

**CONSUMER GRIEVANCE REDRESSAL FORUM
AMRAVATI ZONE, AMRAVATI**

'Vidyut Bhavan', Shivaji Nagar, Amravati: 444603, Tel. No. 0721 2551158

Dt.19. 04.2018

ORDER

Case No. 04/2018

**In the matter of grievance pertaining to refund of excess bill due to wrong
Maximum Demand charges.**

Quorum

**Dr. Vishram Nilkanth Bapat, Chairman
Shri. R. A. Ramteke, Member Secretary**

In the matter of

Shri :- Virendra Girijashankar Jaiswal **Complainant**
Ramgiri International Hotel, Amravati Distt :- Amravati
C.No.:- LT Com. 366478372056

.....Vs.....

The Executive Engineer **Respondent**
MSEDCL, Urban Division ,Amravati

Complainant Representative:- Shri Ashish Subhash Chandarana
Respondent Representative:- Shri. R. S. Malasane Addl. Executive Engineer ,
Amravati Urban S/Dn. No I

Being aggrieved by decision of Internal Grievance Redressal Cell, Amravati of its order Dt.29.11.2017, the Complainant has filed the present complaint to Consumer Grievance Redressal Forum on 01.02.2018 which is registered at CGRF Amravati with Case No 04/2018.

As per Complainant's complaint and submission before Forum during hearing, it is submitted by complainant representative that :-

- 1) Earlier applicant had approached before Hon. District Consumer Forum for his grievance of wrong billing of 45 months with application of higher tariff to his commercial electric connection having sanctioned demand upto 50 KW. Hon.

District Consumer Forum ruled that since dispute is with excess contract demand than sanctioned, it falls within unauthorised use as elaborated under section 126 of EA 2003, hence beyond the purview of the District Consumer Forum. Hence consumer approached to the Appellate Authority under section 127 of EA 2003, where assessment under section 126 can be challenged and case is decided in favour of applicant. NA MSEDCL challenged the said order before Hon. High Court stating that bill under dispute was not under section 126 but was regular bill for 45 months which was not issued earlier due to mistake on part of applicant and remedy is available read with MERC (CGRF & EO) Regulations, 2006. Hon. High Court quashed and set aside the order issued by Appellate Authority with liberty to avail alternate remedy by virtue of protection of no coercive action and is on record . Any coercive action by the N.A. was restricted for four weeks, to avail the available alternate remedy .

- 2) According to applicant, he approached to IGRC, Amravati, the first authority to deal such cases for redressal of his grievance but IGRC, Amravati rejected the application on two grounds viz. " It was not within two years and dispute under section 126 & 135 are not in the jurisdiction of the Forum " which in fact amounts to contempt of Hon. High Court and also in contravention of NA MSEDCL submission before High Court that bill issued was regular bill and hence remedy available read with MERC (CGRF & EO) Regulations, 2006 and not under section 127 of EA 2003 . That is IGRC, Amravati rejected the case without giving opportunity of being heard and hence giving rise to cause of action, grievance is filed before Hon. Forum which is well within limitation. In the matter of MSEDCL Vs Shilpa Steel WP No 3997 of 2016, Hon. High Court ruled that cause of action before approaching CGRF is two years from the order of IGRC. Hence as it is filed within stipulated period, the grievance may please be admitted for redressal.
- 3) Applicant submitted that electric connection for his Commercial establishment released by NA MSEDCL on 04.12.2010 for 48 KW which was not billed for about 45 months due to fault on the part of NA MSEDCL .
- 4) According to complainant , Flying Squad of NA MSEDCL inspected his premises on 26.08.2014 and recorded different MD for different time slots as under:-

ZONE	KWH	MD KVA
Zone 1	85890	74.7
Zone 2	63424	54.5
Zone 3	22926	53.2
Zone 4	34563	70.4

is on record .

5) Applicant submitted that KWH reading is cumulative which indicates consumption of electricity for total 45 months which can not be disputed but MD to be recorded for each billing month which is maximum MD in that month for particular slot and needs to be reset after taking reading so that it can record new MD for next month billing. And hence for issuing bill for 45 months, NA MSEDCL required to retrieve MRI data of the said meter for 45 months to get details of month wise MD for billing . Generally MD needs to be reset every month manually or automatically and if it is to be reset manually every month then MD displayed and recorded at the time of inspection is the highest MD during 45th month and can be used for that month only and not for all the 45 months which is the case in present grievance . It needs to identify the month wise MD recorded from MRI and issue bill accordingly. If MD is resetting automatically in every month, then also the recorded MD can be used for billing for that month only and not for all 45 months. Hence bill issued with recorded MD on uniform base for all 45 months is totally wrong. It is specifically pointed out that penalty for exceeding contract demand is charged only for one month.

6) According to complainant ,Maximum Demand is defined under Supply Code 2005 and reads as under :-

“ *Maximum Demand* “ in kilowatts or kilo-volt-amperes, in relation to any period shall, unless otherwise provided in any general or special order of the Commission, mean twice the largest of kilowatt-hours or kilo-volt-ampere-hours supplied and taken during any consecutive thirty minute blocks in that period ;

Flying Squad also mentioned in their report to issue bill on assessment after verifying the records and MRI data. However while issuing bill it was not issued as monthly bill for 45 months but issued single bill for 45 month wherein different tariff rate, FAC applicable for particular month, were not considered and issued bill with rate prevailing in the month of issue of bill with uniform MD for last 45 months, which is not acceptable as EA 2003 specifically restricts NA MSEDCL's rights to issue bill for more than 24 months.

Subsequently NA MSEDCL issued computerized single bill correcting mistakes as specified above but MD of 75 KVA is considered for last 45 months and with penalty for exceeding Contract Demand for one month. That is NA MSEDCL is agreed with MD exceeds his Contract Demand for one month period only.

In this regard, applicant reproduced extract of MERC order Dtd. 16.08.2012 in case No. 19 of 2012 as below:-

Penalty for exceeding Contract Demand :- In case, a consumer (availing Demand Based Tariff) exceeds his Contract Demand, he will be billed at the appropriate Demand Charge rate or the Demand actually recorded and will be additionally charged at the rate 150% of the prevailing Demand Charges (only for the excess Demand over the Contract demand). In case any consumer exceeds the Contract Demand on more than three occasions in a calendar year, the action taken in such cases would be governed by the Supply Code .

Applicant also submitted that , NA MSEDCL issued Commercial Circular No 175 Dt. 05.09.2012 based on the tariff order as stated above which is very clear in this context and related extract is as below :-

Penalty for exceeding Contract Demand :- In case, a consumer (availing Demand Based Tariff) exceeds his Contract Demand, he will be billed at the appropriate Demand Charge rate for the Demand actually recorded and will be additionally charged at the rate 150% of the prevailing Demand Charges (only for the excess Demand over the Contract demand as per definition of billing demand) . Further if the consumer exceeds the Contract Demand for three times, MSEDCL may disconnect his supply or may reset / increase the Contract Demand on derived basis.

That is bill issued by NA MSEDCL for 45 months considering uniform MD of 75 KVA which was reported for the first time to MSEDCL is not correct and not as per with tariff order as above. It could have been avoided if NA MSEDCL would have followed the directives in inspection report of Flying Squad and issued the bills with tariff below 50 KW and above 50 KW for different months. It is not appropriate to levy higher tariff for first instance and that too made applicable for last 44 months based on MD recorded on 45 th month. Hence higher tariff made applicable for entire period of 45 months is illegal, unjust, unfair and in contravention of the Departmental Commercial circular Dt. 05.09.2012 based on MERC Order.

7) Applicant also submitted that ,the billing demand as per MERC order Dtd. 16.08.2012 in case No. 19 of 2012 and Commercial Circular No 175 Dt. 05.09.2012 is defined as below

Billing Demand for LT Consumer categories:-

Billing Demand for LT II (B) , LT II (C) , LT III and LT V (B) category having MD based tariff :-

Monthly Billing Demand will be the higher of the following;

- a) 65% of the Actual Demand recorded in the month during 0600 hours to 2200 hours
- b) 40% of the Contract Demand

Thus with provisions of MERC Tariff order Dtd. 16.08.2012 in case No. 19 of 2012 and Commercial Circular No 175 Dt 05.09.2012, recording of MD for every month for billing purpose is very important and consumer is under threat of action if he exceeds the MD fourth time in a calendar year and not prior to that. Further MD recorded in Aug 2014 cannot be used for MD for the period DEC 2010 to JULY 2014 as happened in the present case and in addition bill is prepared for more than 24 months .

8) Additionally applicant submitted that his business is season sensitive and MD recorded in AUG 2014 is of rare instance. Also tariff applicable for load above 50 KW instead of load below 50 KW in addition to overhead charges causes impact of about Rs. 3.25 per unit in addition to difference of demand charges. Further responsibility of taking reading of consumers more than 20 HP is of Asst. Engineer of that section as it involves important function such as resetting of MD and taking proper reading with MD and it can be verified from sample MR-9 form annexed. So negligence of such important functionaries can not be burdened on the consumer.

9) Hence applicant submits that revision of bills at appropriate MD and restricting it upto last 24 months would be correct and legal relief with refund of excess amount paid with interest @ PLR of State Bank of India as per order of APTEL in appeal No 47 of 2011. It can be added that appropriate MD can be retrieved from MRI data taken during inspection of Flying Squad and on non availability of same, it can be calculated based on average MD of next 12 months or it could have taken as 40% of the Contract demand as per minimum billing demand as Hon. Forum may deem fit . It is to be noted that NA MSEDCL did not relax the payment terms and charged interest and DPC for the sudden energy bill of about Rs.32 lakhs. There are N nos of judgements wherein interest free installments are granted to consumer for making such payments. Applicant consumer had made payment as soon as possible and therefore interest and DPC charged on such payment must be waived off considering fact that it was outcome of NA MSEDCL mistake .

10) In view of the aforesaid facts, applicant consumer prays before Hon'ble CGRF to :-

- a) Direct NA MSEDCL to revise the energy bills for the period DEC 2010 to AUG 2014 by issuing monthly energy bill at Maximum Demand recorded during the said month as per MRI data, or on the basis of average MD recorded during next 12 months, or on the basis of minimum billing demand restricting the quantum of billing to last 24 months prior to AUG. 2014 as per section 56(2) of EA 2003.
- b) Direct MSEDCL to waive off interest & Delay Payment Charges charged due to abnormal bill of about 32 lakh which was paid by applicant as soon as possible.
- c) Direct MSEDCL to refund the excess billed amount along with interest @ PLR of SBI read with APTEL order in case No 47 of 2011
- d) Any other relief which Hon.ble CGRF may deem fit including cost Rs 10000/-

In response to present complaint and notice of CGRF, Amravati Zone Dt 03.02.2018 to NA MSEDCL to file their reply, Non Applicant MSEDCL in its written statement Dt 26.02.2018 with additional reply Dt 12.03.2018 and oral submission before Forum submitted that :-

- 1) It is admitted that applicant has approached to Hon. District Consumer Forum, Amravati for his grievance regarding billing for 45 months with higher tariff to his commercial electric connection having sanctioned demand upto 50 KW. Hon. District Consumer Forum ruled that since dispute is with consumption of electricity in excess of the sanctioned load, falls within unauthorised use as elaborated under section 126 of EA 2003 hence beyond the purview of the District Consumer Forum. Then applicant consumer approached to the Appellate Authority under section 127 of EA 2003 where assessment under section 126 can be challenged and case is decided in favour of applicant. NA MSEDCL challenged the said order of Appellate Authority before Hon. High Court stating that bill under dispute was not under section 126 but was regular bill for 45 months which was not issued earlier due to mistake on part of applicant. Hon. High Court decided the case on merits and quashed and set aside the order issued by Appellate Authority and is on record. Then applicant had filed his grievance to IGRC, Amravati and after its rejection on cause of action ground, applicant filed the same before Hon. CGRF, thus it is the fourth proceedings due to unnecessary litigation created by applicant .
- 2) According to N.A.-MSEDCL, It is admitted that the connection was released for commercial establishment of applicant on 04.12.2010 for 48 KW and though inadvertently remained to be fed in computerised billing system, it was basic duty of consumer also to inform to the NA MSEDCL about not receiving of energy bill as he was enjoying power supply to his establishment .
- 3) It is submitted by N.A. that, after spot inspection of Commercial Establishment of applicant by Flying Squad, Amravati on 26.08.2014 in presence of representative of applicant consumer, MD recorded was found as 74.7 KVA with cumulative KWH reading as 206803 with slot wise MD and reading are as per inspection report and is on record. As the details of said connection were remained to be fed in billing system and not deliberately reported by applicant consumer, hence monthly data naturally not available. Also MRI data cannot be retrieved for more than 60 days. Hence the bill issued on the basis of available MD record as per inspection report of Flying Squad, Amravati Dt. 26.08.2014 with penalty for Exceeding MD for one month is correct, valid and recoverable. The bill issued is on actual MD recorded by Flying Squad, Amravati during their visit on prevailing tariff rate in force. There was deliberate act on the part of

applicant since 2010 that is from date of connection about non reporting of non receipt of electric bill to the NA MSEDCL even though the Establishment of applicant is a big unit of Hotel and electricity consumed for business purpose. So bill issued for total 45 months is correct and valid and no question of restricting it to the period for 24 months. The order of MERC Dt 16.08.2012 is not applicable to present case. It is denied that business of applicant is season sensitive and there may be the rare instances of exceeding MD as applicant is running Hotel in four storied building of huge premises, so no question of season sensitive.

- 4) The bill issued on the basis of inspection report of Flying Squad, Amravati Dt. 26.08.2014, was correct and valid which was paid by applicant consumer partly with an amount Rs 200000/- without protesting it or reserving any rights for same as seen from the complaint before Hon. District Consumer Forum, Amravati and applicant deliberately not filed on record copy of same in Consumer Case no 222/2014 which is on record .
- 5) N.A Submitted that, In this case entire act and responsibility was of the applicant who was intending the gain by using the electricity without paying the electricity charges. So prayer of restricting bill upto last 24 months and refund of excess alleged amount paid with interest is unfair and non acceptable. Further average of MD of next 12 months cannot be considered for billing as applicant may shift some part of electric load on the another connection in the said premises.
- 6) In this context it is additionally submitted that applicant had sanctioned load of 48 KW to his electric connection and during inspection of Flying Squad MD found 74.7 KVA and hence NA MSEDCL could have issue the bill under section 126 of EA 2003 by imposing penalty but NA issued bill on prevailing rate for the actual consumption without any penalty. So applicant has already got benefits and paid disputed bill amount before filing of complaint before the Consumer Forum, Amravati and accordingly deposited entire amount suo moto and no rights were reserved but willingly accepted the actual position and deposited the said amount. NA MSEDCL is a Public Company and public money is involved and there was no any intention to gain by issue of disputed bill but the applicant consumed the electrical energy without paying the necessary charges for it and tried to gain. Also as seen from the order of Hon.High Court, four weeks time was given but no liberty was given in the said order to file this proceedings as the proceedings before this Hon. Authority is not tenable, legal and valid and applicant not come with clean hands and therefore this complaint is required to be rejected and dismissed with heavy costs as the applicant had accepted the legality of bill as he deposited the entire amount and now NA unnecessarily required to face number of proceedings by taking expense of public money.

7) It is submitted that Hotel Ramgiri, Amravati is a commercial institute doing business of hotelling (lodging) and restaurant and presently the premises is energised with two connections bearing C.No. 366478372056 and 366470971724 for same purpose and premises. During inspection of Flying Squad of C.No. 366478372056 on Dt 26.08.2014, MD observed on meter was 74.7 KVA and from MRI data retrieved for meter No. MSP00395 it was also 74.72 KVA on Dt 29.05.2014 at 23.00 Hrs. and is on record.

8) Again it is submitted by N.A that it can be seen from the actual data of billing of C.No. 366478372056 and 366470971724 for the period March 2017 to Oct 2017, the electrical load was shifted to C.No.366470971724 and MD of C.No. 366478372056 is restricted to build a record for appeal. But total KVA demand of hotel seems to be more than 70 KVA and as C.No. 366478372056 was under unbilled, it is quite but natural to extract maximum load on the same for unbilled period of 45 months. Hence correlating extract of MERC order Dtd. 16.08.2012 in case No. 19 of 2012 and Commercial Circular No 175 Dt 05.09.2012 for billing demand for the period before circular i.e. from 04.12.2010 and for the connection under unbilled is totally unjustified. Also applicant not submitted any evidence or data for the load utilised below the level as identified by Flying Squad. So requested to Hon. Forum to retain the assessment charged as per applied tariff LT-II C as applicant utilized energy and intentionally kept unbilled case by non informing about it ,enjoyed maximum load on disputed connection. Disputed bill for C.No. 366478372056 issued as per prevailing rate and explained to applicant and then only accepted the amount from the complainant.

The period of assessment is justified with the law as power is national property and misutilisation of the same or non payment of the power utilized for commercial benefit of oneself is against the law. It has been decided in so many cases as below :-

- a) Judgement of Hon. Supreme Court of India Dt 24.01.1997 in case of Swastik Industries Vs MSEB
- b) Order of National Consumer Dispute Redressal Forum Dt 03.02.2014 in case Of BSES Yamuna Power Ltd.Vs Krishna
- c) Judgement of Bombay High Court Dt 17.01.2000 in case of Shri V.A.Thadani Vs BSES Undertaking and others .

All orders are on record .

9) NA MSEDCL admitted that connection was released on 04.12.2010 for 48 KW which is agreed by the applicant but by clerical mistake it remains to be fed in billing system for generation of bill and it was consumer's responsibility also about reporting of non receipt of energy bill to the office of NA MSEDCL and the non receipt of bill does not excuse the consumer from discharging his obligation to make payment within due date as read with Clause No 23.5 and Clause No 23.6 of Conditions of Supply framed by MSEDCL based on MERC Regulation (Electricity Supply Code & Other Conditions

of Supply) Regulations, 2005 and is on record. Applicant deliberately not reported the same after enjoying power to his commercial unit to NA MSEDCL. Also limitation for recovery of outstanding amount cannot be restricted to the period of 24 months as decided by the Hon High Court Of Bombay in WP No 7015 of 2008 in the case of M/S Rototex Polyester & Anr. Vs Administrator,... and it is concluded that the amount becomes first due when a correct bill is issued to the consumer .

From the above judgement, it is crystal clear that the assessment charged for the energy utilized by applicant is legally correct and no any concession in assessed bill may please be granted.

Again it is requested to Hon. Forum that considering facts in all grievances created by applicant before various judicial and quasi judicial Forums and judgements passed, application for refund of any amount may please be dismissed.

After complete submission from NA MSEDCL side, applicant through his written note of argument and verbal submission thereof submitted that :-

- 1) It is submitted that the two connections cited by NA MSEDCL belongs to different premises owned by different owners and connections were granted by MSEDCL after verification of documents and physical verification. Necessary different tax receipts are of different premises are submitted .
- 2) According to complainant, It is attempted by NA MSEDCL by preparing statistical data of both connections to establish that earlier the consumer was not utilizing the existing connection for which there was regular billing and the entire/partial load was shifted on unbilled connection and therefore the MD of applicant was on higher side during the past period of unbilled duration. But the period selected for the analysis is of undisputed duration on the basis of which an attempt is being made to prove that earlier the load of C.No. 366470971724 was transferred on unbilled C.No. 366478372056 (under consideration) and this one is only imaginary and if analysis of disputed period would have been carried out, it can be said as complete and sound in nature. After analysis of billing data for the period June 14 to Nov.14 of both the connections it can be seen that Average Consumption during unbilled 45 months period is of 4665 KWH units per month & 75 KVA MD as mentioned by Flying Squad and is same with Av.of 4666 units with MD of 33KVA, 20 KVA & 9 KVA as billed from Oct. 2014 to Dec 2014 for the connection under present case. Hence MD recorded by Flying Squad during their inspection was for that month period only and cannot be applied for total 45 months unbilled period. The clubbed billed MD of both the connections for period June 14 to Sept 14 is 126 KVA and much higher than the submission of NA MSEDCL which

confirms excess billing to consumer under grievance. Also the average MD of old connection was 51 KVA prior to detection of unbilled connection with monthly Av. bill of 12671.25 Kwh/month whereas after detection of unbilled connection and after regularising the unbilled meter, the Av. MD was 52 KVA with monthly consumption of 8968.33 Kwh/month. Thus it clears that no load transfer on either connection happened as the allegations made by NA MSEDCL and is baseless without any proper analysis with prejudice mind.

- 3) It is submitted that billing demand definition is same with MERC tariff order Dt 17.08.2009 in case No. 116 of 2008 in force as quoted in grievance . Also MSEDCL tried to submit that the billing during disputed period is calculated as per prevailing tariff is not supported with month wise billing and applicant is not able to gather it from CPL as stated by NA MSEDCL
- 4) NA MSEDCL relied upon MRI data retrieved from the applicants meter on date 18.11.2017 is showing that MD is retrieved from tamper data (which shows abnormalities occurred if any) shows that on 29.05.2014 at 23.00 Hrs the MD recorded as 74.71 (75.00). In this context, it is submitted that MRI data is showing abnormal occurrences from date 15.12.2010 to 16.11.2014 wherein MD abnormally recorded is only once on 29.05.2014 and that too at 23.00 Hrs which is excluded time zone from the definition of billing MD. This MD was required to be reset every month which is not done and thus remain as MD in database for entire period and reflected in the reading taken by Flying Squad. The flying Squad clearly mentioned for taking of MRI but MSEDCL did not submitted load survey of said MRI taken during inspection of FS which amply demonstrates that NA MSEDCL is surpassing the material fact .
- 5) In response to Non applicability of section 56 (2) and right of MSEDCL to recover past dues above the period of two years it is submitted that as the matter is being referred to larger bench of Hon. High Court of Bombay, applicant in present case is withdrawing his prayer for restricting the bill recovery for two years without prejudice to his right and liberty to approach before the Hon. Forum to seek refund if the outcome of larger bench comes in favour of applicant and MSEDCL failed to effect refund accordingly to applicant in future .
- 6) Applicant strongly submitted his objection upon wild and baseless allegations advanced by MSEDCL in their reply in relation to blame of unauthorised use (shifting) of supply from one premises to another which is never observed at site by Flying Squad and admitted by MSEDCL

before Hon High Court that the present case is not the case of unauthorised use. Also use of phrase "Grievance created by applicant" is objectionable as MSEDCL have taken action against their errant officials in this matter .

On advancement of submission by both the parties with grievance, replies , written note of arguments, documents placed on record and with proper verifications and analysis of same, the Forum is of the view that :-

Applicant received electrical connection on 04.12.2010 for sanctioned load of 48 KW and remained unbilled for 45 months upto inspection of Flying Squad and is mutually agreed by both the parties. Applicant consumed electric energy from this connection for his hotel business without paying electrical charges as he was not receiving energy bill for that consumption and he had not informed to MSEDCL about non receipt of electric bill. During inspection report of Flying Squad, MD recorded was found of 74.7 KVA with cumulative KWH consumption of 206803 units which were not billed by MSEDCL . Accordingly MSEDCL issued bill for total KWH consumption considering uniform 74.7 KVA MD for total period of 45 months as per tariff applicable for said MD and applicant paid it without protest to MSEDCL. Applicant moved to various Redressal Authorities but failed to get remedy and now he approached to this Forum with request to issue bill with proper applicable tariff rate. Applicant made submission in support of his grievance that MD recorded during inspection of Flying Squad of 74.7 KVA was for billing for that month only with applicable penalty and not for total period of unbilled consumption and NA MSEDCL could not put any type of evidence that 74.7 KVA MD should be considered for total unbilled period and consumption of electricity of 206803 units for 45 months was mutually agreed. Also prayer for restricting electricity bill for last 24 months from date of inspection was withdrawn by applicant through his representative subject to his legal right of seeking refund in future if legal decision permit the same. NA MSEDCL put concrete evidence that the amount becomes first due when a correct bill is issued to the consumer and with clerical mistake bar of limitation cannot be raised by the consumer. Hence KWH consumption for 45 months is mutually agreed. Now applicability of tariff remains the main grievance and as NA MSEDCL failed to submit any type of evidence to prove why 74.7 KVA MD should be considered for total unbilled period, the Forum chooses the definition of billing demand as given in MERC tariff order Dt 17.08.2009 in the case of 116 of 2008 and MERC tariff order Dt 16.08.2012 in case No. 19 of 2012 which is same as below :-

Billing Demand for LT Consumer categories:-

Billing Demand for LT II (B) , LT II (C) , LT III and LT V (B) category having MD based tariff :-

Monthly Billing Demand will be the higher of the following;

- a) 65% of the Actual Demand recorded in the month during 0600 hours to 2200 hours
- b) 40% of the Contract Demand

Hence after going through all the records before Forum, Billing Demand in present case should be considered as 40% of the Contract Demand as no monthly data for billing demand is available with NA MSEDCL. Applicant had paid extra charges due to excess bill issued by NA MSEDCL by issuing bill in higher tariff than applicable hence it should be refunded along with interest and DPC if it has been charged in the issued bill to the applicant by adjusting it in forthcoming bill.

However, the Forum is also of the strong opinion that the applicant has certainly committed dereliction of his duty by not informing N.A. MSEDCL about the non-receipt of bills for the energy he has consumed for a long period of 45 months. Hence interest cannot be allowed on excess payment made by applicant due to wrong bill issued to him by MSEDCL.

This case warranted detailed study and analysis on part of the Forum before deciding the case. Hence the order is delayed.

With the observations and findings as above, the Forum proceeds to pass the following order unanimously:-

ORDER

- 1) The Complaint No 04/2018 is partly allowed.
- 2) It is directed to NA MSEDCL to set aside the impugned bill issued and revise the bill with proper tariff as MD Based LT Commercial Category below 50 KW by considering billing demand as of 40% of the contract demand for the period where no monthly MD Data is available and with MD based tariff rate applicable where monthly MD Data is available as per tariff order in force read with definition of Billing Demand and Penalty for exceeding Contract Demand.
- 3) It is directed to MSEDCL to waive off interest and DPC if applied on incorrect bill issued as above and adjust it in forthcoming bills.
- 4) It is directed to MSEDCL to refund the excess billed amount paid, without interest by adjusting it in forthcoming bills.

5) No order as to the cost.

6) The Compliance report of this order with relevant documents should be submitted within 60 days from the receipt of this order .

Sd/-
(R.A.Ramteke)
Member Secretary

Sd/-
(Dr.V.N.Bapat)
Chairman

Contact details of Electricity Ombudsman appointed by MERC(CGRF & EO)
REGULATIONS 2006 under regulation 10:
THE ELECTRICITY OMBUDSMAN,
Office of Electricity Ombudsman (Nagpur)
Plot No.12, Shrikripa, Vijay Nagar, Chhaoni,
Nagpur-440013.
Phone:-0712-2596670

NO. EE / CGRF/AMZ/ Amravati/ No./ 51
To,
The Nodal Officer,
Executive Engineer
MSEDCL, O & M Urban Division ,
Amravati

Dt. 19.04.2018

The order passed on in the Complaint No.04/2018 is enclosed herewith for further compliance and necessary action.


Secretary

Consumer Grievance Redressal Forum,
MSEDCL, Amravati Zone, Amravati.

Copy to:-

1)Shri Virendra Girijashankar Jaiswal
Ramgiri International Hotel, Amravati Distt :- Amravati

Copy submitted w.r..to:-

1)The Chief Engineer, MSEDCL, Amravati Zone, Amravati.
2)The Superintending Engineer, O&M Circle, Amravati,