

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

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

Date :

Case No. 424

Hearing Dt. 25/01/2012

Mr. Suresh Shetty.

- Applicant

Vs.

MSEDCL, Mulund.

- 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 Applicant

- 1) Shri Suresh Shetty - Consumer representative.
- 2) Shri Harshad Sheth

C] - On behalf of Respondent

- 1) Non For Utility

The consumer, Shri Suresh Shetty has filed this complaint, as his grievance was not solved satisfactorily by the IGRC.

It is alleged by the consumer that though he has paid all the arrears of the previous owner of the premises, and got a new connection from the RESPONDENT on making necessary payments, he has been debited for

Rs. 96,768.26 by the Respondent. He has further alleged that the Respondent has not refunded him Rs. 22,400/- as per MERC order, which were collected from him as 'Meter charges'.

It is also contended by the consumer that despite his application, the Respondent has purposely not sanctioned him load extension from existing 18.6 to 30 KW.

It is also stated by the consumer that CPL of the Respondent does not reflect Rs.7000/- paid by the consumer as SD charges.

Respondent has filed its say on 15/02/2012 vide which they have submitted that Mr. Ramanna Shetty having Sr. no 70000080332 was made PD for arrears of Rs. 1,43,507/- and for Sr. No. 70000051096 for the arrears of Rs. 46,496/-.

Later on the present consumer took a new connection by paying Rs. 46,496/- and deliberately kept arrears of Rs. 1,43, 507/-.

It is submitted by the Respondent that since Mr. Suresh Shetty is a legal representative of deceased consumer Shri. Ramanna Shetty, he is liable to pay the arrears.

We have gone through all the documents on record filed by both the parties and also heard the oral arguments advanced by the consumer ex parte.

Our observations are as follows:-

CPL for consumer no 70000080332 shows arrears of Rs.1, 43,507=26. The same has been shown continuously.

Meter no.70000051096 was PD till February 2007. March onwards it was made live, with arrears shown as "-11,905=98". December 2007 onwards there are no arrears shown.

Section 10.5 of MERC (Electricity Supply Code And Other Conditions Of Supply) Regulations, 2005 states as "Any charge for electricity or any sum other than a charge for electricity due to the Distribution Licensee which remains unpaid by a deceased consumer or the erstwhile owner/ occupier of any premises, as a case may be shall be a charge on the premises transmitted to the legal representatives/ successor in law or transferred to the new owner/ occupier of the premises, as the case may be and the same shall be recoverable by the Distribution Licensee as due from such legal representative or successor in law or new owner/ occupier of the premises, as the case may be.

Provided that, except in the case of transfer of connection to a legal heir, the liabilities transferred under this Regulation 10.5 shall be restricted to a maximum period of six months of the unpaid charges for electricity supplied to such premises.

Thus it is clear from the above that the Respondent can recover arrears for the maximum period of six months. But the Respondent has submitted CPL which does not reflect actual consumption prior to the same made PD.

We hold that the consumer is duty bound to pay the arrears for 6 months, and the Respondent should provide the calculated amount for six months to the consumer. The Respondent is directed to adjust the charges collected by them towards debit bill adjustment of Rs. 96,768=26 against the same.

As regards prayer of the consumer for refund of Rs. 22,400/-, we order the Respondent to refund the same by way of giving credit to the consumer. We also order the Respondent to give corrected bill/ statement, reflecting security deposit of Rs. 7000/- paid by the consumer along with its interest.

Regarding prayer of the consumer for load sanction, the Respondent has not provided any explanation why the same has not been sanctioned yet. We direct the Respondent to sanction the excess load if feasible as per the legal procedure.

Hence, we pass the following order:

ORDER

1. Respondent is ordered to refund Rs. 22,400/- with interest at the rate approved by the RBI from October 2006.

2. Respondent is ordered to give corrected bill/ statement, reflecting security deposit of Rs. 7000/- (along with its interest) paid by the consumer.

3. We direct the Respondent to sanction the excess load if feasible as per the legal procedure.

4. The Respondent is directed to provide bill for arrears of six months and adjust the charges collected by them towards debit bill adjustment of Rs. 96,768=26 against the same.

5. No order as to cost or compensation.

No order as to the 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

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**

Case No. 424

Hearing Dt. 19/07/2012

Mr. Suresh Shetty.

- Applicant

Vs.

MSEDCL, Mulund.

- 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 Applicant

- 1) Shri. Harshad Seth–Consumer Representative
- 2) Shri. Mukesh Shah–Consumer Representative

C] - On behalf of Respondent

- 1) Shri S.V. Bedagkar, Dy. Ex. Engr., Mulund Divn.
- 2) Shri Manik, A.A.

Initially by judgement dtd. 30/04/2012 the complaint was disposed off as per order dated 30/04/12. It was ex-party order. Therefore, Respondent by his application dtd. 15/06/2012 requested to the Forum, opportunity may be given regarding original order no. 4. Therefore, with the consent of both the parties the application was disposed off. Original order no. 4 was set aside. The case was restored to its original number

and matter was posted for reply or say by the Complainant on 19/07/2012. On 19/07/2012 say was filed by Complainant.

The original order no. 4 as per judgement dtd. 30/04/2012 was regarding direction to provide bill for arrears for six months and adjust the charges collected by a Respondent towards debit bill adjustment of ` 96,768.37.

As per Respondent it had carried out a Flying Squad inspection on 24/10/2010 and excess MD was recorded. Hence, the adjustment of ` 96,768.37 is debited in the bill of consumer in the month of May-2011. So according to Respondent the amount paid by consumer is penalty towards the excess MD recorded and tariff difference to LT-II-A to LT-II-B during the inspection of Flying Squad. In other words this amount being towards penalty, Complainant cannot claim it. In support of its contention Respondent has submitted alongwith his application, spot inspection report dtd. 24/02/2010, the application submitted by a Complainant on dtd. 20/06/2011.

To its reply by Complainant dtd. 19/07/2012 the grounds given by tariff regarding the debit bill disputed on several grounds. According to Complainant it was requested in his letter dtd. 24/02/2011 TOD bill to be started which is basic and route cause solution is ignore. Flying Squad report has given his observations and not order. The contention of the Complainant is that after Dec-03 TOD/MD meters were mandatory to installed. MERC vide case no. 2 on 14th July 2005 ordered to charged penalty only if measured by MD/TOD meter installed at consumers premises. From Oct-06 MERC permitted to start MD based tariff but due to non installation of meter it was reverted back to HT based meter. From Aug-2008 MSEDCL implementing MD based tariff to LT-II-B and IV consumers above 20 KW i.e. fixed charged based on the recorded MD KVA for that month and penalty based on MD KVA. The further contention of the Complainant is that observations of spot recording by Flying Squad may be for that particular month and no for specific period

from retrospective date. It is further stated by Complainant in his say that assessment cannot be preferred at his extending sanctioned load has to be dealt with as per provisions of the tariff order passed by the Commission. Tariff for the month in which the load exceeding 20 KW Flying Squad only in the month of Feb-10 has noted load exceed tariff category was to be changed if load measure more than 20 KW. That is how adjustment of assessed bill is not legal. It has concluded that debit bill adjustment amount collected from Complainant is wrong so it was requested that the original order no. 4 is not required to be disturb only for the reasons that in particular month of Feb-10 the Flying Squad has noted connected load more than sanctioned load.

Both the parties put their submission at length before this Forum. We would like to make it clear while deciding the original matter it was not brought to the notice of this Forum regarding the Flying Squad report dtd. 24/07/2010. According to the Complainant no sooner after the Flying Squad Report that application was submitted to Respondent regarding installation of TOD meter but no any action was taken by Respondent.

It is brought to our notice during the inspection as well as his argument which is admitted fact that the sanctioned load of the Complainant was 18.6 KW which is below 20 KW load and that is how LT-II-A was applicable to it. As per the inspection report of that particular date i.e. 24/02/2010 the connected load was noted 20.3 KW, which being more than 20 KW the tariff applicable could be LT-II-B.

Now the excess M.D. recorded was found to be 6.7 KW. It appears on the date of Flying Squad report, MD meter was not installed. It also appeared in case if it is assumed that there was a MD meter but MD meter was not reset from time to time.

Now it is pertinant to note, even if suppose it is accepted that the connected load was more than sanctioned load in the month of Feb-10 in our view as the MD was not reset, at the most the tariff LT-II-B will be

applicable for the month of Feb-10. Presuming that in case if suppos the connected load was more than sanctioned load the assessment bill in our considered view may be for Feb-10. It is surprise to note hear that the debit bill which was issued charging with tariff applicable to LT-II-B is for subsequent period of inspection i.e. March-10 to March-11. Respondent could not satisfactory explained as to how this debit bill was issued for subsequent period of the Flying Squad. There is no record to show as to what was the connected load for the period for which this debit bill issued i.e. March-10 to March-11. So in our view the bill which is issued for that period of ` 98,810/- is incorrect.

The bill appears to be issued in the month of May-2011 and it was paid by Complainant on 06/06/2011. There is a little bit substance in the say of Complainant that it was not disclosed in the bill regarding to for which arrears the debit bill was issued. But still in good faith the payment was made. The assessment sheet was not given to Complainant. So we feel what the debit bill which was given to the Complainant is illegal being contradictory to the provisions of Law as not followed by procedure.

But in view of admitted fact by Complainant Respondent is entitled to have a recovery bearing applicable to LT-II-B for the month of Feb-10 as well as excess MD.

So far the P.D. arrears are concerned in view of Regulation 10.5 of MERC Regulations 2005 Respondent should recover the arrears of six months unpaid charges for electricity supply to this premise from Complainant.

After recovery of the arrears for the month of Feb-10 as per LT-II-B tariff the remaining amount collected from Complainant towards Flying Squad recovery should be refund back to the Complainant or adjust in the subsequent bill. Accordingly the following order is passed.

ORDER

- 1) The application submitted by Respondent is hereby disposed off.
- 2) Respondent should recover excess MD charges and tariff difference as per LT-II-B for the month of Feb-10.
- 3) The amount paid by Complainant towards the Flying Squad recovery ` 98,810/- or ` 96,768.24 ps. as applicable should be refunded to the Complainant.
- 4) P.D. arrears of six months period as per 10.5 Regulation 2005 which should be collected from P.D. arrears of Complainant.
- 5) Complainant is hereby directed pay the necessary charges for sanctioning the excess load within 15 days from the date of this order.
- 6) So after the deposit of amount Respondent should provide LT MD meter to the consumer within 15 days after payment by consumer and should be bill accordingly.

No order as to cost.

The order is issued under the seal of consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 21st of August 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.

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Bhandup Urban Zone, Bhandup**

CASE NO. 424

Initially by judgement dtd. 30/04/2012 the complaint was disposed off as per order no. 124. It was ex-party order. Therefore, Respondent by his application dtd. 15/06/2012 requested to the Forum opportunity may be given regarding original order no. 4. Therefore, with the consent of both the parties the application was disposed off. Original order no. 4 was set aside the case was restored to its original number as matter was posted for reply or say by the Complainant on 19/07/2012. On 19/07/2012 say was filed by Complainant.

The original order no. 4 as per judgement dtd. 30/04/2012 was regarding direction to provide bill for arrears for six months and adjust the charges collected by a Respondent towards debit bill adjustment of ` 96,768.37.

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