



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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NO. K/E/1564/1854 OF 2018-19

Date of registration : 19/03/2019

Date of order : 24/04/2019

Total days : 36

IN THE MATTER OF GRIEVANCE NO. K/E/1564/1854 OF 2018-19 OF M/S NARHARI ENGINEERING WORKS, PLOT NO.3/B, NEAR DHAWLE HOSPITAL, BOISER ROAD, PALGHAR, PIN CODE - 401 404 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT BILLING DISPUTE.

M/S Narhari Engineering Works,
Plot No.3/B, Near Dhawle Hospital,
Boiser Road, Palghar, Pin Code - 401 404
(Consumer No. 003650579991) . . . (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 - Shri.Sachin L.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 M/S Narhari Engineering Works having consumer no. 003650579991 (BU-4162) Palghar sub division. Grievance is that Distribution Licensee has claimed adjustment of Rs.890840.70 in the bill for the month of Dec-2018 towards arrears on account of incorrect M.F. (i.e. MF-1 applied instead of MF2) by Distribution Licensee. The consumer contends that Distribution Licensee cannot claim the same beyond 24 months in view of 56 (2) of IE Act and recent High Court Judgment in WP/10764 of 2011. Consumer also agrees for 24 equal installments for payment of arrears without DPC and interest because he is not at fault.
- 3) Notice was given to Licensee vide letter no.EE/CGRF/Kalyan/116 dt.20/03/2019 to which Licensee appeared and filed reply on 10/04/2019.
- 4) Distribution Licensee in its reply contends that section 56 (2) of IE Act is not applicable in the present case. Distribution Licensee relies on Bombay High Court judgment in the case of Shri. U.A.Thadani Vs BEST in which recovery beyond 24 months permissible.
- 5) We heard both sides. Section 56 (2) of IE Act clearly provides that Distribution Licensee cannot 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 liable to pay bills, which are within 24 months. Now the case before larger bench in case no. WP/10764 of 2011 is decided and in that case also recovery for period more than 24 months not allowed.
- 6) In this case first demand for recovery was raised in month of Aug-2018 i.e. on 20/08/2018. Hence Distribution Licensee can recover the bills for period from Sept-2016 to Aug-2018 only, instead of Aug-2015 to Aug-2018. Consumer demands installment for payment without DPC and interest. The same is allowed considering that consumer is not at fault.

Hence the Order

ORDER

- 1) The Grievance application of consumer is allowed.
- 2) Distribution Licensee to revise bill for 24 months only as explained in para no.5.
- 3) 24 installments to be given to consumer starting from Sept-2018 without DPC and Interest.

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

Date: 24/04/2019

(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.