

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

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

Date :

Case No. 515

Hearing Dt. 27/12/2013

In the matter of wrong tariff and excess load and capacitor penalty

Shri. K.B.Gupta

- Applicant

Vs.

M.S.E.D.C.L., Bhiwandi , Torrent Power Limited

- 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 Shakeel Ansari, Consumer Representative.

C - On behalf of Respondent No. 1

- 1) Shri. A.L.Deshpande, Ex. Engr., Nodal Officer.

Shri. K.B.Gupta was a commercial consumer under Sr. No. 013010335498 at Sundarlal Beriprasad Petrol Pump, Kaneri Bhiwandi. The supply was used for Tyre services at the Petrol Pump.

As per submission the consumer was billed on various status of meter on average basis since 2000 to January 2007. Those bills were issued due to faulty meter but no corrective action is been taken by the Respondent More ever from May 2004 to January 2006, the utility has charged capacitor penalty amounting Rs. 24221.00 and excess load penalty from December 2003 to May 2005 for Rs. 21,250.81.

The consumer had sanctioned load of only 3 H.P. However utility it self enhanced it to 20 HP and charged the above penalty arbitrarily.

On behalf of consumer Shri. Shakeel Anasari was present. He stated that when the meter provided to the consumer was electromagnetic type and not a LTMD in such circumstances how the utility came to know about the poor power factor.

He further claimed that consumers sanctioned and connected load was only 3 HP, and utility has enhanced it to 20 HP at its own and charged the excess load penalty. He also produced the commercial circular of utility circulated vide PR-3/Tariff/4039 dt. 5th February 2009 where in no excess loaded and P.F. penalty should be levied unless consumer is provided with LTMD meter.

He also added that that the utility is not allowing the "Abhay Yojana" to the consumer. During proceeding Representative claimed that this consumer is permanently disconnected in year 2007 and is now eligible for "Abhay Yojana" .

On behalf of utility Shri. A. L. Deshpande, the Nodal Officer was present. He explained that this consumer is of 3 HP and hence the said circular of commercial section can not be made applicable. Moreover this circular pertains to Industrial consumers. the consumer was running the business of Tyre and Tube puncture repairs at the said petrol Pump and there is no doubt that it should be billed under Commercial Tariff.

During the proceeding he insisted that being matter is of year 2000 to 2007, the Forum should not entertained as per MERC (CGRF&EO) Regulations 2006 there in Regulation 6.6. The Respondent conceded that the from May 2004 to May 2005 the fixed charges are levied at rate of Rs. 60 per HP and additional load penalty is charged at the rate of Rs. 80 per HP to 120 per HP as per prevailing rate. Thus it is seen that the additional load penalty charged more than rate of fixed charges from 20 to 42% per HP can be withdrawn for above period as per Hon'ble Ombudsman order in Representation of 2005,. More ever the penal charges in excess load with excess fixed charged rate for period of August 2006 to June 2007 will also be verified.

The matter was heard on 27.12.3012, both the parties were present documents on record and arguments during the hearing reveal that the connection is made permanently disconnected somewhere in 2007. It was orally submitted by the consumer Representative during the proceeding. It was also observed that consumer had approached to the Internal Grievance Cell and accordingly Nodal

Officer of IGRC Bhiwandi had called for hearing but consumer or his Representative did not turn up and finally directly approached this Forum.

Forum at this stage is unable to verify the activity which was going on in year 2000 to 2007 and what tariff should be applicable as connection is made P.D. long back in year 2007.

Irrespective of submissions of consumer and utility, Forum is unable to give any directives in this case, as the same is barred by the limitation.

Also, the penalty charges toward excess load and power factor is the matter of year 2000 to 2007 so the cause of action arises in beyond of 2 years. The MERC (CGRF & EO) Regulations 2006 there in Regulation 6.6 which reads as

The Forum shall not admit any Grievance unless it is filed within two (2) years from the date on which the cause of action has arisen.

Hence above Regulation does not permit this Forum to entertain the issues; being time barred.

Hence the prayer of the consumer to revise the tariff from commercial to industrial and withdrawal of penalty towards power factor and excess load can not be entered by this Forum, the same being barred by limitation.

ORDER

The case stands dismissed for the reason elaborated above .

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 30th December 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