

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

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

Case No. 341

Hearing Dt. 18/09/2010

In the matter of old bill revision and change of tariff.

Smt. Kamla Devi Prasad Gupta - Appellant
Vs.

MSEDCL (Bhandup) - Respondent
Pannalal Sub division

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri R.M Chavan, Member Secretary & Chairman in absence of Chairperson, CGRF, Bhandup.
- 2) Mrs. Manik P. Datar, Member, CGRF, Bhandup.

B - On behalf of Appellant

- 1) Mr. A. K. Gupta – Consumer Representative.

C - On behalf of Respondent

- 1) Shri G. V. Chavan Patil – Dy. E.E., Pannalal S/Dn.
- 2) Shri P.V. Ghodke – J. E.
- 3) Shri S.P. Bhanushali – Asstt. Acctt.

Preamble

Smt. Kamla Devi Prasad Gupta is the consumer of MSEDCL, residing at B- 303, Usha Nagar, Village Road, Bhandup. She is having a small cabin of 50 sq ft. area on ground floor in building 'A' in new Ushanagar Co. Op. Housing Society. She is receiving bills on average basis

with commercial tariff as there was no use of electricity. She is using this cabin only for storing of residential goods. IGRC passed an order vide letter Ref. SE/TUC/IGRC/495 dt. 16 August 2010 to revise the bill from 25/05/2009 considering the premises is used for Residential purpose.

Aggrieved with this decision she came in appeal with CGRF and accordingly case was registered vide case no. 341 and hearing was fixed on dt. 18/09/2010.

Consumer Say: -

On the behalf of Smt. Kamala Devi Prasad Gupta, Mr. A.K. Gupta was present to represent the case (herein after referred as to the Appellant). He stated as follows:

The above connection was released by MSEB in the year 1990 for residential purpose bearing Consumer no. 00053185592 to the cabin A-1, Ground floor, of 'A' building in the name of builder M/s. Khandelwal Engg. Co. Ltd.

The above cabin was purchase by the consumer on 04/12/2000 for storage of household articles. From that time he was receiving bills on average basis.

He further stated that the above premises was not in use from date of release of connection. He was constantly writing letters requesting utility to correct his electricity bills, which he received on commercial tariff and on average consumption basis. He is ready to pay the minimum charges as per company's Rules. For this grievance he wrote the letters on dt. 25/03/2002, 27/10/2002, 03/04/2005, 03/06/2005, 07/04/2008, 17/02/2009, 10/06/2009, 23/04/2010, 11/05/2010, 07/06/2010 but no cognizance was taken by Utility hence he registered his grievance to IGRC on 29/06/2010.

He further reiterated that as per MSEDCL's request, he submitted all the relevant documents such as NOC from society, letter from Khandelwal Engg. Co. Ltd. for confirming the ownership of the above cabin, which is for residential, use only. He also submitted maintenance bill receipt for above cabin. In spite of that utility did not bothered to rectify the bills. This utility's action is only to harass to consumer.

He stated that at the time of change in name all the required documents were submitted to utility. He also stated that he had never asked for commercial meter and utility was change the tariff at its. Utility neither gave us any written intimation/notice nor collected any charges required for conversion of tariff.

His premises was inspected by utility three to four times and confirmed that premises was not in use and meter was in OK condition.

The Appellant insisted upon his continuous and regorious follow up against the excess billing which in turn was for average billing as well as billing with wrong tariff.

Prayer of the Consumer :-

Refund excess bill amounting to Rs. 12,320.00 paid by him in good faith from October 2000 till the date on account of average billing and commercial billing with interest by cheque or the amount may be adjusted in their residence bill bearing consumer no. 0000505184251.

Suitable compensation may please be given for the harassment.

Utility Say :-

Shri G. V. Chavan Patil, Dy. E. E, Pannalal sub division, Shri P.V. Ghodke and Shri S.P. Bhanushali were present to represent the case.

As per the arguments during the hearing utility stated that they relied upon the order passed by IGRC, Thane and accordingly rectified the bill from 25/05/2009 onwards converting commercial to residential tariff.

They further stated that being it is an old matter and their office establishment shifted twice in last 10 years; it is difficult to produce any documents regarding the correspondence of this consumer.

The Respondent emphasized on the correspondence made by the Appellant is for excess and average billing and no where mentioned regarding wrong tariff application till 25/09/2009. They added that it is difficult to rely on the consumer's statement that use is not for commercial from December 2003 as there is no correspondence by the consumer for the change of tariff. They received the application on dt. 25/05/2009 from which the bills are corrected.

Observation :-

The matter was heard on 18/09/2010. Both the parties were present.

In response to the Appellant say and this Forum's letter, utility is failed to submit the counter say. However only consumer's submission is available to proceed the case.

Arguments during the hearing and submission by the Appellant reveal that consumer was continuously in touch with utility i.e. from year 2000 regarding the average and excess billing. However, the Appellant realised for his wrong billing tariff in year 2009 though he was billed on commercial basis from Dec. 2003. Due to this delayed approached of the consumer and in absence of correspondence for change of tariff before 2009, IGRC

Thane passed an order to convert his tariff from commercial to residential from date of his application and rectification thereof.

As stated by the Respondent the credit for rectification of tariff from May 2009 is already passed to the consumer and all necessary rectification of bill is done.

Considering his continuous correspondence from year 2000, Forum observed that the consumer is billed intermitantly on average consumption of 200 units in spite of his non-use, which is verified by utility time to time, which need to be corrected.

During the course of hearing the Respondent claimed that the necessary rectification for wrong average billing from Nov. 2000 is already rectified.

If it is not it should be rectified and details of rectification should be furnished to the consumer.

As regards to the correction of bills for wrongly conversion from residential to commercial, there is no correspondence made by the consumer before May 2009.

As claimed by the Appellant that his tariff is changed from Residential to commercial in the year Dec 2003. which shows that the cause of action was arose in the year 2003.

Forum feels that there was ample time and opportunity to lodge his grievance to the utility so as utility could verify the fact in time and take a corrective action, but Appellant fails to do so. Moreover in the application of the consumer dt. 07/04/2008 was under the subject of "Request for correction as my electricity Bills" therein it is mention to change the tariff from commercial to

Residential. However the matter is hand written in typed application and also there is no seal on the application for the receipt to the utility office. In such circumstance, it is difficult for the Forum to rely on this application.

Forum observed that the original cause of dispute arose in the year Dec 2003 and consumer applied for correction of tariff in the year 2009 i.e. after lapse of around 6 years which could not entertain as per MERC (CGRF and EO) Regulations 2006, therein Regulation 6.6 which reads as under.

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.

Considering above, Forum has no alternative than to reject the prayer of the Appellant for the correction of his tariff from Dec. 2003 to April 2009.

Forum therefore feels that the IGRC Thane has rightly decided to correct the tariff from the date of the application of the Appellant for conversion of tariff.

O R D E R

- 1) The excess average billing from Nov.2000 should be corrected as per recorded consumption, if not corrected.
- 2) The prayer of the Appellant for the rectification of bill considering the residential tariff from Dec 2003 to April 2009 in the absence of correspondence and as per MERC (CGRF & EO) Regulation 2006 therein Regulation 6.6 is deserved to be and hereby rejected.

The compliance should be reported to this Forum within 30 days after receipt of this order.

No orders as to 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 22 Oct 2010.

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.

MRS. M.P. DATAR
MEMBER
CGRF, BHANDUP

R.M. CHAVAN
MEMBER SECRETARY
CGRF, BHANDUP