

**CONSUMER GRIEVANCE REDRESSAL FORUM
M.S.E.D.C.L., Bhandup Urban Zone, Bhandup**

CaseNo.275/2019

Date of Grievance: 15.01.2019

Date of Hearing: 16.04.2019

Date of Order: **EE/CGRF/BUZ/00504 dtd. 10.12.19**

In the matter of billing

M/s. Dy. City Engineer,

Thane Municipal Corporation, Thane,

Administrative Bldg., 3rd floor,

Electrical Dept. Pachpakhadi,

Thane- 400602.

(Consumer No 000011553311 & other's 9)

VS

The Executive Engineer,

---- Respondent

M.S.E.D.C.Ltd.,

Thane.

Quorum

1. Dr. Santoshkumar Jaiswal, Chairman.
2. Shri. Mr. Ravindra Avhad, Member Secretary.
3. Mrs. Sharmila Ranade, Member.

Present during the hearing

A]- On behalf of Appellant

Shri. Sunil Pote, Dy. City Engineer (E), TMC

Mrs. Shubhangi Keswani.EE, (E), TMC

- Consumer Representative

B] - On behalf of Respondent

Shri. Vijay Sonawale, Additional Executive Engineer, Kolseth

Sub-division.

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'.

2. Thane Municipal Corporation has deposited Rs.1,20,06,000/- to the MSEDCL, Thane against total 10 Temporary connections at BSUP buildings, Tulshidham, Thane. TMC received bills of 10 Temporary connections amounting to Rs. 86,53,450/- in Jan-2017. TMC obtained permanent connections and meter of temporary connections removed in August-2017. However, the security deposits paid by Thane Municipal Corporation is not refunded by MSEDCL in spite of reminders given to MSEDCL. It is requested to direct MSEDCL to refund the entire amount i.e. Rs.1, 20, 06,000/- with 18% interest from September 2017 to Thane Municipal Corporation.
3. Respondent has filed his reply dtd 26.06.2019. 10 temporary connections were issued to 10 buildings of MMRDA at Dharmveer Nagar in Jun.2016. TMC paid 1.20 Crore towards security deposits for these 10 temporary connections for 12 Lakhs per connections. These temporary connections were permanently disconnected on 25.08.2017. As per letter from TMC/Dy.City Engineer/1767 dtd. 02.02.2018 and as per the final PD reports bills were finalized. It was decided to adjust the remaining security deposit after deducting final bill amount from original SD amount, towards the arrears of consumers in the name of TMC. Bills were issued after adjustment but TMC not collected those bills. Amount of Rs. 13,60,343/- is balance from original SD of Rs. 1,20,00,000/- after deducting final bill amount from SD. All above amount is adjusted in the arrears of connection in the name of TMC final bill amount from SD.
4. We have heard both sides, and evidence of record and gone through reply filed by respondent. It appears that 10 temporary connections were taken by Thane Municipal Corporation for the re-habitation of slum affected families. The Thane Municipal Corporation had regularly paid bill amount. But in the month of March after 10 month these

electricity connections have stopped and respondent have made it PD. The Thane Municipal Corporation has deposited the initial security deposit amount 1.20 crore. Thane Municipal Corporation has paid the regular bill of Rs. 86Lacs. But the respondent utility after PD have deducted the amount of Rs. 1.07 crore from the amount of security deposit of Rs.1.20 crore without any notice or the consent of Thane Municipal Corporation and remaining 13 Lacs were adjusted in future regular consumption. Utility has not shown any photo of the meter or consumption of electricity nor shown any final reading of MRI. Therefore utility has committed fraud against the Thane Municipal Corporation and deducted excessive amount of bill. It is submission of utility that there was no fraud or any excess bill amount was deducted. But some mistakes of facts are there that before deduction they not intimated to the Thane Municipal Corporation. They further submit that, after construction and allotment of regular meters, the regular meter charges also deducted from this security deposit amount of Thane Municipal Corporation instead of the concern meter holder. Therefore the respondent where again for through the correction of their mistake and they have submitted their correct data before the CGRF dated 25.6.19. We have gone through this reports of 2018 and 2019 and held that the Thane Municipal Corporation has entitled to pay only the electricity charges which they have used for their re-habitation of compound by way of ten meters connections only and amount of billing shall be deducted and adjusted from the amount security deposit of Rs.1.2crore.

Hence, we proceed to pass the following order:

ORDER

1. This application is hereby partly allowed.
2. The respondent is hereby directed to charge and to calculate the bill of actual consumption of electricity from the 10 meters only taken by TMC for the re-habilitation of the slum without any interest and DP charges and the amount of security deposit along with interest of 1.20 crore be adjusted in the bill amount at only remaining recovery or refund maybe calculated and claim as vice- versa.
3. The Licensee is directed to report the compliance within one month from the date of this order

4. No order as to the cost.

Agree/Disagree

I Agree/Disagree

**MRS. SHARMILA RANADE,
MEMBER
CGRF, BHANDUP**

**Dr. SANTOSHKUMAR JAISWAL
CHAIRPERSON
CGRF, BHANDUP**

**MR. RAVINDRA AVHAD
MEMBER SECRETARY
CGRF, BHANDUP**

The order is issued under the seal of Consumer Grievance Redresses Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup.

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, KeshavBuilding,Bandra - Kurla Complex, Bandra (E),Mumbai - 400 051"
- b) b) consumer, as per section 142 of the Electricity Act, 2003, can approach Hon'ble Maharashtra electricity Regulatory Commission for non- compliance, part compliance or
- c) Delay in compliance of this decision issued under" Maharashtra Electricity Regulatory Commission (consumer Redressed Forum and 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.