



**Consumer Grievance Redressal Forum, Kalyan Zone**  
**Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301**  
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Date of Grievance : 15/1/2013  
Date of Order : 11/3 /2013  
Period taken : 55 Days

**IN THE MATTER OF GRIEVANCE NO. K/E/677/798 OF 2012-2013 OF**  
**M/S. VASTUSANKALPA DEV.,KALYAN(W) REGISTERED WITH**  
**CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN**  
**ABOUT EXCESSIVE BILLING.**

M/s. Vastusankalpa Developers  
Punyodaya Park,.No.75/1 & 2  
Adharwadi Jail Rd.,Wadeghar  
Kalyan (West) – 421 301

(Here-in-after  
as Consumer}

Versus

Maharashtra State Electricity Distribution  
Company Limited through its  
Dy. Executive Engineer , Kalyan(W)  
Subdn. II,Kalyan , Kalyan (W)  
Dist. Thana.

(Here-in-after  
referred  
as licensee)

(Per Shri Sadashiv S. Deshmukh, Chairperson)

- 1) This Consumer Grievance Redressal Forum has been established under “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006” to redress the grievances of consumers. The regulation has been made by the Maharashtra Electricity Regulatory Commission vide powers conferred 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. consumer of the licensee with 50 K.W.load. The Consumer is billed as per commercial tariff. Consumer registered grievance with the Forum on 15/1/2013 for Excessive Energy Bills. The details are as follows: -  
Name of the consumer :- M/s. Vastusankalpa Developers  
Address : - As given in the title  
Consumer No . : - 020391019003  
  
Reason of dispute : Excessive Energy Bills.
- 3) We the Members of the Forum heard this matter with Grievance No.798 from time to time and lastly on 11/3/2013 at 15.30 hrs. in the meeting hall of the Forum’s office. On behalf of consumer Shri Garud (Consumer Representatives) & Mr. Baxi ,Dy. Executive Engineer & Mrs. Kale Asst. Accountant from MSEDCL were present.
- 4) We have gone through reply of Licensee dated 12/2/2013 we have read the order of IGRC dated 14/12/2012.

- 5) In fact consumer has disputed the liability on 18 Jan. 2012 approaching IGRC consumer as a builder is having a connection and maximum demand is 50 KVA and contract demand is also 50 KVA. Meter is inspected on 19/12/2011 by Dy. Executive Engineer of Flying Squad, Kalyan-I. During inspection it is noted that maximum demand is recorded as 73.4 KVA/61.9780 KW. Accordingly M.D. exceeded is noted and on this basis direction for recovery is given considering slab difference. Accordingly on its basis for last 6 months arrears are worked out to the tune of Rs.1,43,321/- . Said amount consumer deposited under protest on 18/6/2012 . As stated above IGRC maintained the recovery and further directed for resetting M.D. after monthly reading. Precisely said aspect is now disputed, contending that every month it was necessary to reset the M.D. and per month independent working of dues was to be done. It is clear that M.D. is not reset, it cannot be inferred that for last 6 months same was the position. If M.D. would have been reset it would reflected the exact position but by drawing inference liability cannot be raised retrospectively. As per the direction of MERC resetting of M.D. per month is condition precedent for seeking bill amount dues.

- 6) On behalf of Licensee, submission were made but pointedly it is not shown whether only on inference , recovery can be done for previous 6 months though M.D. was not reset. On behalf of consumer it is submitted unless actually M.D. is reset no liability can be thrust on the consumer by way of inference .
- 7) Considering aforesaid factual as per requirement of MERC, there can be recovery from particular month of the amount on the basis of M.D. if it has exceeded. There is no provision of recovery of dues retrospectively. on the basis of inspection conducted in further months .
- 8) Accordingly we find there is force in the grievance of consumer. We find recovery of dues as per inspection carried out is to be made limited for the month during which inspection was conducted. In this light as inspection is conducted on 19/12/2011,hence recovery is to be limited for the month of Dec. 2011 and not prior to it. The claim of Licensee for the period of 6 months to the tune of Rs. 1,43,321/- needs to be set aside directing to the Licensee to issue fresh bill for the month of Dec., 2011 in the light of aforesaid observations. Already consumer has deposited under protest amount of Rs. 1,43,321/- out of it the legitimate amount for the month of

Dec., 2011 be adjusted and remaining amount be adjusted in ensuing bills if said connection is in existence. If said connection is brought to an end or disconnected, balance amount be refunded to the consumer alongwith interest as per prevailing Bank Rules from the date of deposit till at the date of adjustment or payment . Hence order.

ORDER

- 1) Grievance of consumer is allowed; bill issued for Rs. 1,43,321/- is set aside.
- 2) Licensee to issue fresh bill for the month of Dec., 2011 in the light of aforesaid observations. Already consumer has deposited under protest amount of Rs. 1,43,321/- out of it the legitimate amount for the month of Dec. 2011 be adjusted and remaining amount be adjusted in ensuing bills if said connection is in existence. If said connection is brought to an end or disconnected, balance amount be refunded to the consumer alongwith interest as per prevailing Bank Rules from the date of deposit till at the date of adjustment or payment.

- 3) Said payment be made within 45 days from receipt of this order.
- 4) The Consumer can file representation against this decision with the Hon. Electricity Ombudsman within 60 days from the date of this order at the following address.

*“Office of the Electricity Ombudsman, Maharashtra Electricity Regulatory Commission, 606/608, Keshav Bldg, Bandra Kurla Complex, Mumbai 51”.*

- 5) Consumer, as per section 142 of the Electricity Act, 003, can approach Hon. Maharashtra Electricity Regulatory Commission for non-compliance, part compliance or delay in compliance of this decision issued under “Maharashtra Electricity Regulatory Commission

Date : 11/3/2013

**(Mrs.S. A. Jamdar)**  
**Member**  
**C.G.R.F. Kalyan**

**(R. V. Shivdas)**  
**Member Secretary**  
**C.G.R.F. Kalyan**

**(Sadashiv S. Deshmukh)**  
**Chairperson,**  
**C.G.R.F. Kalyan**

Grievanc No.K/E/677/798