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Consumer Grievance Redressal Forum

“Vidyut Bhavan”, Gr. Floor,

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

Date

Case No. 597

Hearing Dt.

05.11.2015

**In the matter of proportionate calculation of unit Residential and Commercial
and excessive billing**

M/s. The National Institute of Industrial Engineer- Applicant

Vs.

M.S.E.D.C.L., Ishwar Nagar sub Division, Bhandup- Respondent

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri. Anil Bavthankar, Chairman, 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.A.K.Vishwakarma– Consumer

C - On behalf of Respondent No. 1

- 1) Shri.Nilesh Kharat, Addl. Executive Engineer,
Ishwar Nagar Sub Division, Bhandup.

Order (passed on 04.12.2015)

1. **M/s. The National Institute of Industrial Engineer** is a consumer of the respondent utility since last many years. The consumer is using the supply from respondent utility partly for the purpose of institute (commercial) and partly for residential.(Consumer No is 800000008326 date of connection

30.11.2013 Connected load 85KW sanction load 85KW tariff applied 89 LT X C under the category of public purpose through express feeder N).

2. The consumer is a National Institute under the category of industrial autonomous institute, having Administrative Control of ministry of Human Resources Development, Govt. of India. According to consumer they said campus consists of residential premises of the staff as well as the offices of the consumer. Previously respondent utility was issuing the bill partly for office and partly as residential consumption. Since long the consumption was bifurcated and 70% was charged as commercial tariff and 30% of consumption was charged under residential category.
3. The institute had installed independent energy meters to the residential quarters and the consumption was recorded monthly on each meter of the premises which was used for residential purpose. It is stated by the consumer that such method of payment did not cause any loss of revenue to respondent utility.
4. Thereafter in January 2014, the electronic billing system(print bill through It) was issued by respondent utility, to above consumer which is given to consumed replacing manual billing since long period. Under the new billing system, flat charges were levied irrespective of purpose of consumption.
5. Thereafter every time consumer had to get the bill rectified as per manual bifurcation of units submitted by consumer.
6. In the month of September, consumer received bill of Rs. 29, 43,752/-. Classification on the said bill was shown as LT X: LT Public Service Tariff for whole premises of the National Institute of Industrial Engineering.

7. The utility has charged electricity duty of Rs.3,65,757/-, though the government institutions are exempted from payment of electricity duty. The same was brought to the notice to respondent utility and objection was raised by the consumer. But despite the objection raised, the consumer is paying the same till date under protest.
8. Thereafter respondent utility issued disconnection notice u/s56 of E.A. 2003.(NoS/Dn/Disc.Notice/1224 dt. 16.10.2014). Accordingly to avoid disconnection, the consumer deposited Rs. 29,43,752/-which includes current bill and the arrears; under protest.
9. From the month of October 2014, residential consumption was again billed under the category of LT X- public service instead of LT I Residential tariff and accordingly the demand for excess bill of Rs.2,04,637/- was made by respondent utility.
10. Again for the period from November 2013 to December 2013 notice was issued and excess charges were demanded. But the utility had given TOD benefit. Therefore consumer approached IGRC against the demand of excess bill of Rs. 17, 99,639/-. This difference was due to billing of units used for residential purpose under wrong category of LT X-Public Service tariff, instead of LT I -Residential Tariff.
11. Though the dispute was filed before IGRC, the consumer did not receive notice of hearing; allegedly issued on 20.02.2015.
12. It appears from the record that IGRC did not decide the said matter within stipulate period of 2 month from the date of application to IGRC.

13. The consumer therefore approached this Forum on 21.07.2015 and raised the dispute. He has filed:
- copy of complaint filed at IGRC,
 - copy of notice u/s 56 of Electricity Act dated 16.10.2014,
 - copy of bill for the disputed period (January 2014 to December 2014)
 - correspondence done with the respondent utility
 - letter dated 08.10.2014 showing contract demand under the category of LT
14. After filing the said dispute before the Forum, notice was issued to respondent utility on 20.02.2015.
15. It is contention of respondent utility that Ishwar Nagar B.U.4732 is the only consumer who was manually billed till December 2013, as there was mixed load used for commercial and residential. He was manually billed, bifurcated as 70% commercial and 30% residential.
16. Accordingly for this discrepancy, there was meeting on 27.09.2013 conducted between officials of respondent utility and the consumer. The respondent advised the consumer to apply for HT power supply. But the consumer failed to do so, thus till today this consumer has remained LT consumer.
17. It is submitted that the electronic billing system has been introduced since January 2014 and the billing software can take only one tariff category. In this case, it is registered as LTX: LT public tariff and the tariff applied was Rs. 8.24 per unit. As there was electronic billing system, bifurcation of units (LTX:LT Public service tariff and LT1:LT residential tariff) was not possible with this software. Therefore bill generated by the

system from 02.11.2014 was shown as Rs. 42, 24,130/- including interest, DPC and arrears since January 2014. According to Respondent utility, the bill of Rs. 3,65,757=54 has been withdrawn in the month of March 2014 by feeding B-80 (i.e. bill revision) from February 2014 onwards. Also the electricity duty was exempted till date. The total bill for September 2014 is valued 42,25,130/- out of which excess unit charged was withdraw by feeding B-80 amounting to Rs.12,81,378/- in the month of October 2014. Hence the consumer paid Rs. 42,25,130/-

The consumer has cleared all his dues up to September 2014 and then onwards there is no outstanding bill till December 2014 and benefit of wrong payment advantages was given to the consumer.

18. It is submitted that as there were huge arrears against this consumer, the notice of disconnection was served. Thereafter as the payment was made by the consumer, this issue was settled and all adjustment were carried out. Now only the bill of October was charged as LT X -public service. Therefore there was no excess charge of Rs.2,04,637/- as is mentioned by the consumer. Also the competent authority from time to time has taken inspection and issued bill as per manual calculations. It is further submitted by the utility that access to slot wise TOD was not available; hence TOD benefit was not calculated. According to responded utility since March 2014 slot wise TOD reading were available. Hence TOD benefit was given to consumer till date. The respondent utility also filed circular and copy of communication done with Higher authority by respondent utility.

19. After perusing the rival contentions of consumer and respondent utility, following points arose for our consideration:

- 1) Whether the consumer is entitled for manual bifurcation of consumption which is charged as per the category of LT X: LT -Public utility purpose
- 2) Whether consumer is entitled to wave off duty and other charges from the deposited bill.
- 3) Whether consumer is entitled for any refund with interest.
- 4) What order?

Reasons

20. We have given sufficient opportunity to both the parties to submit point wise reply and also to submit relevant circulars/ notifications/ guidelines etc.
21. In brief the dispute arose between the consumer and respondent utility when the utility stopped manual bifurcation of the units for commercial and residential purpose, i.e. since January 2014. The respondent utility started generating computerized bills. The category of supply at the time of entering in to an agreement was of LTXT and accordingly the respondent utility was charging tariff as per sanction and connecting load used for educational institute, though partially connected load was used as LT residential.
22. According to consumer, as per manual billing done previously,70% consumption was charged as commercial and 30% was charged as residential i.e. submitted by consumer for residential purpose and manually bill was issued. Thereafter the bill which was issued from January 2014 printed bill through IT. The bill generated in the month of September 2014

had shown the arrears from 21.10.2014 including DPC since January 2014. The amount was Rs. 40,25,130/-.

23. It is contention of the consumer that he is ready and willing to pay all the dues and deposit the amount but only after verification of records and documents submitted to the Forum. It appears that consumer deposited the amount as per the legitimate claim. Though the utility demanded entire bill, it was not deposited. However respondent utility conducted meetings and settled the dispute. B-80(bill revision) was made twice- in March 2014 and again in the month of October 2014. The excess reading was calculated considering MF. Units which were charged excess were withdrawn and benefit of 124535 units amounting to Rs. 12,81,378/-was given in the month of October 2014.
24. As per utility total bill for September 2014 is Rs. 42,25,130/- excess billing is withdrawn is feeding B-80 of Rs. 12,81,370/-. In the month of October 2014, 50 consumer paid Rs. 29,43,752/- on 30.10.2014. After last due date 50 prompt payment advantage is given to consumer.
25. We have gone through the documents to find out practice followed by utility prior to January 2014.It is seen that the respondent utility adopted practice of calculation of manual billing and the consumption recorded in meter was split percentage wise (70:30). Benefit was given to consumer by manual calculation by applying ratio of 70:30 as the computerized billing system for the same was not introduced.
26. However since January 14 the computer generated bill issued to ocnusmer, making it impossible to split the units' percentage wise.

27. Therefore now the question before us is how to split the bill to the satisfaction of the consumer.
28. During the course of hearing we had given directions to the officer of respondent utility to calculate the units recorded on the electronic meter installed for residential and commercial purpose.
29. Accordingly the data of actual recording of meter showing units used for residential purpose was calculated. Similarly, we gave instructions to consumer to calculate the record of consumption and compare it with earlier recording of units shown on the meter and as such both data was available with Forum. Thereafter it was considered by us to compare the units which were earlier billed as per manual bifurcation.

We proceed to pass following order.

ORDER

1. Consumer No. 597 is partly allowed.
2. Respondent utility hereby directed to calculate and access units which is recorded on the meter supply used for residential purpose and considering a given percentage of units ratio 70/30 bifurcation of units and shall issue and recover bill by reduction of charges which is not permissible to charge as consumption of unit used for Residential purpose.
3. The respondent utility permitted to recover proportioned charges on recording of assessment and calculation of remaining 70% of unit of consumption which is already recorded and paid by consumer as per tariff LX 09 industrial.

4. The respondent utility shall not charge any interest and DPC on calculation of assessment of recorded and charge unit for residential purpose.

If any access amount is already deposited and found it shall be return or adjust in already paid charges of bill by consumer and report the compliance within one month form received of the order.

No order as to cost.

Both the parties be informed accordingly.

Proceedings closed.

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

Note:

1) If Consumer is not satisfied with the decision, he may file representative 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**