

**Consumer Grievance Redressal Forum**  
**Maharashtra State Electricity Distribution Co. Ltd.**  
**Bhandup Urban Zone, Bhandup**

Ref. No. Member Secretary/MSEDCL/CGRF/BNDUZ/

Date :

Case No. 470

Hearing Dt. 19/11/2012, 27/11/2012  
& 04/12/2012

In the matter of Interest at the rate of PLR on deposited amount for theft of electricity & refund of P.F. penalty

Shri Sanjay Shukla  
M/s. Sai Engg. Works.

- Complainant

Vs.

MSEDCL, Pannalal S/Dn.

- Respondent

Present during the hearing

A] - On behalf of CGRF, Bhandup

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

B] - On behalf of Appellant

- 1) Shri Sanjay Shukla, Consumer.

C] - On behalf of Respondent

- 1) Shri P.H. Shirke, Dy. Ex. Engr., Bhandup Division.

Shri Sanjay Radheshyam Shukla, a proprietor of M/s. Sai Engineering Works, having 3 phase Industrial connection under sr. no. 100000412401 at gala in Mohammed Umar Compound, behind Taj Bakery, Dargah Road, Sonapur, Bhandup (W).

The Electric supply of this consumer was disconnected on 22/02/2012 for non payment of arrears amounting to ₹ 2,10,610/-. As per his statement bill was under dispute for wrong recording of units by running 15 units faster than

normal accuracy, also the power factor was recorded by the HPL meter sr. no. 032547 was poor than its actual.

The utility has provided a series meter of SECURE make to confirm the accuracy of originally installed HPL meter to the consumer premises. The comparative statement of P.F. and units shows that the HPL meter showing poor P.F. (i.e. below 0.9) and at same moment Secure meter was showing good P.F. (i.e. above 0.95).

On request of consumer utility withdrawn the P.F. penalty for entire period of 22 months (i.e. from the date of installation of HPL meter to the consumer premises).

Similarly, the units recorded by the HPL make meter was found faster than the Secure meter hence accordingly the utility has passed the credit of units for last 3 months.

The consumer was demanding the credit of excess units recorded by the meter under dispute (i.e. HPL meter sr. no. 032547) for entire period of 22 months. Utility declined his request and hence consumer approached to the IGRC, Thane where it was order to get the HPL meter tested through its own meter make company and as per the report bill should be rectified.

The consumer is also aggrieved of the interest rate awarded by the utility as per this Forum's order on the amount ₹ 2,43,520/- deposited by the consumer against the theft of energy on its acquittal from the Hon'ble Court. The consumer is demanding the interest at the rate of 10% as per PLR of RBI instead of saving bank rate.

The supply of this consumer was disconnected for non-payment of dues on 22/02/2012 and hence his factory was closed in absence of power supply. The aggrieved consumer registered his grievance to this Forum for interim relief of restoration of power supply accordingly the grievance was registered vide case no. 470 and hearing was fixed.

The matter was heard for interim relief on 08/10/2012, the interim order was passed to pay the bill in part for ₹ 1,25,930/- by cash or D.D. within 5 days alongwith reconnection charges to restore the power supply.

The remaining amount of ₹ 1,00,000/- should be paid in four equal monthly installment alongwith current bill. The next hearing was kept on 19/11/2012.

While proceedings, the Respondent conceded that the supply of this consumer was made P.D. on 22/02/2012 and as per Regulation, after laps of six months the consumer should apply for new connection after clearing the old dues; However Forum observed that consumer was in continuous correspondent with the Respondent for restoration of power supply and correction of bill, hence the period of six months to consider the consumer as permanently disconnected cannot be accepted.

Shri P.H. Shirke, the Dy. Ex. Engineer was present to represent the Respondent utility. As per his statement, according to the order of the IGRC utility sent the meter to meter makes company where it was tested by the company representatives for the accuracy. The copy of report of M/s. HPL Electric & Power Pvt. Ltd. Vide HRPPL/MSEDCL/PSD/2012 dtd. November 01, 2012, signed by General Manager, Marketing Shri M.P. Shrivastava shows that

1. Accuracy of the meter is within the limit.
2. Billing History Report is hereby attached for cumulative energy and P.F.

The Respondent requested to the Forum considering the third party, meter make Company's test report Forum should order for recovery of the P.F. penalty for 22 months and units charged for 3 months which utility has already refunded.

The consumer applicant raised an objection over the authenticity of meter make company's report and requested to test the SECURE meter provided in series by the utility to confirm the accuracy of HPL make meter.

Forum feels that providing another meter in series for testing the accuracy of consumer's meter is not a standard method of meter testing.

Forum also observed that consumer has a dispute over the accuracy of his HPL make meter and does not have any dispute over the SECURE make meter. Moreover the disputed billing period billing (from Feb-2010 to Sept-2011) for wrong accounting of P.F. and units recorded by HPL make meter and hence there is no substantial reason to test the SECURE make meter provided in series with the consumer's meter. For this reason Forum declined the request of consumer to ask the utility to get SECURE make meter tested from meter make company.

The Respondent also brought in the notice of Forum that as per the interim order, they have restored the supply of consumer on payment of bill in part and

necessary reconnection charges; however consumer have not paid security deposit for which the demand was issued. Forum therefore directed the consumer to pay the security deposit as per the issued demand within 15 days from the receipt of this order, for non payment of S.D. amount utility is free to take the action as per E.A. Act 2003 & Commissions directives.

As regards to the prayer of consumer:

- 1) To award the interest at the PLR rate of RBI on the refunded amount of ₹ 2,43,520/- which consumer had paid against the theft of energy.

Forum found no substance in the prayer as it is not supported by Commission Regulation or Electricity Act 2003. Forum is pleased to award only simple interest at the saving bank rate.

The another prayer of the consumer to withdraw the excess unit charges for the entire disputed period of Feb-2010 to Sept-2011 have no legal stand when the meter accounting the energy is found working within a permissible limit of error, hence prayer is deserved to be and hereby rejected.

During the proceeding, the Respondent has requested this Forum to allow to withdraw the credit passed considering the meter under dispute is defaulted; on perusal of the meter make company's report and arguments during the hearing Forum is of the opinion that the applicant consumer is not entitle for the wrongly passed credit and hence Respondent utility is allowed to withdraw the credit passed considering wrongly recorded power factor for 22 months and units for last 3 months.

### **ORDER**

As elaborated above in the forgoing paragraph the Forum passed an order as below.

- 1) Considering the consumer's meter is recording the consumption and P.F. within permissible limit as shown in the test report of meter make company there is no any logical and legal stand in the prayer for withdrawal of excess unit charges and hence rejected.

2) The prayer of the consumer to award the interest on the paid theft charges ₹ 2,43,520/- at the rate of 10% as per PLR of RBI has no substance and hence rejected.

3) The Respondent utility is hereby allowed to withdraw the credit passed towards poor P.F. and excess units recorded, decided on the basis of series meter comparative result.

The time limit of 60 days cannot be observed as there was a rejoinder filed twice by the complainant.

The order is issued under the seal of consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 26<sup>th</sup> of December 2012

Note : 1) If Consumer is not satisfied with the decision, he may have representation 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 go in writ 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**

**Consumer Grievance Redressal Forum  
Maharashtra State Electricity Distribution Co. Ltd.  
Bhandup Urban Zone, Bhandup**

Ref. No. Member Secretary/MSEDCL/CGRF/BNDUZ/

Date :

Case No. 470

Hearing Dt. 08/10/2012

**INTERIM ORDER**

Shri Sanjay Shukla

- Complainant

Vs.

MSEDCL, Pannalal S/Dn.

- Respondent

Present during the hearing

A] - On behalf of CGRF, Bhandup

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

B] - On behalf of Appellant

- 1) Shri Sanjay Shukla, Consumer.

C] - On behalf of Respondent

- 1) Shri A.G. Doye, Ex. Engr., Bhandup Division.

Heard both the sides, seen the order of IGRC dtd. 22/08/2012.

Without going to the merits of the case, we have heard both the parties regarding the request made by the consumer for interim relief. It appears from hearing as well as from record, the disconnection was there some where in the moth of Feb-12 in view of the arrears of the electricity bill. As on today ₹ 2,25,930/- is the amount according to the utility to be recovered from consumer.

We feel while considering this interim application in the larger interest of both the parties and keeping in mind the principle of natural justice as consumer is ready to make certain payment as directed by this Forum if any and remaining amount to be paid in four equal installments without fail alongwith the current bill after restoration of power supply.

We feel considering the urgency of the consumer we direct to make certain payment as per order and after depositing that amount we direct to Respondent to restore the power supply as per the rules hence, order

### **ORDER**

- 1) Interim petition is allowed.
- 2) Consumer is hereby directed to make the payment of ₹ 1,25,930/- either by cash or D.D. within 5 days alongwith reconnection charges if any from the date of this order.

- 3) The remaining amount of ₹ 1,00,000/- should be paid by consumer either in cash or by D.D. in equal four installment monthly. The first installment before due date of bill in every month with effect from Nov-12.
- 4) An undertaking to be given by the consumer/complainant to the Respondent to be effect that he will make the payment of installments regularly alongwith the running bill and in case in default, Respondent has liberty to take the action of disconnection as per rules.
- 5) Respondent is hereby directed after receiving the amount of ₹ 1,25,930/- to restore the power supply within 3 days and compliance to be reported accordingly. Respondent is hereby directed while fixing the meter it should be tested as per I.S. while restoring the power supply it should be as per the rules to be followed by Respondent.
- 6) Next date is 19/11/2012 for filing written statement/documents/for the compliance report of this order by Respondent.

The order is issued under the seal of consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 26<sup>th</sup> of December 2012

Note : 1) If Consumer is not satisfied with the decision, he may have representation 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 go in writ 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**

**DR. ARCHANA SABNIS  
MEMBER  
CGRF, BHANDUP**

**S. K. CHOUDHARY  
CHAIRMAN  
CGRF, BHANDUP**

**R.M. CHAVAN  
MEMBER SECRETARY  
CGRF, BHANDUP**

I, shri sanjay radheshyam shukla proprietor of M/s.. sai engineering works at gala situated in mohammad umar compound behind taj bakery dargah road sonapur Bhandup w Mumbai do here state that. I say that I am your consumer bearing consumer no. 100000412401

It is on record, that HPL make meter of consumer when tested by meter company found working within limit in such circumstances there is no reason to deny the report hence.

The Respondent utility is hereby allowed to withdraw the credit passed towards poor P.F. and excess units recorded, decided on the basis of series meter comparative result.

The time limit of 60 days cannot be observed as there were rejoinders filed by the complainant.

The order is issued under the seal of consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 26<sup>th</sup> of December 2012

Note : 1) If Consumer is not satisfied with the decision, he may have representation 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 go in writ 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**



**Consumer Grievance Redressal Forum  
Maharashtra State Electricity Distribution Co. Ltd.  
Bhandup Urban Zone, Bhandup**

Ref. No. Member Secretary/MSEDCL/CGRF/BNDUZ/

Date :

Case No. 471

Hearing Dt. 04/12/2012

In the matter of accumulated consumption demand for excess period.

Shri Radha Kishin Mansani - Applicant

Vs.

M.S.E.D.C.L. Gadkari S/Dn. - Respondent

Present during the hearing

A - On behalf of CGRF, Bhandup

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

B - On behalf of Appellant  
Shri Radha Kishin Mansani

C - On behalf of Respondent

- 1) Shri J.R. Reddy, Dy. Ex. Engr., Gadkari S/Dn., Thane.
- 2) Shri N.K. Kadam, U.D.C., Gadkari S/Dn., Thane

The complainant being aggrieved the order of IGRC dated 20/10/2012, has approached this Forum.

Facts in brief of this complaint are as follows :

The consumer shri Radha Kishin Manshani residing at Shreeji Ville, A/701, Nitin Co., Panchapakhadi, Thane (W)-400 602, having consumer no. 000030132688 and meter no. 02605452 was receiving bills from the utility till

Jan-2010. In Jan-2010, the said meter was changed and replaced by new meter bearing no. 09299125.

But this change was not reflected as the replacement report was not updated by the utility.

Thus, the consumer was getting bills on average basis for 266 units per month.

Thereafter, the replacement report of meter no. 09233125 was updated and the consumer received a bill of this meter in July 2012.

The consumer received a bill of ₹ 1,37,726.87 on 04/07/2012 towards the consumption of 11,888 units.

After following up with the matter and lodging a complaint with the Executive Engineer, this bill was reduced to ₹ 29,730/- by the utility.

Due to verbal threat of disconnection of supply from the utility the consumer paid ₹ 14,000/- on 17/08/2012 under protest. The consumer has challenged the decision of IGRC, on the basis that utility cannot collect the bills for more than 24 months.

The Respondent utility has stated that the accumulated units for the period from July-2010 to July-2012 has been split up in 31 months alongwith slab benefit. Therefore, the consumer is liable to pay the same.

Now the question before us is whether the complaint can be allowed?

We answer this question affirmatively for the reasons below :

After going through the documents on record and CPL, it is noted that though the utility has claimed before IGRC that they have billed the consumer since July-2010, in the factum, the consumer has been billed since January – 2010.

Section 56 (2) of the Electricity Act 2003 states as follows :

*“ Notwithstanding anything contained in any other law for the time being in force, no sum due from any consumer, under this section shall be recoverable after the period of two years from the date when such sum*

*became first due unless such sum has been shown continuously as recoverable as arrears of charges for electricity supplied and the licensee shall not cut off the supply of the electricity"*

In the present case, the demand raised for the supplementary bill by the Respondent is not continuously shown. Moreover, this demand is for 31 months and hence Forum observed that the Section 56 (2) of E.A. 2003 is applicable in this case.

Hence, we hold that the present bill of the consumer which is for more than 24 months should be withdrawn and he should be given a fresh bill for 24 months only, dating back from the date of dispute i.e. July-2012.

The consumer though has challenged the bill on the basis that it is for more than 24 months, the total number of units consumed (11888 units) are not disputed. Therefore taking these 11888 units and 31 months, the period for which the consumer has been billed, we hold that the consumer should be bill for 9204 units (calculated as  $11888/31 \times 24 + 9204$  units) only.

We thus pass the following order

### **ORDER**

- 1) Complaint no. 471 is partly allowed.
- 2) Disputed bill of the consumer stands withdrawn.
- 3) Utility is ordered to give a fresh bill of 9204 units alongwith slab wise benefit to the consumer.
- 4) Parties to bear their own cost

No order as cost.

Both the parties should be informed accordingly.

Compliance should be reported within month period.

The order is issued under the seal of Consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 26<sup>th</sup> of December 2012.

Note :

1) If Consumer is not satisfied with the decision, he may go in appeal 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 go in appeal 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**



**Consumer Grievance Redressal Forum  
Maharashtra State Electricity Distribution Co. Ltd.  
Bhandup Urban Zone, Bhandup**

Ref. No. Member Secretary/MSEDCL/CGRF/BNDUZ/

Date :

Case No. 472

Hearing Dt. 10/12/2012  
& 20/12/12

In the matter of reduction of P.F.& excess load, penalty and tariff different

Shri Motilal Bafna - Complainant

Vs.

M.S.E.D.C.Ltd., 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

- 1) Shri A.L. Deshpande, E.E. & Nodal Officer, Bhiwandi.

**ORDER**

Shri Motilal Bafna was a Power loom consumer having sanctioned load of 52 HP under sr. no. 13092616856 at shop no. 2, Zenith compound, Kalyan Rd., Nr. Aasbibhi Masjid, Bhiwandi. Shri Motilal Bafna has sold this premise to Shri Zaverilal Chopra the proprietor of M/s. Gaurav Trading Company in the year 2002. The electric connection used for power loom was made permanently disconnected in 2008.

M/s. Gaurav Trading Company sought the HT electric connection in the same premises; and utility granted it under the conditions that M/s.

Gaurav Trading Company should pay all the old due of electricity. Shri Zaverilal Chopra the proprietor of M/s. Gaurav Trading Company has admitted for payment of dues on the indemnity bond.

M/s. Gaurav Trading Company is now HT consumer under sr. no. 13019030339 in the same premises. However consumer wants the rectification of old consumers inflected bill; so as to clear the old dues.

Shri Motilal Bafna has submitted notarized undertaking and allow to Shri Zaverilal Chopra to represent on his behalf for rectification of bill. The representative of M/s. Gaurav Trading Company Shri Pravin Thakkar stated that while finalizing the bill of old consumer Shri Motilal Bafna, utility has not refunded the security deposit amount to ₹ 25,500/- and demanded its refund alongwith interest.

Similarly he claimed that the utility has wrongly charged the tariff of other than power loom but consumer was sanctioned for power loom tariff hence the tariff difference from Feb-2003 to June-2005 for an amount of ₹ 3,58,615/- should be refunded alongwith interest. He further stated that, this refund was proposed vide their own proposal no. 1092 of dtd.18<sup>th</sup> Sept 2007 to Head Office but not effected in the consumer's bill. He therefore prayed for its refund alongwith interest thereon.

The representative further stated that being this is old P.D. consumer the benefits of Abhay Yojana should award on D.P.C. and interest charged on the arrears.

He further added that the RLC collected from Dec-03 to Sept-06 is not refunded in the account of consumer and hence it should be refunded as per Commission's order alongwith relevant interest of 6% p.a.

The representative further claimed for refund of excess load penalty and capacitor penalty charged from Aug-2004 to May-2005 and Jan-07 respectively, he clarify that consumer was not provided with L.T. M.D. meter and is based only on the basis of physical verification which is against the directives of Commission hence should be refunded alongwith interest at the rate charged to the consumer.

On behalf of utility Shri. A. L. Deshpande, the Executive Engineer, Bhiwandi circle was present to represent the case; He conceded that as

per IGRC order the security deposit will be refunded alongwith interest; Also the power factor penalty and excess load penalty will also be refunded or reduced from the arrears alongwith interest charged for the period of non-payment of penalties. He further admitted for payment of RLC alongwith relevant interest of 6% p.a. from July-08 onward on diminishing balance amount.

The Respondent further clarifies to the Forum that the benefit of Abhay Yojana cannot be awarded to this consumer as he has no arrears in his bill. He further added that the consumer cannot demand the refund of tariff difference as he has no certificate or license of power loom from the Govt. authority for said period of 2005-2006.

The Respondent took the objection on the pleading of case by the representative of M/s. Gaurav Trading Company. He stated that Mr. Motilal Bafna should be authorized to M/s. Gaurav Trading Co. for the bill dispute of his own.

During the proceeding Shri Pravin Thakkar produced the notarized authorization on the stamp paper to the Forum.

The matter was heard on 10/12/2012 & subsequently on 20/12/2012; both the parties were present, the documents on record and arguments during the hearing reveals that, the Internal Grievance Cell has already considered most of the issues of the grievances. According to the order :

- 1) Amount of S.D. with interest is to be given after receipt of authorization by Shri Motilal Bafana.
- 2) Refund of RLC from Dec-2003 to Sept-2006 will be considered as per procedures.
- 3) Withdrawal of capacitor and excess load penalty will be considered.
- 4) Withdrawal of DPC with interest is to be given as per procedure.
- 5) The benefit of power loom tariff will be given after submission of documentary evidence towards no. of power loom sanctions by the Director of Industries.

Forum observed that the remaining issue is benefits of Abhay Yojana. In the present case as put up by the Respondent that this P.D. connection of Shri Motilal H. Bafana is having no dues and hence the benefits of Abhay Yojana cannot be awarded, Forum is agree to the view of Respondent and rejected the application of Abhay Yojana to this consumer.

It means that the Respond Utility had confirmed the use of power loom for the said period. The forum dose not found any relevant reason to ask the consumer to produce the certificate for running the power loom. The tariff category is decided on the basis of activity and not merely on the basis of any certificate or licensee, hence Forum is of an opinion that utility should award the proposed credit for difference from OPL to PL.

### **ORDER**

The Respondent is directed to :

- 1) Refund security deposit amounting to ₹ 25,500/- alongwith plane R.B.I. interest.
- 2) Refund the amount collected towards RLC alongwith interest at the rate of 6% p.a. effective from July-08 onwards.
- 3) The capacitor penalty and excess load penalty for the aforesaid period elaborated in the forgoing paragraphs charged in absence of L.T. M.D. meter should be refunded alongwith the interest charged to the consumer for its non payment as per Commission's order.
- 4) As regards to the claim for tariff difference for OPL to PL, the Respondent utility should award the same along with interest at the RBI Plane rate.
- 5) The benefits of Abhay Yojana cannot be awarded being consumer can not full fill the conditions of this Yojana and hence prayer is hereby rejected.
- 6) The Respondent should recover the balance dues after rectification of bill.

The compliance should be reported within month.

No order as to cost.

Both the parties be inform 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 28<sup>th</sup> of January 2013.

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**

**Consumer Grievance Redressal Forum  
Maharashtra State Electricity Distribution Co. Ltd.  
Bhandup Urban Zone, Bhandup**

Ref. No. Member Secretary/MSEDCL/CGRF/BNDUZ/

Date :

Case No. 481

Hearing Dt. 12/02/2013 & 18/04/2013

In the matter of recovery of arrears from the unbilled consumer

**Shri Mahendra D. Yadav** - Applicant

Vs.

**M.S.E.D.C.L. Gadkari S/Dn.** - Respondent

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri S. K. Choudhari, 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 Rupesh, Consumer Representative.

C - On behalf of Respondent No. 1

- 1) Shri J.R. Reddy, Dy. Ex. Engr., Gadkari. S/Dn., Thane.

C - On behalf of Respondent No. 2 (Society Member)

- 1) Radhakrishna Nair.
- 2) S.N. Pitalia.

The consumer Shri Mahendra Dukhharan Yadav has approached this complaint before us, as he has received a notice of disconnection from the utility, dated 28/01/2013.

Facts in brief of the complaint are as follows:

1) The consumer Shri Mahendra Dukhharan Yadav is residing at Gagangiri Avenue Society, Near Samata Nagar, Panchpakhadi, Thane West, where he is holding three flats with the following connections:

Flat no.	Meter no.	Consumer no.	Name
103		000027278199	Smt Rita Yadav
104	9003103772	000027218181	Shri Dukhharan Yadav
105	7801972850	000027218172	M/sTrimacMachinery Manufacturing Pvt Ltd

2) The consumer Shri Mahendra Dukhharan Yadav used to pay the bills towards the meter which belongs to the society (consumer number 000027218172) by mistake.

3) The actual meter number 00003103775 of the consumer remained unbilled since July 1995 for 12072 units.

4) This arrears of ₹ 73,282.17 for unbilled consumer is loaded/transfer on consumer no. 000027218181.

5) The utility served a notice for disconnection dated 28/01/2013 for consumer number 000027218181 for ₹. 73282.17, thus this complaint.

It is submitted by the complainant that

- Since beginning the utility issued the bills for flat no 105 in the name of Gagangiri Avenue Society, which the society used to pass on to the complainant and the complainant used to pay the same.
- Utility used to give bill for the flat no 104 in the name of Shri Dataram Yadav, instead of Shri Dukhharan Yadav.
- In the month of October 2012, the utility issued a false, hand written bill for flat no 105 in the name of Smt. Rita Yadav, for ₹. 70710/-.
- Thereafter on 05/11/2012, the utility issued illegal letter to M/s Trimac Machinery Manufacturing Pvt. Ltd that the bill amount of ₹. 70710/- has been transferred on the flat no 104, meter no. 9003103772, consumer no. 000027218181.
- In the month of November 2012, the utility issued a bill of ₹. 76680/- to flat no 104.

- On 23/11/2012 disconnection threat was given to the consumer for the unpaid bill of ₹. 5522.17 for the flat no 104; which the consumer paid immediately.

The utility has stated that since dues on the consumer no 000027218181 was unpaid, they have served the disconnection notice rightly. They have also submitted that actual meter no 3103775 remained unbilled since 3<sup>rd</sup> July 1995. The consumer has consumed 12072 units from the said meter.

Now the questions before us are

1] whether the consumer can be granted relief

2] if so, what relief

We answer the question no 1 affirmatively.

We have gone through the documents placed on record before us and also heard the oral arguments advanced by both the parties.

There is no doubt that the consumer has paid the bills, though of the different meter which indicates that he had no intention to keep the bills unpaid.

We also directed the complainant to amend the complaint and implead the society as a necessary party to the complaint. This direction was given because the complainant had submitted before us that the society is ready to pay the bills for unbilled meter. But the representatives of the society who appeared before us categorically denied to pay the bills, as they are not using any electricity through that unbilled meter.

Now the fact remains that the bill of meter no 00003103775, through which he had consumed the electricity (12072 units) has remained unpaid. From the notice of the utility dated 05/11/2012 it is seen that the billing for the said meter had not started by the utility till November 2012.

As per the EA 2003, the utility cannot ask for the bills beyond the period of 2 years (except for the proviso, which is not applicable in the present case).

Thus, we have arrived at the conclusion that



The consumer is not entitled to get any credit/adjustment for the bill which he has paid mistakenly.

The utility cannot demand any bill for the period beyond 2 years as per section 56(2) of EA 2003.

We therefore pass the following order

**ORDER**

- 1) Complaint no. 481 is partly allowed.
- 2) Utility is directed to give revised bill for past 2 years from the detection of unbilled meter no. 3103775 to the consumer along with his regular monthly bills.
- 3) Utility is directed to give three installments for the payment of the arrears.
- 4) No order as to cost.

Both the parties should be informed accordingly.

The time limit cannot be observed as the society members has to made a party for fair justice and resolving the grievance.

The order is issued under the seal of Consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 8<sup>th</sup> of May 2013.

Note :

- 1) If Consumer is not satisfied with the decision, he may go in appeal 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 go in appeal 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**

**Consumer Grievance Redressal Forum  
Maharashtra State Electricity Distribution Co. Ltd.  
Bhandup Urban Zone, Bhandup**

Ref. No. Member Secretary/MSEDCL/CGRF/BNDUZ/

Date :

Case No. 493

Hearing Dt. 04/05/2013

In the matter of Authority of franchise to take action against consumer involved in theft of energy.

Shri Manoj kanji Hariya. - Complainant

Vs.

M.S.E.D.C.L and T.P.L. 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 Manojkanji Hariya.-Consumer Representative

C - On behalf of Respondent

- 1) Shri A.L. Deshpande, E.E. & Nodal Officer, Bhiwandi.
- 2) Shri.Vijay V. Nene. Manager Legal, T.P.L.

**ORDER**

Shri Manoj Kanji Hariya is a Representative of Consumer Mr.Chaganlal M.Hariya having three phase of electric connection under service No.130101249923 and one lighting meter of single phase vide sr. No.13010249907 at AliRaza Building, ground floor, shop no. 10, Samad Nagar, Kaneri, Bhiwandi.

The grievance of the consumer is that the franchisee M/s. Torrent Power Ltd. appointed by the Distribution License, MSEDCL, has no rights to file the FIR against the consumer involved in pilfergement or theft of electricity. As per his Statement there is no proper notification to take the lawful action by the M/s. Torrent power company Ltd. against the consumer involved in the offence of theft of energy in the Bhiwandi Circle jurisdiction; As per section 135/1, they can only disconnect the electric supply or seize the documents u/s 135/2. There is no provision to file the FIR in Police Station as per Section 151 of Electricity Act 2003.

He further added that with this illegal activity and weapon of 135 Section the Torrent Power Ltd. is exploiting the consumers and recovering huge amount.

With this grievance the Representative has also approached to the Internal Grievance Redressal cell, Bhiwandi on dt.19/02/2013 and matter was heard on 16/03/2013 but got no relief on the ground that Shri Manoj K. Hariya is not a Consumer as per MERC Regulation 6.2 of {CGRF and Electrical Ombudsman} Regulation 2006. Hence aggrieved of this order consumer approached this Forum. The grievance was registered on dt. 04/04/2013 vide case no.493 and hearing was fixed on 22/04/2013 which was subsequently postponed on 04/05/2013.

The matter was heard on 4<sup>th</sup> May 2013 both the parties were present Documents on record and arguments during the hearing reveal that, the grievance placed before forum is not of individual nature and could not be labelled a grievance of this consumer. According to the MERC (CGRF and E.O) Regulations 2006, section 2 (c) the Grievance means.

## 2. (c) Definitions :

"Grievance" means and fault, imperfection, shortcoming or inadequacy in the quality, nature and manner of performance which has been undertaken to be performed by a Distribution Licensee in pursuance of a license, contract, agreement or under the Electricity Supply Code or in relation to standards of performance of Distribution Licensees as specified by the Commission and includes inter alia (a)

safety of distribution system having potential of endangering of life or property, (b) grievance in respect of non-compliance of any order of the Commission or any action to be taken in pursuance thereof which are within the jurisdiction of the Forum or Ombudsman, as the case may be."

According to above definition this Forum found neither any deficiency in performing the duties while supplying the power as put up by the consumer representative nor any threat to the safety of life or property of the consumer.

Moreover, as consumer raised an objection over the action taken by the Distribution franchisee against the offence of theft of energy as per Section 135 of E.A. 2003 this will not amount as the grievance of this consumer.

As per the notification of Govt. of Maharashtra Department of "INDUSTRIES ENERGY AND LABOUR" dt.25<sup>th</sup> Jan. 2007 drawn by Hon'ble Principle Secretary to Government (Energy); it has authorized and assigned the assessing officers M/s. Torrent Power Ltd. franchisees for Bhiwandi Circle and empowered under section 2 of section 135 of the Act.

Hence as claimed by the complaint that M/s. TPL is acting unlawfully has no ground and hence the grievance filed is without any sufficient cause and found to be with vexatious & malafied intention.

The Forum there fore as per 6.9 of a MERC (CGRF & EO) Regulation 2006 has no hesitation to reject the prayer to restrain the Distribution Franchisee to act against the consumer involved in the offence of theft of energy.

### **ORDER**

As elaborated above, this Forum found no ground to consider the grievance as individual one and rejected the same as per section 6.9 of MERC (CGRF & EO) Regulation 2006 and there by dismiss the case.

No order as to cost.

Both the parties be inform 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 21<sup>st</sup> of May 2013.

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**

**Consumer Grievance Redressal Forum  
Maharashtra State Electricity Distribution Co. Ltd.  
Bhandup Urban Zone, Bhandup**

Ref. No. Member Secretary/MSEDCL/CGRF/BNDUZ/      Date :

Case No.496

Hearing Dt. 29/05/2013.

In the matter of Notice of disconnection when the matter is subjudice.

M/s.Maestros Mediline System Ltd.      -      Applicant  
Vs.

M.S.E.D.C.L, Vashi Circle      -      Respondent

Present on behalf

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) Mr.Suraj Chacrabarty. –Consumer Representative

C] - On behalf of Respondent

- 1) Shri. Kachre Ex. Engr.,Vashi Circle.

**ORDER**

M/s. Maestros Mediline System Ltd.is a High Tension Industrial Consumer having service no.000119024810 at EL-63/64,TTC Industrial Area, Electronic zone Mahape. According to the submission of Complainant, the Respondents have inspected the premises and decided that the use of electricity for the activity other than sanctioned and hence issued the supplementary bill under section 126 of Electricity Act 2003 for the period of Sept 2011 to May 2012.However the Consumer has Paid 50% of the assessed bill for an amount of Rs.13,42,000 on dt.18/09/2012 and filed an appeal to the Chief Engineer PWD (Electrical) as per the section 127 of E.A.2003.

The matter was heard before the Appellate Authority and following interim Order was passed vide case No.200/2012.

- 1] The Supply of Consumer should not be disconnected for the disputed bill against the final assessment Order.
- 2] Disputed amount should be shown separately and delay Payment /Penalty charges should not be levied against disputed amount.
- 3] Consumer should Pay regular current monthly bill for which no relaxation will be given.

The documents on record submitted by the complainant reveals that the Respondents have issued notice of disconnection to the consumer inclusive of disputed amount for which the Chief Engineer PWD (Electrical) has restrained from.

During the Proceeding the Respondent agreed to withdraw the notice of disconnection and issue the fresh Corrected bill excluding the disputed amount.

#### ORDER.

As the matter is subjudised before the Appellate Authority, MERC (CGRF and Electricity Ombudsman) Regulations 2006 there in Regulation 6.7(d) does not allow the forum to the entertain, Hence the case is disposed off without intervention.

No order as to cost.

Both the parties be informed accordingly.

The order is issued under the seal of consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on.12.06.2013.

Note: 1) If Consumer is not satisfied with the decision, he may have representation 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 go in writ 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**