

**BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM
AURANGABAD ZONE, AURANGABAD.**

**Case No. CGRF/AZ/JLN/703/2018/43
Registration No. 2018110045**

Date of Admission : 05.11.2018

Date of Decision : 11.12.2018

M/s. Navjeevan Hybrid Seeds Corp., : COMPLAINANT
Plot No. A-9/18, New MIDC,
Aurangabad Road,
Jalna 431 203
(Consumer No. 510030467246)

VERSUS

Maharashtra State Electricity Dist. Co. Ltd., : RESPONDENT
through it's Nodal Officer, EE(Admn),
O&M Circle, Jalna.
The Executive Engineer
O&M Division-1, Jalna

For Consumer : Shri H. A. Kapadia,
For Licensee : Shri M. A. Trimbake,
EE, O&M Dn-1, Jalna.

CORAM

Smt. Shobha B. Varma, Chairperson
Shri Laxman M. Kakade, Tech. Member/Secretary
Shri Vilaschandra S. Kabra Member.

CONSUMER GRIEVANCE REDRESSAL DECISION

1) The applicant M/s. Navjeevan Hybrid Seeds Corp., Plot No. A-9/18, New MIDC, Aurangabad Road, Jalna is a consumer of MSEDCL having Consumer No. 510030467246. The applicant has filed a complaint against the respondent Maharashtra State Electricity Distribution Company Limited through the Executive Engineer i.e. Nodal Officer, MSEDCL, O&M Circle, Jalna under Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulation 2006 in Annexure (A) on 05.11.2018.

BRIEF HISTORY & FACTS RELATING TO THE GRIEVANCE:

2) The Petitioner had initially challenged the assessment bill on the basis of commercial tariff of Rs. 1,76,318/- before CGRF, Aurangabad.

3) That on 25th August 2015, CGRF has passed order & allowed the complaint. For execution of the said order case No. 4/2016 was filed by the petitioner under section 142, 146 of Electricity Act 2003, before Hon'ble Commission. The Commission disposed of the said matter on 09.12.2016. Since only partial compliance was made of CGRF order & order dated 09.12.2016 passed by Hon'ble commission was not complied, so petitioner has further filed petition before Hon'ble MERC, bearing case No. 139/2018. That on 23.02.2018 electricity supply of the petitioner was disconnected without notice under section 56 of EA 2003 and permanently disconnected on 06.04.2018.

4) That, Hon'ble MERC in case No. 139/2018 has issued directions to this Forum to resolve the difference between both the parties on merits & clarify the amounts actually payable, if any, by either party. The present petition is filed for compliance of the aforesaid order. Further the complainant has prayed that, his electric supply was disconnected without giving notice & to reconnect it. The

petitioner has also claimed compensation in rejoinder dtd. 29.11.2018 (Page No. 142) & for imposing penalty against erring officer rejoinder (Page No. 147 & 148)

The Respondent has submitted say (Page No. 90) as follows :

5) That, the order of the CGRF forum dtd 25.08.2015 is compiled by the Respondent subject to outcome of the Writ petition filed before Hon'ble High Court Mumbai Bench At Aurangabad.

6) The compliance of the order was without prejudice to the Right of MSEDCL to recover the arrears from the Applicant.

7) The compliance of the order of Hon'ble CGRF Forum dtd./ 25.08.2018 is stated as below:

a. The Bill issued by the Flying Squad of Rs. 1,76,318/- is already deducted by the Respondent.

b. The interest on the above amount of Rs. 59011/- was also credited to the consumer.

c. The tariff of the said consumer was also changed according to Tariff order issued by Hon'ble MERC and consumer has been given tariff difference from Commercial Tariff to Industrial tariff from the month of May 2013 to September 2016 amounting to Rs. 23,609/- and from October 2016 to February 2017 amounting to Rs. 306.83.

8) The substantial compliance of the order of the CGRF dtd. 25.08.2015 has been effected by the Respondent. In respect of the same grievance, consumer approached Hon'ble MERC in case No. 4/2016 decided on 09.12.2016.

9) CPL of the consumer shows irregular and intermittent payments of bills. Consumer has not approached to the Hon'ble MERC with the clean hands and hence does not deserve for reliefs. Consumer could have deposited the amount due & could have proceeded the legal action. Hence it is submitted that the

petitioner may be directed to deposit amount before proceeding with the petition.

10) That, on review of the CPL of the consumer the less deducted adjustments to the tune of rupees 54,137.94 were credited to the consumer.

11) The consumer was found to be in arrears ,the demand was raised by this office by issuing the Notice, thereafter again consumer was intimated to pay the amount of arrears outstanding vide Letter No. AdEE/USD/HR/Jalna/352 dt. 27/02/2018. The consumer approached Hon'ble CGRF vide filing case No.671/2018 alleging Non Compliance of the Order of the Hon'ble MERC in the Case no. 04/2016 dt. 09/12/2016, along with prayer for other ancillary reliefs. It was rejected with some directions.

12) After the order of Hon'ble CGRF MSEDCL for outstanding Arrears against the consumer and in default of the Payment of Arrears due consumer's electricity supply was permanently disconnected on 06.04.2018.

13) It is requested to reject the representation and direct the applicant to deposit the outstanding legally recoverable arrears with the MSEDCL.

14) Petitioner has submitted rejoinder and stated that, the Respondent in its reply once again failed to include the payment of Rs. 23000/- made by the complainant on 28.03.2018. This fact alternatively confirms that the reply along with B-80 submitted by Respondent.

15) The complainant submits that while preparing B-80 Respondent failed to deduct interest and DPC amount and issued bill dt. 24.05.2018 for Rs. 25,600/-

16) That the arrears amount shown at the time of permanent disconnection was Rs. 1,06, 710/- whereas after fighting long battle , It is now crystal clear that Respondent disconnected electricity supply of the complainant by making false

claim of Rs. 1,06,710/- as against present revised revision (B-80) submitted before Hon'ble Forum.

17) The complainant has suffered huge financial losses in addition to mental agony and harassment for getting justice against the monopolistic approach of erring officer Mr. Wade Ex. Engineer of Respondent Company. The complainant deserves to get heavy compensation towards business loss, harassment and mental agony in addition towards expenses of filing appeal and petitions before Hon'ble Commission and Hon'ble Forum.

18) That, in spite of directives of Hon'ble Forum failed to pay the compensation.

19) We have perused pleadings and all documents placed on record by both the parties. We have heard Complainant's Representative Shri H. A. Kapadia and Respondent's Representative Shri Trimbake, EE, Jalna Division-1. Following points arise for our determination and we have recorded for the reasons to follow :-

| Sr. No. | POINTS | FINDINGS |
|---------|--|---|
| 1) | What is correct calculation and what amount is actually payable by the petitioner? | Rs. 2,540/- (+) <u>Rs. 5,000/-</u> (S.D.) Rs. 7,540/- |
| 2) | What order? | As per final order |

REASONS

20) **Point No. 1:-** In obedience of the order passed in case No. 139/18 dtd. 26.10.2018 by Hon'ble MERC, the Respondent has produced final bill (Page No. 167 to 173) for Rs. 2,540/- plus S.D. Rs. 5,000/-, so amount actually payable is ascertained Rs. 7,537.44 (7540). This particular final calculation is also agreed by the petitioner in the purshis dtd. 05.12.201/ (Page No. 175)

21) Considering the final calculation submitted by both the parties about difference, let us consider the order dtd. 25.08.2015, passed by this Forum in case No. 558 of 2015. The sanction order is reproduced below :-

“The assessment bill of Rs. 1,76,318/- on the basis of commercial tariff is quashed.”

“Respondent shall revise bill as per industrial tariff.”

22) It is important to note that CPL amount Rs. 1,76,318/- (+) B-80 was taken in the month of May 2013. After passing order by Hon'ble Commission (-) B-80 adjustment Rs. 2,35,329/- was taken in the month of December 2016. November 2016 shows total arrears Rs. 3,45,591/- and arrears of interest Rs. 1,13,430/- checking (-) B-80 details amount of arrears Rs 1,76,318/- is adjusted in the month Nov.2016 with other adjustment on Dt.27.12.2016. Other (-) B-80 of interest of arrears Rs 59011 is adjusted on 30.12.2016. Also other adjustment (-) B-80 Rs. 23,699/- was taken for Commercial to Industrial difference for the period May 2013 to September 2016 and from October 2016 to February 2017 amounting to Rs. 306.83 these are shown in CPL. Hence it is clear that (-) B-80 for commercial to industrial tariff difference was not taken for total arrears interest Rs. 1,13,430/- which arose due to adjustment of Rs. 1,76,318 in May 2013. Consumer has paid amount of Rs. 12760/- of April 2013 in June 2013 to no provision arrears shown.

23) CPL of March 2018 shows arrears of interest Rs. 66,719/-. Further (-)B-80 Rs. 54,137/- taken for the month of April 2018, and arrears Rs. 40,755/- shown on Dt.. 16.05.2018. Hence, again (-)B-80 taken for short amount Rs. 66,719/-(-) 54137/- =12,582/-. While calculating the amount tariff rates, electricity duty units & all aspects are found properly considered. Considering payment of Rs. 23,000/- dtd. 03.04.2018 by consumer through NEFT & adjustment of arrears of interest, other payments made by consumer from time to time are considered and

proposed, final bill of Rs. 7,537/- (Out of that Rs. 5,000/- S.D.) payable by consumer is found correct & proper & also agreed by both the parties. Hence we answer that Rs. 7,537/- i.e. (2540 bill amount (+) 5000/- S.D.) Total Rs. 7540/- is correct amount of bill. We answer point No. 1 accordingly.

24) Since the present petition relates to narrow compass to comply order passed by Hon'ble Commission, the prayer of compensation & penalty made by consumer can't be considered. Only the prayer of reconnection being consequential to payment hence considered.

25) Considering above discussion, we proceed to pass following order in reply to point No. 2.

ORDER

- 1) The proposed final bill of Rs. 2,540/- (+) Rs. 5,000/- S.D. = Rs. 7,540/- is declared as correct & proper.
- 2) On issue of final bill. Petitioner is hereby directed to deposit Rs. 7,540/- total immediately to Respondent. On such payment, the Respondent to reconnect the electricity supply of the Petitioner.
- 3) No order to cost.
- 4) Copy of the order be sent to Hon'ble Commission.

Sd/-
Shobha B. Varma
Chairperson

Sd/-
Laxman M. Kakade
Member / Secretary

Sd/
Vilaschandra S.Kabra
Member