



Consumer Grievance Redressal Forum, Kalyan Zone  
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301  
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**NO. K/E/1605/1937 of 2019-20**

Date of registration : 16/08/2019

Date of order : 27/09/2019

Total days : 42

**IN THE MATTER OF GRIEVANCE NO. K/E/1605/1937 OF 2019-20 OF M/S NILESH LAMINATES, PLOT NO.54, PLDC, VILLAGE MAHIM, PALGHAR (W), PIN CODE – 401 404. REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT BILLING DISPUTE.**

M/S Nilesh Laminates,  
Plot No.54, PLDC, Village Mahim,  
Palghar (W), Pin Code – 401 404.  
(Consumer No. 004960010120) . . . (Hereinafter referred as Consumer)  
V/s.

Maharashtra State Electricity Distribution  
Company Limited  
Throughit'sNodal Officer/Addl.EE.  
Palghar Circle, Palghar . . . (Hereinafter referred as Licensee)

Appearance : For Licensee - Shri.Sachin L.Topale, LDC (HR), Palghar S/dn.

For Consumer - 1) Satyanarayan Tibrewala (C.R.)  
2) Nilesh Tibrewala (C.R.)

[Coram - 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 Redressal 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) The brief facts of the grievance applications are :  
The consumer is a proprietor of a business establishment in the name of M/S Nilesh Laminates in Palghar having a sanction load of 107 HP and supply is connected from 14.1.2014.
- 3) It is the contention of the consumer that he was paying the electricity bill regularly but in the month of Nov-2018 Licensee has raised a bill of Rs.7,36,507.32.
- 4) After a continues follow-up with the Licensee, consumer came to know that by mistake from the month of Feb-2016 to Oct-2018 consumer was billed as MF-1 instead of MF-2 and after noticing this mistake a supplementary bill was issued to him.
- 5) It is further contended by the consumer that the recovery of wrong MF done by the Licensee and the consumer is not at fault and hence as per section 56 (2) IE Licensee can not recover the amount for more than 2 years. Consumer also stated that he has asked for a personal hearing by writing a letter to the Licensee but no hearing was held till 20/05/2019.
- 6) According to the consumer he is ready to pay the amount of 24 months for the period from Nov-2016 to Oct-2018. For '63640' units amounting to Rs. 515000 approx, out of which he has paid 3,10,000/-. Consumer is ready to pay the balance amount without DPC and interest. Consumer has also asked for the installments to pay the balance amount.
- 7) Notice was given to Licensee vide letter no.EE/CGRF/Kalyan/351 dt.16/08/2019 to which Licensee appeared and filed reply on 03/09/2019.
- 8) Licensee appeared and submitted that the consumer's meter no. 14018496 was having a capacity of 100/5 and CT Ratio was 200/5 hence consumer was billed as per MF-2 till Dec -2015. However in the month of Jan-2016 his electricity supply was disconnected and was reconnect in Feb-2016, However after reconnection from Feb-2016 to Oct-2018 consumer was billed as MF-1 instead of MF-2. This fact was noticed by the Assistant Engineer on 12/09/2018 at the time of inspection. Hence supplementary bill of '75412' units was issued to the consumer. Licensee also stated that they have followed up with Vasai Division to rectify consumer's MF from MF-1 to MF-2 from the month of Sept-2018 but the rectification was done in the month of Nov-2018.
- 9) It is the stand of the Licensee that all these details and information has been provided to the consumer and hence supplementary bill issued to the consumer is correct and is recoverable as per law. Licensee therefore requested to reject the grievance of the consumer.
- 10) We have gone through the records kept before us and have also heard the arguments by both the parties. Our observations are :

The complaint is regarding the dispute about debiting Rs.736507.32 in the bill month of Nov-2018 towards tariff difference between MF-2 and MF-1 for the period Feb-2016 to Oct-2018.

In the month of Feb-2016 when the supply of the consumer was reconnected as it was disconnected in the month of Jan-2016 Licensee consumer's MF -2 was changed to MF-1 and consumer was bill according to MF-1 till Oct-2018.

While carrying out the inspection this fact was noticed by the Licensee and a supplementary bill was raised by Licensee in the month of Nov-2018 which is challenged by the consumer.

Licensee raised an objection and stated that section 56(2) of IE Act is not applicable to this case. Licensee relied on Bombay High Court judgment in case of Shri. U.A.Thadani V/z BEST in which recovery beyond 24 months is permissible.

We have also come across a case no. WP/10764 of 2011 decided by a larger bench and in the case a recovery for the period more that 24 months not allowed.

We have gone through the provision of section 56 (2) of E.A.2003 which is as under.

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***i) Notwithstanding anything contained in any other law for the time being in force, no sum due from any consumer, under this section shall be recoverable after the period of two years from the date when such sum became first due unless such sum has been shown continuously as recoverable as arrear of charges for electricity supplied and the licensee shall not cut off the supply of the electricity.***

ii) E.A. 2003 also states that the sum can be said to be due from consumer only after bill is served upon him.

iii) In the case in hand the demand is made. In the month of Oct-2018 i.e. on 08/10/2018. Hence Licensee can recover the bills for a period from Nov-2016 to Oct-2018 only.

Hence the order

### **ORDER**

- 1) The Grievance application of consumer is hereby allowed.
- 2) The bill issued by the Licensee in the month of Nov-2018 amounting to Rs.736507.32 is hereby set aside.
- 3) Licensee to issue a fresh bill to the consumer for the period from Nov-2016 to Oct-2018 without DPC and interest.
- 4) The amount which already paid by the consumer is to be adjusted in the ensuing bill.
- 5) Licensee to grant 4 installments the consumer on this amount as prayed by consumer.

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

Date: 27/09/2019

Sd/-  
(Mrs.S.A.Jamdar)  
Member  
CGRF, Kalyan

Sd/-  
(A.P.Deshmukh)  
Member Secretary  
CGRF, Kalyan

**\*\* (In the sitting of Forum, the Chairperson is not available. As per MERC Regulations (2006), Clause 4, the technical member shall be the Chairperson of such sitting in which Chairperson is not available and hence in the present case, the technical member performed the role of Chairperson of the Forum ).**

#### **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.