



Consumer Grievance Redressal Forum, Kalyan Zone  
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**NO. K/DOS/81/1768 OF 2018-19**

Date of registration : 03/12/2018

Date of order : 02/01/2019

Total days : 30

**IN THE MATTER OF GRIEVANCE NO. K/DOS/81/1768 OF 2018-19 OF M/S GREENTECH METAL RECYCLERS PVT. LTD., GUT NO.41, VILLAGE-BAVALI, ABITGHAR, WADA, PIN CODE – 421 303 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT DISCONNECTION OF SUPPLY.**

M/s Greentech Metal Recyclers Pvt. Ltd.,

Gut no.41, Village-Bavali,

Abitghar, Wada,

Pin Code – 421 303

(Consumer No. 011570000626) . . . (Hereinafter referred as Consumer)

V/s.

Maharashtra State Electricity Distribution

Company Limited

Through it's Nodal Officer/Addl.EE.

Vasai Circle, Vasai

. . . (Hereinafter referred as Licensee)

Appearance : For Licensee - Shri.D.R.Wattamwar, Dy.EE, Wada S/dn.

For Consumer - 1) Shri. Pratik Mehata (Consumer)

2) Shri. B.R.Mantri (C.R.)

[Coram- Shri A.M.Garde-Chairperson, Shri A.P. Deshmukh-Member Secretary  
Mrs. S.A.Jamdar- Member (CPO)].

1) Maharashtra Electricity Regulatory Commission, is, constituted u/s. 82 of Electricity Act 2003 (36/2003). Hereinafter for the sake of brevity referred as 'MERC'. This Consumer Grievance Redressed Forum has been established as per the notification issued by MERC i.e. "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006" to redress the grievances of consumers vide powers conferred on it by Section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, (36/2003). Hereinafter it is referred as 'Regulation'. Further the regulation has been made by MERC i.e. Maharashtra Electricity Regulatory Commission. [Electricity Supply Code and other conditions of supply Regulations 2005]. Hereinafter referred as 'Supply Code' for the sake of brevity. Even, regulation has been made by MERC i.e. 'Maharashtra Electricity Regulatory Commission (Standards of

Performance of Distribution Licensees, Period for Giving Supply & Determination of Compensation) Regulations, 2014.' Hereinafter referred 'SOP' for the sake of convenience.

2) M/s Greentech Metal Recyclers Pvt. Ltd., Situated at Village-Bavali, Abitghar, Wada is an Industrial Consumer, having consumer no. 011570000626. Consumer is having electricity supply from May-2014.

3) Consumer has filed this grievance application stating that Licensee has wrongly applied multiplying factor 1 for meter reading consumption from the date of electricity supply i.e. from May-2015 and bill of Rs.3,51,264/- issued in month of Oct-2018.

4) Consumer has stated that on 09/08/2018 a Jr. Engineer, Wada Sub Division inspected his unit and proposed the recovery for the period of 39 months i.e. from May-2015 to July-2018 for Rs.3,51,264/- and added this amount in the current bill showing arrears for the above said period. Consumer further stated on receiving this bill consumer raised objection and asked Licensee the clarification. To the consumer's query the Licensee replied vide letter 20/08/2018 that M.F. has been wrongly made applicable as 1 instead of 2 from the date of connection. Hence supplementary bill is issued showing arrears.

5) Consumer further stated that it is the duty of the Licensee for the periodic testing and maintenance of all the meters as per regulation 14.4.1 of supply code. Licensee cannot direct consumer to pay Rs.3,51,264/- and claim the units difference by threatening to disconnect the supply. Consumer also submitted that Licensee can not recover arrear of wrong application of M.F. accumulated for more than 2 years as per section 56 (2) of IE Act 2003 .

6) According to the consumer he has been paying the electricity bills regularly and Licensee can not penalize consumer for the mistake of the Licensee. Consumer therefore prayed that directions may be given to the Licensee.

i) To accept current bill till the finalization of this grievance application.

ii) Not to disconnect supply till finalization of this grievance application.

iii) To withdraw the principal arrears of Rs. 3,51,264/- shown in the current monthly bill of Oct-2018. Recovery to be restricted for 24 months (Nov-2016 to Oct-2018) as per section 56 (2) of IE Act 2003 and allow the installments without DPC and interest as per circular No.24156 dtd.13/07/2009.

7) Notice was given to Licensee vide letter no.EE/CGRF/Kalyan/461 dt.05/12/2018 to which Licensee appeared and filed reply on date 19/12/2018.

8) Licensee filed a letter by Dy. Executive Engineer, Wada Sub Division dtd.18/12/2018. In this letter Licensee has informed that the premises of the consumer was inspected on

09/08/2018 by a Jr.Engineer and found that the multiplying factor 1 is applied instead of 2 from the date of connection (i.e.May-2014) hence difference is claimed from the consumer calculating the unit difference.

9) We have peruse the record and heard the argument of consumer Licensee did not make any submission to contradict the claim of the consumer. Following are our observation.

a) Inspection of the consumer's premises was made on 09/08/2018 by Jr. Engineer, Wada Sub Division and notice of M.F. recovery was issued on 20/10/2018, i.e. after 2 months of the inspection.

b) On the spot inspection report Jr.Engineer, Wada Sub Division has made a remark that consumer is in no use of factory no production, only guard was available, consumer was not available on the spot. Recovery to be proposed for '36141' units. If the Jr.Engineer has remarked that factory is not in use there is no production then how recovery has been proposed till July-2018.

10) More over on perusal of the provision of 56(2) of IE Act 2003 the period of limitation available to the Licensee for claiming arrears is limited/restricted to 24 months only from the date of detection. Licensee failed to give any reason for claiming accumulated bill in the scope of Section 56 (2)

11) Moreover it is the duty of the Licensee for the periodic testing and maintance of all the meters as per the regulation 14.4.1 of supply code But in this case Licensee has inspected the meter after 4 years which is not with the line of the regulation.

12) Therefor we are of the opinion that Licensee cannot claim the arrears for more than two years prior to the date of inspection.

Hence the Order

### **ORDER**

- 1) The Grievance application of the consumer is hereby allowed.
- 2) Licensee is directed to issue revised bill for the period of 24 months i.e. from (Aug-2016 to July-2018) without charging DPC and interest. Assessed bill to be given in 24 equal installments.
- 3) The amount if any already paid by consumer be adjusted against in the next ensuing bill.

- 4) Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

Date: 02/01/2019

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

(A.P.Deshmukh)  
MemberSecretary  
CGRF, Kalyan.

(A.M.Garde)  
Chairperson  
CGRF, Kalyan

#### NOTE

- a) The consumer if not satisfied, may file representation against this order before the Hon. 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”.
- b) Consumer, as per section 142 of the Electricity Act, 2003, can approach Hon. Maharashtra Electricity Regulatory Commission for non-compliance, part compliance or
- c) delay in compliance of this decision issued under “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2003” at the following address:-  
“Maharashtra Electricity Regulatory Commission, 13th floor, World Trade Center, Cuffe Parade, Colaba, Mumbai 05”
- d) It is hereby informed that if you have filed any original documents or important papers you have to take it back after 90 days. Those will not be available after three years as per MERC Regulations and those will be destroyed.