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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. 527

Hearing Dt. 25/02/2014

In the matter of average Billing

Shri. Shrinivas Y. Sadamani

- 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 S.K. Choudhary, Chairman, CGRF, Bhandup.
- 2) Shri R.M Chavan, Member Secretary, CGRF, Bhandup.
- 3) Dr. Smt. Sabnis, Member, CGRF, Bhandup.

B - On behalf of Applicant

- 1) Shri Pravin Thakkar, Consumer Representative.

C - On behalf of Respondent No. 1

- 1) Shri. A.L. Deshpande, Executive Engineer, Bhiwandi Circle.
- 2) Smt. Savita Bhatia Manager (Billing), Torrent Power Limited.

ORDER

Shrinivas Yadgir, Sudamani was 3 phase power Loom consumer having 3 phase Electric connection vide Service No. 013012000221. The Electricity was supplied by the Maharashtra State Electricity Distribution Company.

One another single phase connection for lighting purpose was provided in the same premises under service No. 13012000230 having sanctioned and connected load of 0.40KW.

On 07.07.2000 consumer had requested for disconnecting the Electric supply on Temporary basis and billed him for minimum charges.

As per record this application is received to the utility's office on 11.07.2000. In this request application, consumer has quoted that on account of recession in the textiles Industry he is closing down the power looms unit from 01.01.2000 and hence does not need power supply in the shed.

It is also noticed from another application dt. 08th September 2004, that consumer has requested the utility for restoration of power supply which was permanently disconnected on 24.12.2002.

The another application on record dt. 06.12.2004 received to the utilities office on dt. 19.01.2005 it revealed that the power supply of consumer was not restored; on the contrary the utility has continued billing on average basis from September 2001 though the consumer's premises was vacant.

Consumer had requested the utility vide his letter dt. 26.06.2006 (received by utility on same day) for billing him on minimum and stop the average billing. According to this application the supply was restored on 09.04.2005 and had asked the utility for verification of premises to confirmed for its non-use.

Aggrieved of the average billing, the consumer approach to the Internal Grievance Cell, Bhiwandi of Distribution Licensee on 16.12.2013.

The Internal Grievance Cell consider the dispute and gave a partial relief by withdrawing average billing and DPC, Interest charged there on for the period of July 2004 to January 2007 and passed the total credit of Rs. 42482.39/-.

The consumer was not satisfied with this order and filed Representation to this Forum which was registered vide case No. 527.

On the behalf of consumer Shri. Pravin Thakkar was present; he filed the consumer's say on dt. 10.02.2014 while registering the case; According to the submission, the consumer has informed to the utility for non- use of premises and discontinued the supply on temporary basis in the month of July 2000 but utility has continued billing on lock, RNA and reject status and charged him with wrong average billing from December 2000 to November 2002. The consumer has requested not to billed him on average basis and confirmed for non-use of supply in the premises vide his letter dt. 8th September 2004, 6th December 2004, 19th January 2005 and 29th June 2006, but average billing was neither corrected nor stopped.

He further added that, the Respondent has billed even during the period when consumer was permanently disconnected (i.e. from December 2002 to June 2005).

The consumer Representative shows displeasure about the order passed by the Internal Grievance Cell awarding partial relief without considering the average billing charged even for non- use of power during period of "December 2000 to June 2004 and the interest and delayed payment charged thereon.

He further requested for refund of his amount of RS. 16900/- paid against the wrong arrears vide money Receipt No. 6089963 dt. 01.04.2005.

The consumer has raised his grievance regarding lighting connection having Sr. No. 013012000230.

On the behalf of utility Shri. A.L. Deshpande the Nodal Officer, Bhiwandi. (here in after will referred as to the Respondent) was present.

He submitted his say on dt. 24.02.2014; According to the submission the order of IGRC is been complied by reversing the average billing for the period of July 2004 to January 2007; also the delayed payment charged and Interest on the wrong billing has been withdrawn.

The Respondent argued that the effect of the credit, amounting to RS. 42482.39/- is been passed to the consumer through the bill which can observed in the month of September 2013.

With this submission the Respondent stated that the relevant rectification has been done and the consumer should pay the balance amount of Rs. 96561.00/- calculated by the end of January 2014.

The matter was heard on 25th February 2014, both parties were present. Perusal of record and argument during the proceeding revealed that, the Respondent has revised the average billing charged effecting from July 2004 to January 2007 along with D.P.C. and Interest charged. However the consumers Personal Leager and the correspondence made by the consumer shows that though there was no use of electric power the Respondent billed consumer wrongly with various status on average basis from December 2000 onward. It is really surprising that the utility has continued to billed consumer on average basis even during P.D. period i.e. December 2002 to June 2005.

From the aforesaid, it is clear that the Respondent has not considered the grievance thoroughly in its true spirite but of superficial nature.

In view of Forum, the matter is too old and is beyond of the time limit to consider before us, but being it is considered by the Respondent, it should be in the right spirit in the light of natural justice. Hence Forum feels that the rectification of consumer's bill should be rework for the period of December 2000 to January 2007.

Now in the present case, the Respondent has already rectified considering period from July 2004 to January 2007 the balance period from December 2000 to June 2004 should be consider for rectification, waiving the DPC and interest charged on the disputed amount till date.

As argued by the consumer Representative that the DPC and Interest is not waved by the Respondent on the rectified bill for the period of July 2004 to January 2007, he also emphasis to audit the calculations for refunded DPC and Interest charged on the disputed arrears. Forum do not found any force in his argument, also has no material to substantiate it. Hence his prayer to recalculate for the waved DPC and Interest is here by rejected.

ORDER

The Respondent is directed to rectify the average billing from December 2000 to June 2004 and withdraw the DPC and Interest charged there on till date.

The Representation is accordingly disposed of with no order as to cost.

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, and Bhandup on 23th April 2014.

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

S. K. CHOUDHARY
CHAIRMAN
CGRF, BHANDUP

R.M. CHAVAN
MEMBER SECRETARY
CGRF, BHANDUP

