



Consumer Grievance Redressal Forum, Kalyan Zone  
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301  
Ph: – 2210707 & 2328283 Ext: - 122

---

IN THE MATTER OF GRIEVANCE NO. K/E/176/200 OF 2009-2010 OF  
M/S. BHAGWATI PLASTICS, VASAI REGISTERED WITH CONSUMER  
GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT  
EXCESSIVE BILLING.

M/s. Bhagwati Plastics  
Gala No.9-B, Lawrence  
Industrial Estate,  
Waliv Phata, Vasai Road (East)  
Dist : Thane



Here-in -after  
referred  
as Consumer

Versus

Maharashtra State Electricity Dist.  
Company Limited through its  
Dy. Executive Engineer  
Vasai (East) Sub-Division , Vasai



(Here-in-after  
referred  
as licensee)

- 1) Consumer Grievance Redressal Forum has been established under regulation of "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006" to redress the grievances of consumers. This regulation has been made by the

Maharashtra Electricity Regulatory Commission vide powers conformed on it by section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, 2003. (36 of 2003).

- 2). The consumer is a L.T. – V above 20 KW consumer of the licensee connected to their 415-volt network. The Consumer is billed as per Industrial tariff. Consumer registered grievance with the Forum on dated 16/02/2009 for Excessive Energy Bill. The details are as follows:

Name of the consumer :- M/s. Bhagwati Plastics

Address: - As above

Consumer No : - 001840854872

Reason of dispute: Excessive Energy Bill.

- 3). The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/126 dated 16/02/09 to Nodal Officer of licensee. The licensee filed reply vide letter No. DYEE/VSI(E)/B/2335 dated 21/03/2009 received on 21/03/09 at the time of hearing.
- 4). The Members of the Forum heard both the parties on 21/03/2009 @ 15.00 Hrs. in the meeting hall of the Forum's office. Shri Harshad Sheth, consumer's representative Shri M.K.Rathod, Jr.Engineer, Shri S.B. .Hatkar, Asstt.Acctt. representatives of the licensee attended hearing.
- 5). The consumer approached to IGRC on 09/12/2008 but the licensee did not inform the consumer about any solution to his grievances & therefore the consumer approached this forum on 16/02/2009.
- 6). The Consumer Representative Shri Harshed Seth submitted that though he got parawise reply from Dy.EE MSEDCL Vasai Sub Division vide letter No. 2335 dated 21/03/2009, the reply given by the licensee is vague and not satisfactory.

7). The CR further submit that the licensee has provided CPL for a period from Mar.03 to Dec.06 and from Dec.07 to Mar 09. He further submit that the licensee be directed to provide him CPL of the period from Jan.07 to Nov.07 so that he can verify the same. The L.R. is directed to file on record the CPL from Jan.07 to Nov.07 and give its copy to the consumer. The LR agreed to do so. However, the licensee did not produce on record the CPL of the said period till this date. The CR further submitted as under:

8). Illegal MD based tariff.:

The CR submits that the licensee has charged MD based tariff to the consumer without 100% metering and its such action is illegal. He relies on zerox copy of operative order dtd.20.6.08 of MERC in case No.72 of 2007, MSEDCL circular No.81 dt.7.7.08 in support of his such contention. He further submit that as per order dated 12.9.08 of MERC in case 44 of 2008, the licensee can not impose MD based fixed charges, PF penalty and demand penalty/incentive without MD based tariff being made applicable to the concerned consumer but in the instant case, the licensee has applied the above charges or penalties without MD based tariff being applicable to it and hence such action of licensee is illegal. He further submit that thus the licensee has violated the Act, rules and orders of MERC and hence is liable for action under section 142 and 146 of the Electricity Act 2003. He further submits that therefore the licensee be directed to refund the amounts of such illegally recovered charges together with interest at the rate which it applies to the defaulting consumer.

-As against above contention, the LR submits that the licensee has applied MD based tariff from Aug.08 on completion of 100% TOD metering and as per directives given in Clause 10.5 of Com. Circular No.81 dt.7.7.08. He

therefore submits that whatever charges based on MD based tariff, are recovered by the licensee from the consumer are correct and legal and therefore the question of refunding the same to the consumer does not arise.

- 9). The CR further submitted that the licensee has collected amount under Debit bill adjustment with no details. This be verified and if not justified, the licensee should be directed to refund Rs.1,790.61 with interest as collected from the default consumer. On this, forum directed the LR to produce on record the CPL of the period from Jan.07 to Nov.07.by 23.03.09.
- 10). The CR submits that in the bill for Aug.07, SD interest is written but not credited. He further submits that amounts of Rs.12,000/- and Rs.7200/- have been collected while giving new connection as in similar electric connections in the said year. However, SD of Rs.12000/- is only displayed in the bill. Therefore the balance amount of Rs.7200/- together with interest of Rs.2304/- as per statement be refunded to the consumer.
  - In respect of refund of SD the licensee has agreed to refund the interest and refund excess SD, if any, after consolidating the SD account of the consumer. The LR further submits that for the said purpose, the consumer will have to submit the original money receipts, and in case the consumer is not having money receipts, it will have to submit indemnity bond/ affidavit and after the consumer do so, the record will be verified and then action will be taken accordingly.
- 11). The CR stated that from Oct.06 to Mar 07 the licensee had to refund difference of MD based charges and HP based charges to 7,044.71. Verify this and if refunded any amount, give details. --- On this the licensee stated that the MD based tariff charged for Oct.06 to Mar 07 the amount has been

refunded in Jan.07 and May 07. The said facts are duly mentioned in the bills.

- 12). The CR submitted that additional supply charges are illegally charged by the licensee to the consumer. The benchmark consumption, as per licensee's bills since Oct.06 is 5332 units per month, & therefore, for charging ASC in the said month consumption should be above 4852 unit per month but its consumption during the said month was 2611 units, and therefore no ASC could be charged to consumer. Therefore the licensee be directed to refund an amount of Rs.359.95 {  $313 \times 1.15$  } (5.15 less 4.00) = 359.95} . He further claims refund of Rs.508.64, Rs.312.80, Rs.398.48 on similar grounds as the charges illegally recovered towards ASC for the months Sept.07, Mar.08 and April 08. --- The licensee submits that after verifying the record detail report will be submitted on or before 10.04.09. The licensee on 13/04/09 vide letter No. DYEE/VSI/(E)/B-2910, dated 13/04/09 as there was holiday on 10/04/09, reported that the concerned Officer has sought guide lines from the higher authority & the same are awaited & therefore, he will file suitable reply immediately after receiving such guide lines from the higher authority. However, he has not filed such reply till this date.
- 13) Disconnection of supply: The CR submits that the licensee disconnected the consumer's supply illegally. The consumer received a bill of Rs.330/- for 'O' unit in Nov.08. The consumer paid the same. The licensee gave the bill for Rs. 7,40,974.19. on 25.11.08 and asked to give the acknowledgement. The consumer did not accept the same. On 3.12.08 in absence of the owner or any responsible person without assigning any documents of disconnection, the officials of the licensee disconnected the supply. The

consumer is regular in paying the electric bills, SD of Rs.15,000/- is in credit of the consumer with licensee. Fifteen days notice is not given. The reason for charging all of sudden at Rs.7,40,974.19 was that the licensee was charging MF @ 1 since last 5 years ( for the period May 03 to Oct.08). Actually the consumer's CT is 100/5 wherein they recorded this as 50/5 accordingly bills are issued for last 5 years at MF-1, instead of MF-2. When the officers of licensee noticed the said mistake, they revised all bills and bill for arrears of Rs. 7,40,974.19 has been issued. Error in calculating the charges was purely the mistake of licensee and how then the licensee can disconnect the supply for arrears due to its such mistake. The CR submits that the licensee be directed to immediately reconnect the supply without any condition and compensation for illegal disconnection and harassment be granted to the consumer. The CR further demanded (1) licensee should give original documents in respect of the meter, (2) respective counter verification documents may be called from meter manufacturer (3) meter may be sent to public testing laboratory and get tested (4) a calibrated meter of licensee may be installed in parallel to the meter under observation for one month (5) in addition this meter should tested by accucheck meter in their presence (6) and draw out all refundable amounts to the consumers in various points prayed for, give credit all refunds and give installments for balance amount of the MF difference to be paid. Before all these, the consumer demanded to reconnect the supply without any condition.

- On this grievance, the licensee stated that the consumer is billed as MF1 instead of MF-2. Hence supplementary bill has been issued to consumer for Rs. 7,40,974.19. they refused to accept the same. We offered the consumer installments they were not ready to pay it by installments, finally supply has

been disconnected giving disconnection. --- On this forum asked the LR to submit all papers including copy of disconnection notice on 23.3.09. The CR said the consumer approached EE on 7.12.08, request made to IGRC and also met the SE. All of them said that they will look into the matter. The consumer written a letter on 8.12.08 to MSEDCL to justify licensee's claim for such arrears. However, the officers of licensee disconnected the supply and left the meter in the consumer's premises. The CR further submit that the licensee should be directed to pay compensation for such illegal disconnection to the consumer.

- 14). The forum members after this hearing, held a meeting in the Chairman's chamber and come to the conclusion that prima-facie, the licensee has disconnected the supply illegally for no fault on the part of consumer. The consumer still remained without electric supply from December 08. Therefore, the forum come to the conclusion and decided unanimously to grant reconnection of supply immediately .Accordingly an interim order was passed by the forum to reconnect the supply with immediate effect, pending decision of the forum. The said order of reconnection was conveyed to the licensee through Nodal Officer, Vasai Circle, Vasai vide letter No. KLNZ/CGRF/Kalyan/286 dt. 23.3.09. The CR subsequently, orally informed to the forum that the licensee has restored the electricity supply to the consumer as per directions of this forum.
- 15). The consumer has mentioned about his grievance in detail in its letter dt. 8.12.08 sent to the Executive Engineer, MSEDCL and licensee has also replied the said grievances one after another as mentioned in the same letter dt.8.12.08, vide letter reply dtd.21.3.09, and therefore the grievance of

consumer are considered one after another as mentioned in the said letter dtd.8.12.08.

16). As to grievances nos. (a) to (e)

(i)Excess MD charges :- (View of Mrs. V. V. Kelkar, Member) As per licensee's reply on the subject referring circular No.81, clause No.10.5, they stated that the "the MD based tariff is applied to consumer from Aug.08." Clause No.10.5 is as follows:

"MSEDCL is thus allowed to charge MD based tariff immediately on completion of 100% metering. All Zonal Chief Engineers to immediately inform the IT centre under their jurisdiction about such completion and may also send certificate immediately to that effect to Chief Engineer (Dist).

The clause clearly states that after completion of the 100% metering the Zonal Chief Engineers are required to immediately inform IT centres under their jurisdiction about such completion for the change in charges of MD based tariff.

The licensee did not submit any letter / reply regarding above subject till to-day. Under the above circumstances I come to the conclusion that as the licensee is not able to substantiate this statement of 100% metering completion of their area, I also have a meter replacement report submitted by the licensee in another similar case No.K/E/177/201 M/s. Maharashtra Pencil Factory, which indicates that the Electro Mechanical meter was replaced by static meter (Secure make) on 05/02/09. The date of replacement of meter is much later as compared to the period of grievance, in the present case. This confirms that the licensee has not installed the meter 100% (As per circular dated 5.2.09). Therefore the work is not yet completed and hence they can not charge MD tariff to the consumer from



05.07.08 to 05.08.08. The excess amount charged under this tariff from the consumer should be adjusted in the bills, with interest @ RBI Bank rate at rate prevailing at the date of decision of the forum.

(i) (a) As far as the grievance of consumer to the effect that the Licensee has recovered electric charges as per M. D. based tariff for the month of August 08 illegally is concerned Shri Shivdas, Member Secretary, differed from the above view taken by Sau. V. V. Kelkar, Member and therefore, the view taken and the reasons given by him for such view are separated recorded as under.

(i) (b) Para 47 of the Operative Order dt. 20/06/2008 of MERC in Case No. 72/2007, on the basis of which the licensee/MSEDCL issued Commercial Circular No. 81, dt. 07/07/08, reads as under

“47. In line with Commission’s ruling in the MYT order, since MSEDCL is yet to achieve 100% MD metering for LTV industrial consumers above 20 KW (around 97% completion has indicated by MSEDCL till date), the MD tariffs for LTV industrial consumers will not be made effective. Till the MD meters are installed, MSEDCL will be allowed to charge only the earlier HP based tariffs, though the revenue has been assessed based on MD based tariffs”.

It is clear from the above order that while passing the said order or giving the said directions, MERC relied on the report about completion of 97% given by MSEDCL/licensee, without insisting for proof about it. It is clear from Clause No. 10.5 in commercial circular No. 81, dt. 07/07/2008 issued by the MSEDCL/licensee, reproduced in above para 18 (i) that in view of the above referred order in para 47 of order dt. 20/06/2008 of MERC in case No. 72/2007, the MSEDCL/licensee issued directives to all

Zonal Engineers to immediately inform IT centres under their jurisdiction about such completion and further directed that they may also send a certificate immediately to that effect to Chief Engineer (Dist). The MSEDCL/licensee through Dy. Executive Engineer, MSEDCL Vasai Road (E) S/Dn. vide say cum letter dt. 9/2/2009, claims that on completion of 100% TOD metering and as per the directives given in circular No. 81, clause No. 10.5, the MD based tariff is applied to the consumer from August 2008. Moreover, the licensee in it's circular No. PR-3/Tariff, dt. 05/02/2009 clearly stated that the MSEDCL has completed the 100% work of installation of TOD meters to LTV industries having load more than 20 KW. MSEDCL is a public institute and therefore, the same or it's officers have no personal interest to falsely say that 100% TOD metering was completed and therefore MD based tariff is applied to the concerned consumers i.e. LTV Industries above 20 KW consumers. Under such circumstances, in my opinion, it would not be proper to insist for filing of documents about 100% completion of TOD metering. Therefore I accept the contention of MSEDCL that 100% TOD metering was completed by the end of July 2008.

(i) (c) It is clear from the provisions of 3.4.1 of Maharashtra Electricity Regulatory Commission (Electricity Supply Code & other conditions of Supply) Regulations, 2005 that MSEDCL/licensee can recover charges for the electricity supplied as per the tariffs fixed by the Commissioner (MERC) from time to time. It is clear from the order dated 20/06/2008, passed by MERC in case No. 72 of 2007 that the Commission (MERC) fixed tariffs for LT-V industries above 20 KW consumers on HP basis as well as on MD TOD basis with a direction that the TOD tariff shall be applicable after installation of MD meters. It is true that as per para 47 in

the said order, the Commission (MERC) at that time allowed the licensee to charge as per earlier HP based tariffs but it was because at that time the licensee reported that the work of MD metering was completed to the extent of 97% only. It is further made clear in the said para 47 of the said order that till the MD meters are installed, MSEDCL will be allowed to charge only the earlier HP based tariffs. Moreover, the fact that the Commission (MERC) in the said order also fixed & finalized the MD tariff or TOD tariff clearly show that the licensee was permitted to charge electricity charges as per the MD metering or TOD metering immediately after completion of 100% work of installation of MD meters, as clearly stated in the Commercial circular No. 81, dt. 07/07/2008 by the licensee. In view of this, and since in my opinion the licensee has already completed 100% installation of MD meters as discussed above, in my opinion the licensee has correctly charged the electricity charges to the consumer as per MD tariff and therefore, such charging cannot be said to be illegal as alleged by the Consumer. Moreover in my opinion, the consumer should have approached the Commission (MERC) for his such grievance instead of this forum, as the Commission (MERC) is the Competent Authority to decide as to whether the licensee has applied the tariff correctly. For all above reasons, the consumer is not entitled for refund of or adjustment of any amount on such count. Hence I hold accordingly.

- 17) i) Clause 8.1 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum) & Electricity Ombudsman) Regulations 2006, reads as under :

*"On completion of proceedings conducted under Regulation 6, except where the forum consist of a single member, the forum shall take a decision*

*by majority of votes of the members of the forum & in the even of equality of votes, the Chairperson shall have the second & casting vote.”*

It is clear from the above clause 8.1 of the Regulations 2006 that the Chairperson has been given a second or casting vote, in case of equality of votes, & it clearly means such equality of votes is meant to be equality of the votes of other two members.

(i)(a) In the instant case, there has been difference of opinion or view amongst two members, & therefore, Shri M. N. Patale, as a chairperson will have to give the second or casting vote & the view out of the different views taken by two members, seconded by Shri M. N. Patale Chairperson will become the view of the majority & hence such view will be the decision of the forum.

(i)(b) Shri M.N. Patale, after giving due consideration to the different views expressed by two members as above, approves or supports the view taken by Shri R. V. Shivdas to the effect that considering the tariff order issued by the Commission (MERC) & circular No. 81 issued by the licensee, read with the circular dated 05/02/2009 referred & other facts discussed by him it is clear that the licensee has completed 100% installations of meters & therefore correctly recovered the electric charges as per MD tariff or TOD tariff from the consumer & therefore the consumer is not entitled for any refund or adjustment of any amount on such ground.

18). As to grievance (f): The consumer has claimed refund of total amount of Rs.7445.08 as according to it, the licensee has illegally recovered MD based fixed charges for the months July 08 to Sept.08 and also as PF penalty as according to it, the licensee is not justified in charging as per the MD based tariff. However with majority view, it is already held that the

action of licensee in charging the consumer according to MD based tariff is correct and therefore consequently, the consumer is not entitled for any refund on any such grounds as claimed by it in this grievance.

- 19). As to grievance (g) : The consumer has claimed details and reasons for various amounts like Rs.251.64, Rs.865.36, Rs.106.00, Rs.567.01 shown as bill adjustments in the bills for the months Aug.07, Jul.07, Jun 07 and Feb.07 respectively. The licensee has claimed that the said amounts are of current bill adjustments in the bill for Sept.07, TOSE @ of 4 N/P unit from Sept.05 to Feb.06 in the bill for the month of Aug.07, tariff adjustment in the bill for July 07, and current bill adjustment in the bill for Mar 07 respectively. The licensee has not given more details of such amounts. Therefore the licensee should give such details regarding how and of which the said amounts are adjusted in writing to the consumer with copy to this forum and if any excess amount is recovered, to adjust such excess amount in the ensuing bills of the consumer within a period of 60 days from the date of decision in this case.
- 20). As to grievance (h) – The consumer claims that the licensee has mentioned as SD interest for 2006-07 in the bill for the billing period of Aug.07 but the amount of such interest is not credited to the consumer's account, and therefore the licensee be directed to refund such interest of Rs.720/- to the consumer. The licensee has claimed credit of such interest of Rs.720/- for the year 2006-07 has been given to the consumer in Sept.07, and the said fact can be verified from CPL. However, the licensee has not produced on record such CPL for Sept.07. Therefore the licensee to again reverify the said fact, give copy of CPL for Sept.07 to the consumer and give credit of the said amount of Rs.720/- to the consumer, if not

already given, in the ensuing bills within a period of 60 days from the date of decision in this case.

- 21). As to grievance (i) - It is an admitted fact that the licensee was to refund difference of M. D. based charges & H. P. based charges of the period from Oct. 2006 to March 2007 . The consumer claims that such difference comes to Rs. 7,044=71. The licensee claims that the amount of such difference has been refunded to the consumer in January 2007 & May 2007. The licensee however, did not produce on record the CPL of the said months to show such refund. The licensee has also not clarified as to what is the exact amount of such difference. Therefore, the licensee to recalculate such difference & after deducting the amount of which credit is already given to the consumer in the month of January 2007 & May 2007 if any, give credit of the excess amount if any, to the consumer in the ensuing bills after a period of 30 days from the date of this decision.
- 22). As to grievance (j) – The consumer claims that the licensee has illegally charged additional supply charges (ASC) for October 2006, Sept. 07, March 08, & April 08 & according to it the consumer was not liable for such ASC during the said months considering the consumption during the said months & the fact that the bench mark consumption was 5332 units during the year 2005. The licensee has not given any reply to the above contention of the consumer.
- 23) As far as the consumer's contention regarding charging of ASC for the months of Oct. 2006, Sept. 07, March 08 & April 08 is concerned, none of the parties have filed details regarding consumption during the period January 2005 to December 2005 to calculate the bench mark consumption. The contention of consumer is based on such average consumption of 5332

units during the year 2005 given in the bills for the periods 2/2/07 to 2/3/07, 3/11/06 to 2/12/06, 2/12/06 to 2/1/07, & 2/1/07 to 2/2/07 (Annex. 6-d, 7-b, 7-c, & 7-d resp.). However, such average consumption of 5332 units is given as consumption of previous years in the bills for 2/8/07 to 1/9/07, 2/7/07 to 2/8/07 & 2/6/07 to 2/7/07 (Annex. 6-a, 6-b & 6-c). Surprisingly B.C. is shown as 3292 units in the bills for 3/3/08 to 4/4/08 & 4/4/08 to 5/5/08 (Annex. 8-b & 8-c). Thus it is not possible for this Forum to positively hold regarding the exact B.C., & therefore it is not possible to find out whether ASC has been properly or improperly charged. However, considering the fact that B.C. is mentioned as 5332 units in some of the bills as stated above, there appears to be substance in the grievance of the consumer about it. Therefore, the licensee is directed to verify the exact B.C. from it's record & then reconsider the question as to whether the consumer was liable for ASC during the above months & give credit of any excess amount recovered as ASC during the said months to the consumer in the ensuing bills after a period of 30 days from the date of this decision.

- 24) As to grievance (k) – The consumer claims that it has deposited Rs. 12,000/- plus Rs. 7,200/- as Security Deposit at the time of taking connection. But the bills show S.D. of Rs. 12,000/- only. The consumer therefore, claims refund of Rs. 7200/- together with interest of Rs. 2304/- as per statement. The licensee admits that S.D. was paid at the time of taking connection on 07/03/2003 but the bills display Rs. 12,000/- & the same does not display the amount of Rs. 7,200/-. The licensee claims that the consumer should produce the original receipts for further action.
- 25) On perusal of Xerox copies of bills produced by the consumer, it is clear that such amount of S.D. is shown as Rs. 12,000/- in various bills of the

period from 03/10/06 to 05/05/08 (Annex. 6-a to d, 7-a to d, 8-a to c) whereas the bills for the period from 05/07/08 to 05/10/08 (Annex. 5-a to c) such amount of S.D. is shown as Rs. 15,000/-. It is clear from the chart Ann. 9-a filed by the consumer that the consumer claims that the amount of Rs. 7,200/- has been recovered towards additional development charges/six months guarantee charges & the same are to be treated as S.D. The consumer however, did not produce receipts or other documents about deposit of such different amounts. In view of this & considering the fact that in some bills, the amount of S.D. is shown as Rs. 15,000/-, it is not possible for the Forum to conclude about the exact amount of S.D. of consumer with the licensee. Therefore, the licensee is directed to calculate the amount of S.D. from it's record, & obtaining the original receipts or other documents about it or indemnity bond or affidavit as may be necessary according to the procedure from the consumer & then recalculate interest on it at the prevalent rate, & also proper S.D. at this stage & then give the credit of excess amount of S.D. & excess interest if any, to the consumer in the ensuing bills after a period of 30 days from the date of this decision.

- 26) Grievance regarding illegal disconnection – The consumer claims that on 25/11/2008, the licensee sent a bills for Rs. 07,40,974=19 & ask the consumer to acknowledge the receipt of the same. The consumer however, did not accept the said bill, as it was for exorbitant amount & it was very regular in paying the earlier bills. The licensee, thereafter disconnected the supply on 03/12/2008, without giving any notice to the consumer as required under Section 56(1) of the Electricity Act 2003. The C.R. further submitted that the licensee has issued the said bill as the arrears of earlier five years on the ground that the licensee during the said earlier five years



wrongly charged the consumer as “M.F.-1”, whereas in fact the consumer should have been charged as “M.F.-2”. The licensee claims that the consumer is billed as MF-1 instead of MF- 2. Hence supplementary bill has been issued for Rs. 07,40,974=19 The consumer refused to accept the said bill & did not pay the amount of the said bill & therefore, supply has been disconnected after the period of payment was over. The licensee does not claim that it has given 15 days clear notice, but merely claims that the consumer has not paid the amount of bill within time given in the bill & therefore it has disconnected the supply to the consumer. However, it is clear from the provisions of Section 56(1) of the E. Act 2003 that separate 15 days written notice after the consumer neglects to make the payment is necessary for taking action of disconnection & therefore, the action of licensee in disconnecting the supply to the consumer is illegal. Hence considering the period of disconnection from 03/12/2008 to about last week of March 2009, the licensee is directed to pay compensation of Rs. 3,500/- to the consumer by giving credit of such amount to it in the ensuing bill after a period of 90 days from the date of this decision.

- 27) As far as the question regarding the revised bill for Rs. 07,40,974=19 is concerned, the licensee in it's reply did not claim about the exact period of which the said revised bill is. However, the consumer claims that it is of earlier five years. As per Section 56 (2) of E. Act 2005, the licensee can recovery of the arrears of previous two years only. Therefore, the licensee should revise the said above referred bill in consonance with above Section 56 (2) & re-issue fresh bill to the consumer within a period of 60 days & should not take any action of disconnection till then in case the consumer pays the current bills regularly.

- 28) There has been number of holidays & consequently less working days during this month. There has been also sudden increase in registration of grievances by the consumers before this Forum since last two months, as a result of which this Forum is forced to hear arguments in two cases on every day & also to decide such cases at the same rate. Therefore there has been Six days delay in deciding this case.
- 29) After hearing both the parties, studying all available documents submitted by licensee as well as consumer & considering the majority view on the point of charging as per M. D. Based tariff, and unanimous decision on other points as above, the forum passes the following order.

### **ORDER**

- 1) Prayer of consumer for the refund of the amount of electric charges recovered by licensee as per MD based tariff or TOD based tariff is rejected.
- 2) Licensee should follow the directions given in above para numbers 19, 20, 21, 23, 24, 25, 26, 27.
- 3) Compliance should be reported to the forum within 90 days from the date of this decision.
- 4) Consumer can file representation against this decision to the Ombudsman at the following address.

*“Maharashtra Electricity Regulatory Commission,  
606/608, Keshav Building, Bandra Kurla Complex, Mumbai 51”*

Representation can be filed within 60 days from the date of this order.

- 5) Consumer Pcan approach Maharashtra Electricity Regulatory Commission on the following address :

*“Maharashtra Electricity Regulatory Commission,  
13th floor, World Trade Center, Cuffe Parade, Colaba, Mumbai 05”*

for compliance in case of non-compliance, part compliance or delay in compliance of this decision passed under “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2003”, under Section 142 of the Electricity Act 2003.

Date : 21/04/2009

(Sau V. V. Kelkar)  
Member  
CGRF Kalyan

(R.V.Shivdas)  
Member Secretary  
CGRF Kalyan

(M.N.Patale )  
Chairman  
CGRF Kalyan