

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

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

Date :

In the matter of interest on the wrong recovery of bill

Case No. 374

Hearing Dt. 12/08/2011

Smt. Lalita S. Kothari

- Applicant

Vs.

M.S.E.D.C.L. Bhiwandi

- Opponent

Present during the hearing

A - On behalf of CGRF, Bhandup

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

B - On behalf of Applicant

- 1) Shri Roshankumar –Consumer Representative

C - On behalf of Opponent

- 1) Shri Deshpande, Ex. Engr/Nodal Officer, Bhiwandi.
- 2) Mr. Manoj Mahanubhav, Asstt. Manager (F&A), Bhiwandi.

Preamble :

Smt. Lalita S. Kothari is having 3 phase power loom connection under sr.no. 13542320545 at s.no. 3,4 & 5, H. No. 1730/1, Khoni, Bhiwandi, she was getting electric bills on average consumption basis under the status of reject, faulty, no meter etc. since March-2004. The

utility corrected this bill in the year 2009 and credit towards average billing was passed for an amount of ` 1,54,020.79 and interest thereon for ` 9,485.05 but consumer demanded interest with the rate of 18% p.a. Moreover the utility charged the recovery for pilfergement of electricity for an amount of ` 4,71,365/- on 08/11/2007 which credited to the consumer's account on 14/01/2009 as a corrective measure but interest for holding this amount is not awarded to the consumer and hence dispute arose.

The applicant made rigorous correspondence to the utility but all efforts futile, hence approached to this Forum. Accordingly the grievance was registered vide case no. 374. As the post of Chairperson and Consumer Member were vacant in the Forum, occurred the delay for redressal of grievance.

Consumer say :

Shri Roshankumar was present to represent the case on the behalf of consumer, he stated as follows :

Smt. Lalita Kothari is a 3 phase power loom consumer billed on average basis during the period March-2004 to Sept-2008 for 54 months. Utility prolonged the dispute and compelled them to pay the average billing. However, after 54 months the utility realise the faulty billing and credited then paid bill amount; the interest paid to his consumer is nearly for ` 9,485.05 which is unjust. Hence prayed to pay at the rate of 18% per annum.

He further stated that the utility debited the amount ` 4,71,365/- under the head of theft of energy on 08/11/2007 for which the consumer challenged and at last utility credited the same through the electric bill on 14/01/2009 but did not pay the interest for holding this amount.

He prayed for the interest for holding this amount for 20 months period at the rate of 18% per annum.

Utility say :

On the behalf of utility Shri A.L. Deshpande, the Executive Engineer was present to represent the case. The utility representative could not explain as to why the delay occurred for.

The applicant is allowed considering the undue delay caused for redressal of grievance by the utility even after correspondence by the consumer.

Observation :

The matter was heard on 12/08/2011 both the parties were present. The documents on record and arguments during the hearing reveals that, the Opponent had filed the theft case on 08/11/2007 which was refunded in Jan-2009 as corrective measure. This shows that the utility itself agreed that it was wrongly charged. Hence Forum feels that the consumer is entitled for the interest for holding the amount by the Opponent from the date of its payment to the date of crediting the amount through the bill.

Moreover, the Opponent has rightly withdrawn the average billing of the consumer but was delayed for high time; hence Forum feels that the interest awarded to the consumer should be verified and if wrongly calculated, same should be corrected and awarded to the consumer at the prevailing rate of R.B.I.

ORDER

- 1) Utility is ordered to pay interest @ rate approved by the R.B.I.
 - a) for 20 months on theft amount (i.e. ` 4,71,365/-)
 - b) for 54 months on ` 1,54,020.79 after deducting interest which is already paid i.e. ` 9,485.05

Compliance should be reported within month period.

No order as cost.

Both the parties should 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 26th November 2011.

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. D. Madake
CHAIRMAN
CGRF, BHANDUP

R.M. CHAVAN
MEMBER SECRETARY
CGRF, BHANDUP