



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

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**IN THE MATTER OF GRIEVANCE NO.K/E/186/210 OF 2009-2010 OF**  
**SHRI TRIBHUVAN FAUJDAR YADAV REGISTERED WITH**  
**CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE**  
**KALYAN ABOUT EXCESSIVE ENERGY BILL.**

Shri Tribhuvan Faujdar Yadav  
Dattatray Flour Mill  
Near Mhaskar Hospital  
Murbad Road, Kalyan (W), Dist. : Thane

} (Here-in-after  
referred  
as consumer)

**Versus**

Maharashtra State Electricity Distribution  
Company Limited through its  
Deputy Executive Engineer, MSEDCL  
Sub Dvn.1, Kalyan (W) Dist.Thane.

} (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. Commercial consumer of the Licensee connected to their 415-volt network. Consumer is billed as per Industrial tariff. Electricity bill stands in the name of Shri D.V.Godbole. Shri Tribhuvan Fouzdar Yadav, user of the concerned electric connection registered grievance with the Forum on dated 24/02/2009.

The details are as follows: -

*Name of the consumer: - Shri D.V.Godbole,*

*User Shri Tribhuvn Fouzdar Yadav.*

*Address: - As above*

*Consumer No: 020020049902*

*Reason of dispute: -Refund of energy charges recovered in excess.*

- 3) The batch of papers containing above grievance was sent by Forum vide letter No. 161 dated 24/02/2009 to Nodal Officer of licensee. The licensee filed say /reply vide letter No. 266 dt.8.4.09 and vide letter No.726 dt. 8.5.09 and also filed various documents.
- 4) The hearing in this case was earlier fixed for 8.4.09 at 15.00 hrs. However on the request made by the representative of the consumer (CR) on 16.03.09, the hearing was postponed to 9.4.09 at 15.00 hrs. Again on the request made by the representative of the consumer (CR) on 06/04/09, the hearing was postponed to 05/05/09 at 16.00 hrs. The Forum, accordingly, heard both the parties on 5/5/09. Shri J.A.Pardeshi,

consumer's Representative (CR), and Shri Nitnaware, Nodel Officer,, Shri D.V.Bhojne, AE, Shri Deshmukh, Jr.Engineer and Shri Sapkal, LDC the representatives of the licensee, attended hearing.

- 5) The minutes of hearing including the submissions made by both the parties have been recorded and same are placed on record. Submission made by the parties during such hearing shall be considered while deciding the concerned grievance and hence the same are not separately mentioned, in order to avoid repetition.
- 6) Shri Tribhuvan Fouzdar Yadav is the user of the flour mill in which the licensee has given the electric supply vide concerned consumer No. 020020049902. The user Shri Yadav claims that this forum has decided grievance No.K/E/108/123 on 14.2.08. However, since the directions regarding payment of excess fix charges recovered from 1994 to 1997 was not made within next two billing cycles, the Hon. Commission has decided case No.53 of 2008 under Section 142 of the Electricity Act 2003. The Hon. Commission in the said case could not found out as to whether there has been compliance of the above referred order passed by this forum and therefore this forum should now find out whether there has been really compliance of the above referred order of this forum by the licensee. He further claims that an amount of Rs.7000/- out of total amount of Rs.52000/- of the period 1994-2006 has been paid to him and therefore the licensee be directed to pay the remaining amount to him.
- 7) The licensee vide reply dated 8.4.09 claims that the total amount recovered from the consumer during 97 months of the period Jan.98 to Jan.06 is Rs.52,591.50, and the corrected amounts of such fix charges

for the period of 44 months from May 94 to Dec.97 works to be Rs.11,000/- and for the period of 97 months from Jan.98 to Jan.06 works out to be Rs.34,770/-. Out of these two amounts, the amount of Rs.11,000/-, the fix charges for the period May 94 to Dec.97 is already refunded to the consumer as per earlier order dated 14.2.08 in grievance No.K/E/108/0123 passed by this forum, and if the said amount is included in the fix charges of the period Jan.98 to Jan.06 i.e. Rs.34,770/-, the total amount comes to Rs.45,770/-. If the said amount is deducted from the total amount of Rs.52,591.50 recovered from the consumer, the excess amount to which the consumer was entitle, come to Rs.6821.50. The licensee has already paid the said amount of Rs.6821.50 by giving its credit to the consumer in the bill for the month of July 2007. Thus the licensee has fully complied with the earlier order of this forum in the above referred grievance No.123. The licensee in its additional reply dated 8.5.09 claims that after manual calculations of the fix charges recovered from the consumer and the actual fix charges which the consumer was liable to pay, it is revealed that the actual fix charges of the period Jan.98 to Jan.06 which was to be recovered from the consumer comes to Rs.35,060/-, instead of Rs.34.770/- as mentioned by it in the reply dated 8.4.09 and therefore the concerned officer of the licensee be permitted to submit + B-80 for Rs.290/- to enable it to recover the said amount from the consumer.

- 8) It is clear from the facts of the present case as discussed above that this forum has earlier decided the grievance of the consumer regarding the recovery of excess fix charges vide Judgement dated

14.2.08 in grievance No.K/E/108/123. Therefore in view of the provisions of Regulation No.6.7 (c) of MERC (CGRF and Electricity Ombudsman) Regulations 2006 (hereinafter referred as Regulations 2006 only), this forum can not considered the said grievance again.

9) The user Shri Tribhuvan K. Yadav has requested this forum to verify whether the licensee has complied with the earlier order of this forum in grievance No.123, and to direct the licensee to comply the said order by making payment of remaining amount. However, the Regulations 2006 do not contain any provision empowering this forum to verify the compliance of the orders passed by this forum and to direct the remaining compliance.

10) Moreover, it is clear from the order dated Jan.23/2009 in case No.53 filed by the user Shri Yadav, complaining about the non compliance of the order dated 14.2.08 passed by this forum in case No.123 filed by the consumer Shri Godbole, that at the time of hearing in the said case, the user Shri Yadav did not dispute the compliance of the order dated 14.2.08 passed by this forum in case No.123. Relevant observations made by Hon.MERC in the said case, reads as under :

“7. The averments made during the hearing as well under the pleading show that the complainant neither disputes the CGRF’s order dated 14.2.08 nor does he states that the directions contained therein have not been complied with by MSEDCL. His grievance is that the directions contained in the said order dated 14.2.08 were not complied with in a timely manner.....”

Thus the user Shri Yadav, did not complaint about non compliance of the order dtd.14.2.08 passed by this forum in case No.123, and

therefore he can not now raise such grievance, and there is no substance in his such grievance made in this case.

11. Moreover, it is clear from the CPL for the month of July 07 that the licensee has given credit of Rs.6821.50 to the consumer, and it is clear from the copy of bill dated 6.8.08 that the consumer has been given credit of Rs.11,000/- and thus the licensee has paid total amount of Rs.17,821.50 to the consumer which was recovered in excess, as contented by licensee in its reply dtd 8.4.09. Not only this, it is also from the reply dated 8.5.09 filed by licensee corroborated by the statement, that in fact the licensee has overpaid an amount of Rs.290/- to the consumer and the concerned officer has prayed for permission of this forum to prepare B-80 for the same. Let it be, the fact remain that the licensee has fully complied with the directions given by this forum vide order dated 14.2.08 in case No.123. In fact, the user has given in writing about the said fact below the bill dated 6.8.08. In view of the above discussion, there appears no substance in the contention of the representative of user Shri Yadav that the officers of licensee have forcibly obtained the said writing from the user Shri Yadav, and hence his such contention is rejected. Thus forum comes to the conclusion that the licensee has fully complied with the order dated 14.2.08 passed by this forum in case No.123.
12. The hearing in this case was earlier fixed for 8.4.09 at 15.00 hrs. However on the request made by the representative of the consumer (CR) on 16.03.09, the hearing was postponed to 9.4.09 at 15.00 hrs. Again on the request made by the representative of the consumer (CR)

on 06/04/09, the hearing was postponed to 05/05/09 at 16.00 hrs.

Therefore, there has been some delay in deciding this case.

13. In view of the above discussions, the forum comes to the conclusion that there is no substance in the present grievance of user Shri Yadav and hence the forum unanimously passes the following order.

### **ORDER**

1. The grievance of user Shri Yadav is dismissed.
2. Licensee may take steps to recover the outstanding amount of Rs. 290/- from the consumer by submitting B – 80 proposal as prayed in reply dated 08/05/09
3. The Consumer can file representation against this decision with the Ombudsman at the following address.

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

Such representation can be filed within 60 days from the date of this decision.

**Date: - 13/05/2009**

(V.V.Kelkar)  
Member  
CGRF Kalyan

(R.V.Shivdas)  
Member Secretary  
CGRF Kalyan

(M. N. Patale)  
Chairperson  
CGRF Kalyan