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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. 528

Hearing Dt. 24.03.2014
17/04/2014

In the matter of recovery for under billing

M/s. Cinemax Cinemas India Pvt. Ltd.,

- Applicant

Vs.

M.S.E.D.C.L., Gadkari Sub Division - 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 Deepak Dlanoria , Consumer Representative.

C - On behalf of Respondent No. 1

1) Shri. T.B.Solabannavar, Junior Engineer

ORDER

M/s. Cinemax Cinemas India Pvt Ltd., is a 3 phase Low Tension Commercial Consumer having sanctioned load of 147 KW with sanctioned contract demand of 150 KVA. The Electric connection was used or common utility in the Eternity Commercial Complex at Tennahath Naka, Thane (W) supplied by Maharashtra Electricity Distribution Company Ltd. under Sr. No. 000019053720.

As per record this connection was released on 26th November 2007. The commercial complex was officially Registered as the society in year 2013 and possession was allotted to the individual owner on 3rd August 2013.

The consumer's sanctioned load is 147 KW and hence consumer is billed according to his consumption in four different zone of time over the 24 hours of day and night period. The consumer was provided with the TOD (Time of Day) meter. The time zones are divided in four different slots as:-

Zone – A (Slot – 1) – 22.00 hrs to 06.00 hrs

Zone – B (Slot – 2) – 06.00 hrs to 09.00 hrs
and
12.00 hrs to 18.00 hrs.

Zone – C (Slot – 3) – 09.00 hrs to 12.00 hrs

Zone – A (Slot – 4) – 18.00 hrs to 22.00 hrs

The period of Zone A (i.e. Slot- 1) 22.00 hrs to 06.00 hrs) is considered as non-peak hours. The time of day billing is introduced to encourage the consumer to utilize energy in the non-peak hours. The distribution Licensee provide a rebet on per unit consumption during this non- peak hours.(as per the recent tariff order it is Rs. 2.5 per unit consumption).

On 13th August 2013, the officer from Technical unit of utility had inspected the consumer's metering unit and observed that the meter is accounting the total energy consumption in slot 'A' Zone and not in all of four time zones as per the consumption over the 24 hours of the day and night.

In the present case, the Respondent utility has wrongly billed the consumer in 'A' Slot from May 2011 to July 2013 (i.e. for 27 months) awarded a rebet of Rs. 2.5 per unit (as per prevailing rate).

The matter was heard on 17.04.2014; Shri. Deepak Dhanoria was present as a consumer Representative; according to him, the Electric bills were paid from time to time and there are no dues. However, if the utility is failed to read the meter properly or billed the consumer wrongly, that burden should not be imposed upon the consumer.

He further added that tell the have of handing over the property utility kept quite and has revealed the issue immediately after handing over the property to the society. This action of the utility official is of suspicious nature and with an ulterior motive.

During the hearing he contended that the Respondent has revise the bill of 27 months to 24 months but the consumer declined to pay it as the same is due to the deficiency in utilities system that leads to the wrong generation of bills over the prolonged period.

He also claimed that Respondent has wrongly billed the consumer in August 2011 for Rs. 32500/- and similarly for Rs. 12500/- in the month of April 2012.

According to the consumer Representative, the security Deposit amounting Rs. 2,18630/- is not linked which was deposited in year 2007. He demanded the interest which is not awarded from the date of deposit.

On behalf of utility Shri. Solamwar Jr. Engineer was present. The nodal Officer neither did attend the hearing nor did depose the reason for his absence. The Representative of utility has not filed any written say. Only consumers personal ledger and the assessment sheet of working out the recovery for 24 months was produced.

The documents available on record and arguments during the proceeding reveled that the Respondent has failed to bill the consumer according to his consumption in the respective slots; and wrongly billed in 1st slot called 'A' zone and this leads to award the excess rebet to the consumers. It is surprising that no billing staff or billing incharge noticed it for prolonged period. However the Respondent has revised the 27 month billing to 24 months.

Forum observed that there is huge lapse on the part of Respondent. From the record of handing over of assets by builder to society and the date of inspection (on 13th August 2011) there may be some foul play but Forum is concerned with only billing dispute and lac of services, the department has its own investigating agency to perform their duties.

As regards the recovery charged for excess rebet awarded and wrong billing with under rate tariff; the Electricity Act 2003, Section 56 subsection (2) allows the Respondent to demand the supplementary charges which are shown continuously in the bill for 24 months.

About the security deposit, the Respondent should go through its record whether the interest on security deposit paid in 2007 is given from the date of payment time to time or not, if not same should be awarded as per applicable.

The Respondent should clarify about the recovery under the title of adjustment head which is charged to the consumer in the month of August 2011 and April 2012. The reasoning should be conveyed to the consumer and if wrongly charged same should be refunded/withdrawn along with interest.

ORDER

- 1) Prayer of the consumer to waive off the recovery charges for the period from May 2011 to April 2013 is hereby rejected.
- 2) Respondent is directed to award the interest on security deposit from the date of deposited as per the RBI rate.
- 3) Information & breakup about recovery charges levied for should be provided to the consumer.

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 2nd May 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

