



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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IN THE MATTER OF GRIEVANCE NO. K/E/356/400 OF 2010-2011 OF SMT. NAINA VIJAY KANODIA, BADLAPUR (WEST) REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT EXCESSIVE ENERGY BILL.

Smt. Naina Vijay Kanodia
H. No. 176, Chandap pada,
Badlapur (West), Dist : Thane
Kalyan (West) : 421 301

(Here in after
referred to
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its Assistant
Engineer, Badlapur West Sub/Dn

(Here in after
referred to
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 (MERC) 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 single phase LT consumer of the Licensee. The Consumer is billed as per commercial tariff. The consumer registered grievance with the Forum on 25/06/2010 regarding the Excessive Energy Bill. The details are as follows: -

Name of the consumer : Smt. Naina Vijay Kanodia

Address: - As above

Consumer No : 022290000789

Reason for Dispute : - Regarding Excessive Energy Bill

- 3) The batch of papers containing above grievance was sent by Forum vide letter No. EE/CGRF/Kalyan/290, dt. 25/06/2010 to the Nodal Officer of the Licensee, and the Licensee through Assistant Engineer MSEDCL Badlapur West Sub/Dn filed reply vide letter No. AE/BDL@/West/2101, dt. 22/07/2010.

- 4) The Members of the forum heard both the parties at length on 23/07/2010 @ 16.30 Hrs. in the meeting hall of the Forum's office. Shri Vijay Kanodia Consumer Representative, Shri V. D. Kale Nodal Officer, Shri Mhaske, Asstt. Engr., Shri S. A. Divekar A. A. Representatives of the licensee attended hearing. Minutes of the hearing including the submissions made by the parties are recorded and the same are kept in the record. Submissions made by the parties in respect of grievance since already recorded will be referred to avoid repetition.

- 5) Complainant is a commercial consumer. According to him a new meter was installed in his premises in the month of June 2003 and his average monthly consumption was approximately 3000 to 5000 units. Licensee

issued him a bill of Rs. 92,570/- in the month of July 2003. Complainant challenged the said bill. However licensee rectified the same after a long time i.e. in the month of April 2008 and meanwhile disconnected his supply permanently in the year 2005. This wrong bill of Rs. 01,95,047.25 showing arrears and interest thereon was reduced by the licensee to the amount of Rs. 89,058.40. The licensee informed the same to the complainant in the month of July 2008 however, when the complainant asked for the bill he was shocked to see that alongwith the arrears of Rs. 89,058.40 he was also required to pay Rs. 76,002.84 as interest. According to complainant inspite of correction of the bill as above licensee raised bill towards interest on arrears and P.D. i.e. Rs. 26,575.65 (+) 49,427.19 = 76,002.84. It is averred though complainant paid electricity charges regularly, officials of the licensee issued him wrong bills and declined to restore electricity. By applications dt. 23/09/08, 23/12/08, 27/12/08, 15/05/10 complainant requested the licensee to waive the amount of interest as charged since not properly assessed. Vide letter dt. 20/07/2010 licensee apprised that as per Departmental Circular No. 98 50% P.D. interest Rs. 28,053.34 will be waived and that consumer is liable to pay remaining amount of Rs. 54,630.50 and further informed him that on payment of amount of interest only, new connection can be released. Complainant to challenge the same approached the IGR Cell but in vain, therefore lodged this grievance with prayers to direct the licensee to waive entire interest amount as he is not liable to pay and to restore electricity discontinued illegally.

- 6) Licensee vide reply dt. 22/07/10 opposed the allegations raised above. It is contended that due to arrears consumer's electricity was temporarily disconnected and as arrears amount not deposited it was permanently disconnected in November 2005. According to licensee verifying the records in the light of complaints wrong bills were withdrawn and in the light of the circular No. 98, 50% interest on P.D. has been waived and the remaining amount of interest consumer is liable to pay. As such it is the contention of licensee that complainant is liable to pay interest on the consumed energy amount of Rs. 89,060/- i.e. Rs. 26,575.65 and 50% interest on P.D. amount total Rs. 54,630/- and without payment of this amount electricity cannot be restored. By bill dt. 11/07/10 licensee claimed the said amount from the complainant but he has not paid it so far consequently question to supply electricity and to waive the interest amount does not arise. Licensee therefore requested to dismiss the grievance as meritless.
- 7) On perusal of the record and hearing both the parties following points arise for the consideration of Forum and findings thereon for the reasons recorded below :

Points	Findings
a)Whether consumer is liable to pay interest amount Rs. 54,630/- raised vide bills dt. 16.07.08 / 11.07.2010 ?	NO
b)What Order ?	As per Order below

Reasons

- 8) As per the reply of Assistant Engineer Badlapur dt. 22/07/10 complainant consumer is liable to pay Rs. 54,630/- vide bill dt. 11/07/10 towards interest on the energy bill amount and 50% P.D. interest. On going through the records we instructed the representative for the licensee to produce Circular No. 98 on which basis they have already waived 50% P.D. interest, however not filed on record. By the said letter dt. 20/07/10 Assistant Engineer Badlapur pointed out as to how amount of Rs. 54,630 is due against the consumer. This shows total amount Rs. 01,65,061.24 is outstanding against the complainant consumer, i.e.

Rs. 89,058.40 arrears of bill.

Rs. 26,575.65 interest

Rs. 49,427.19 P.D. Interest

Rs. 01,65,061.24 Total

Out of this, amount of Rs. 89,060.00 is paid by the consumer on 27.12.08. As per Departmental Circular No. 98, 50% P.D. interest Rs. 28,053.34 has been waived and remained Rs. 54,630.00 vide bill dt. 11/07/10.

- 9) As seen from the reply dt. 22/07/10 licensee admittedly issued wrong bills to the complainant and based on wrong bills shown him in arrears, and imposed interest consequently his connection was temporarily disconnected (T.D.) and in the month of November 2005 permanently disconnected (P.D.). When by mistake on the part of officials of the licensee wrong bills issued to the complainant and based on that he was

treated defaulter for no fault on his part, the subsequent action of T.D. and P.D. is obviously unwarranted and imposing interest on wrong bills is totally illegal. It appears on realizing the error officials of the licensee giving back dated credits updated the CPL. This CPL produced on record is an authentic document clearly indicates that consumer has to pay Rs. 1863.65 and to our view, it is correctly shown. We are unable to understand inspite of this how the officials of the licensee raised bills dated 16.07.08 / 11.07.10 as regards interest of Rs. 54,630/-. Licensee cannot say hot and cold at a time. When by CPL they say complainant consumer is to pay Rs. 1863.65 by rule of estoppel they cannot claim the interest amount vide bill raised dt. 16/07/08 / 11/07/10.

- 10) On the premise we find force in the submission of the complainant consumer that action of the licensee imposing interest of Rs. 54,630/- vide bill dt. 16.07.08 / 11.07.2010 is unjust and improper and that he is not liable to pay amount as above. As per updated CPL complainant consumer is liable to pay Rs. 1863=65 and on depositing the same, on application for new connection, licensee is bound to supply electricity to the complainant consumer as per rules. In this view of the matter we find substance in the grievance and the same deserves to be allowed. Points are answered accordingly and hence the order :

ORDER

- 1) Grievance application is allowed.
- 2) Bills raised by the licensee dt. 16.07.08 / 11.07.2010 as regards interest amount of Rs. 54,630/- are quashed.

- 3) Consumer to pay Rs. 1863=65 to the licensee as mentioned in updated CPL i.e. in July 2010. On depositing the amount as above, complainant consumer may apply for new connection and licensee to supply electricity as per rules.
- 4) The Consumer can file representation against this decision with the Ombudsman at the following address.
“Office of the Electricity Ombudsman, Maharashtra Electricity Regulatory Commission, 606/608, Keshav Bldg, Bandra Kurla Complex, Mumbai 51”
Representation can be filed within 60 days from the date of this order.
- 5) Consumer, as per section 142 of the Electricity Act, 2003, can approach Maharashtra Electricity Regulatory Commission at the following address:-
“Maharashtra Electricity Regulatory Commission, 13th floor, World Trade Center, Cuffe Parade, Colaba, Mumbai 05”
for non-compliance, part compliance or delay in compliance of this decision issued under “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2003”
within 60 days from the date of this order.

Date : 16/08/2010

(Mrs. S.A. Jamdar)
Member
CGRF Kalyan

(R.V.Shivdas)
Member Secretary
CGRF Kalyan

(S.N. Saundankar)
Chairperson
CGRF Kalyan