtd. 16/9/2010 false in the category of use of excess unit more than 150KW to false in the category of special HT. It is also found previously in the month of April 2013 Old meter No. 218186 was change and replace new meter no 6259861.

- 6) Again in the month October 2014 old meter no 6259861 was required to be changed and new meter was installed bearing meter No. 6269088. This incident is frequently occurred in the premises in the said consumer due to loss of display in testing of meter 1 phase of CT was found burnt. After testing report, meter was found 44.34% slow. In order to prevent loss of rebate actual units used were charged to the consumer and accordingly bill is issued.
- 7) Consumer filed review application on 28/4/2015 along with copy of judgment and copy of Circular Regulation 15.4 praying for Interim Relief.
- 8) I have given full opportunity to both the parties and fixed the hearing before this Forum from time to time. Accordingly both the side were heard by the Forum.

Following issues raised for consideration

- 1) Whether respondent utility have committed error in charging the units.
- 2) Whether Regulation No. 15.4.1 is violated by respondent utility.
- 3) Whether Review Petition is maintainable.

Reasons

After considering the dispute raised by the consumer, it is found that this Forum cannot entertain the dispute again which is finally decided by this Forum earlier.

- 9) In this case admittedly earlier dispute of similar nature in case No. 573/2014 was already decided by this Forum.
- 10) After giving opportunity to both the sides on 10.02.2015 and detailed judgment and order of this Forum dated 12.03.2015 was duly communicated to the consumer.
- 11) Instead of challenging this order within 30 days before Hon'ble Ombudsman consumer chose to file this review petition. To my view as per provision 18.19 and 21 of Ombudsman MERC Rules and Regulation amended 2006, this Review petition can be entertained only if there is any mathematical, grammatical or classical mistake apartment on the face is brought to the notice of this Forum or any of such document which in inadvertently not filed by consumer with due diligent.
- 12) It is complaint of consumer that as per Rule 15.4.1 the respondent utility ought to have claimed the difference of unit required to be calculated only for 3 months as per Regulation 15.4.1.
- 13) For the satisfaction of consumer. I have gone through the provision of Regulation No. 15.4.1 and I found proviso clause of the said Regulation applicable for charging the unit for the period of 12 months average in this case respondent utility submitted that this consumer is an heavy talk using excess consumption in particular month in October and November which is

the peak. Same period was noticed for the year 2012, 2013&2014 particularly for the month of October and November. The unit which was recorded as highest use are units particularly in the months of October to November. In this case the habit of excessive unit use was noticed and higher side units recorded in particular months also to be considered. The actual accucheck testing report indicate the recoverable unit 90463 due to difference of 44.34% slowness of meter, which is already considered by this Forum. Therefore the period of slowness as meter of considering for 3 month of average of 12 month is not important.

14) To my view when actual difference of units detected after testing of meter & MRI, the calculation of recoverable units of 90463 due to difference of 44.34% Rightly and Legally liable to be paid by consumer.

15) In this case the consumer failed to point out any illegality committed by utility hence contention of consumer liable to be rejected. Even for want of jurisdiction as earlier dispute in case of 573 order dated 12.03.2015 decided by this Forum against the consumer. For want of jurisdiction this Review petition is not tenable and cannot be entertained. Hence this consumer compliant 593 is hereby rejected with cost.

Hence Order.

Order

1) Consumer Compliant No. 593 of 2015 stands rejected with cost.

Proceeding close.

Both the parties be informed accordingly.

Compliance should be reported within 30 days.

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