



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
Ph- 2210707, Fax - 2210707, E-mail : cgrfkalyan@mahadiscom.in

NO. K/E/1541/1815 OF 2018-19

Date of registration : 12/02/2019

Date of order : 06/03/2019

Total days : 22

IN THE MATTER OF GRIEVANCE NO. K/E/1541/1815 OF 2018-19 M/S KRUPA METAL, PLOT NO.2, S.NO.108, POST VEOR, TAL & DIST. PALGHAR, PIN CODE-401 404 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT BILLING DISPUTE.

M/s Krupa Metal,

Plot No.2, S.No.108,

Post Veoor, Tal & Dist. Palghar,

Pin Code-401 404

(Consumer No. 003100438762)

... (Hereinafter referred as Consumer)

V/s.

Maharashtra State Electricity Distribution

Company Limited

Through it's Nodal Officer/Addl.EE.

Palghar Circle, Palghar

... (Hereinafter referred as Licensee)

Appearance : For Licensee - 1) Shri.S.P.Kolhe, Dy.EE, Palghar S/dn.

2) Shri.Sachin Topale, LDC, Palghar S/dn.

For Consumer - Shri. Harshad Sheth (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) Consumer herein is one M/s Krupa Metal having Consumer No.003100438762 (BU-4162) Palghar sub division. Grievance is that Distribution Licensee has claimed adjustment of Rs.15,96,410/- in the bill for the month of Oct-2018 toward arrears on account of incorrect M.F. applied by Distribution Licensee. The only submission of the consumer is that they cannot claim the same beyond 24 months in view of 56(2) of IE Act.

3) Distribution Licensee in reply contends that section 56(2) of IE Act is not applicable the present case. Distribution Licensee relies on Bombay High Court judgment in the case of Shri. U.A.Thadani V/s BEST in which recovery beyond 24 months was made permissible.

4) Distribution Licensee further informs that there is a conflicting view on the point of Bombay High Court in Rototex Polyester case and Awdes Pandey case and the question is referred to larger bench.

5) We have heard both sides. Section 56(2) of IE Act clearly provides that Distribution Licensee can not recover the dues beyond 24 months at least under section 56 under which they are empowered to disconnect electricity connection. Thus under the IE Act in order to retain connection consumer is obliged to pay bills. Which are within 24 months. As such consumer succeeds.

Hence the Order

ORDER

- 1) The Grievance application of consumer is allowed.
- 2) Distribution Licensee to revise the impugned bill for 24 months only.
- 3) Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

Date: 06/03/2019

(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.