

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

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

Date :

Case No. 281

Hearing Dt. 13/08/2009

In the matte of bill dispute

Shri Mukarramuddin N. Ansari - Appellant

Vs.

MSEDCL, (TPL) Bhiwandi - Respondent

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri S.L. KulKarni, Chairman, CGRF, Bhandup.
- 2) Shri R.M Chavan, Member Secretary, CGRF, Bhandup.

B - On behalf of Consumer

- 1) Shri Shakeel Ansari, Consumer Representative.

C - On behalf of Utility

- 1) Shri S.V. Kale, Ex. Engr., MSEDCL, Bhiwandi.
- 2) Shri C.B. Patil, Asstt. Accountant, MSEDCL, Bhiwandi.
- 3) Smt. Sandhya Iyer, TPL, Bhiwandi.

Preamble

Shri Mukarramuddin N. Ansari is having electric connection under consumer no. 13010426442 at 454, 4th Nizampura, Bhiwandi and running business of power-loom, he was having sanction load of 25 HP and as per record connected load of 42 HP. This consumer was billed considering 42 HP as connected load but as per consumers say he has connected load of 24 HP only. He had applied utility for billing accordingly vide his letter dtd. 03/02/2006. He also approaches with this grievance to ICGRU on 20/05/09 but got no response and hence appealed in this Forum vide his application dtd. 28/07/09. Accordingly his grievance has been registered vide case no. 281/09. The hearing was fixed on 13/08/09 where both the parties were present.

Consumer say :

On behalf of consumer Shri Shakeel Ansari present the case before the Forum (herein after referred as to Appellant) as under :-

The Appellant is having three phase connection for power loom business with the sanction load of 25 HP only but Respondent utility is billing him with wrong consideration of 42 HP as sanctioned and connected load. However he approached to the Respondent utility on 03/02/06 and brought in notice that he is using only 28 power looms constitute load of 24 HP, hence should be billed accordingly but no corrective steps are taken from the Respondent utility. He also concised that he had been excessively billed for 2550 units and the Respondent utility intentionally ignores the directives given in circular no. 375. The Appellant reiterated that he had been forced to pay excess amount with higher rate tariff of above 27 HP category. Moreover Torrent Power Ltd. had wrongly charged for 76764 units on average basis which later rectified

on wrong assumption of connected load of 42 HP i.e. machine base tariff which should be on 25 HP.

In the rejoinder submitted by the Appellant on dtd. 20/08/09 (i.e. after hearing) he put forth some other issues, which were not concised during the hearing. Those are as under :-

- 1) The Appellant had been billed on average assessed basis from Feb-07 to Oct-07, hence the Respondent should be penalized as per S.O.P. and compensation should be awarded to the consumer.
- 2) The average billing done by the Respondent for period May-07 to Oct-07 considering 42 HP as sanctioned load for the units of 6300 per month, should be rectified to 3300 units for correct load of 22 HP as sanctioned.

Utility Say :-

On the behalf of utility Shri S.V. Kale, Ex. Engr., Bhiwandi Circle and Smt. Sandhya Iyre from Torrent Power Ltd. (will referred as to the Respondent) present the case, during the hearing as under :-

The Respondent utility stated that Shri Mukaruddin N. Ansari is L.T. consumer having three-phase electric connection at H. No. 454, 4th Nizampura, Bhiwandi and as per record he is having 25 HP sanctioned load with connected load of 42 HP. This consumer is billed as per meter reading from Sept-01, since the billing has been done as per meter reading there is no question of excess billing. Further, during the period of MSEDCL i.e. upto Jan-07 though the consumers sanctioned load is 25 HP but since consumer's actual connected load was 42 HP, hence same was charged to the consumer & even consumer never challenged the same during long span of time, hence billing done to this consumer is in order.

From the Torrent Power Ltd. Smt. Sandhya lyre stated that if the Appellant (Consumer) wants the reduction of load he should apply in the prescribed format and accordingly the case of load reduction will be processed. Moreover the Respondent utility affirmatively agreed to give the effect of load reduction for last one year as per retrieved data of MRI.

Observations :

The matter was heard on 13/08/09, when on the behalf of utility, MSEDCL & its franchisee TPL were present where as Shri Shakeel Ansari represented the Appellant. The main grievance of the Appellant was that he had applied to MSEDCL way back on 03/02/06 for correction of load of his power loom from 42 HP to 24 HP. However, no cognizance was taken and the billing was continued on 42 HP. The TPL also continued the billing on 42 HP despite Appellant unwillingness. In the instance case Forum observed that during the MSEDCL period consumer was billed as per meter reading and not on HP base tariff hence even if load was not reduced by the Respondent utility consumers billing is not affected. This practice also continued by TPL.

Forum observed that there is no consistency in the Appellant say in mentioning his sanction load, sometimes it is 24 HP, sometimes 25 HP and sometimes 22 HP, this variations cannot be understood.

M/s. Torrent Power Ltd. (TPL), the franchises of MSEDCL took over on 20th Jan-07 over all distribution system of Bhiwandi circle, they had billed consumer on average basis from May-07 to Oct-07 for units 6300 per months. These average bills whatever given earlier were corrected and given on consumption pattern recorded during the actual reading and hence no injustice caused. The claim of the Appellant for the compensation towards SOP for non reading of his meter from Feb-07 to Oct-07 could not be granted since it is beyond 60 days from the date of rectification of his average billing. The third provision in Regulation 12.2 of Standard of Performance Regulations clearly stipulates that “no claim for

compensation shall be entertained if the same is filed later than a period of 60 days from the date of rectification of the deficiency in "Performance Standard". In the present case, the Appellant's meter was read in Nov-07 and average billing was rectified in Oct-08 and the Appellant has filed claim of compensation in Aug-09 way beyond the stipulated limit in the Regulation. The Appellant cannot derive liberty to file such claim at his own will beyond the time limit stipulated in the Regulation, hence the Appellant's claim of compensation for not reading the meter is rejected for the above reason..

ORDER

The Respondent is directed as agreed upon in the course of hearing to give the effect of load reduction as per MRI data for a period for 12 months from date of its retrieval. Also on submission of application by Appellant in prescribed form for reduction of load should be processed immediately.

The compliance of above order as elaborated in forgoing paras should be reported within month

No orders as to cost.

Both the parties are to 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 10th of Sept. 2009.

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.

**S.L. KULKARNI
CHAIRMAN
CGRF, BHANDUP**

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