

(A Govt. of Maharashtra Undertaking)
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PHONE NO. : 25664314/25664316
FAX NO. 26470953
Email: cgrfbhandupz@mahadiscom.in
Website: www.mahadiscom.in

Consumer Grievance Redressal Forum
"Vidyut Bhavan", Gr. Floor,
L.B.S.Marg,Bhandup (W),
Mumbai – 400078.

REF.NO. Member Secretary/CGRF/MSEDCL/BNDUZ/116/536

Date:18.02.2017

Case No.116/2016

Hearing Dt.24/1/2016

In the matter of excess and wrong bill in the name of consumer

Mr. Janak G. Turakhia

- **Applicant**

Vs.

M.S.E.D.C.Ltd., Bhiwandi, Torrent power Ltd.,

- **Respondent**

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri. Anil P. Bhavthankar, Chairperson, CGRF, Bhandup.
- 2) Shri. Ravindra S. Avhad, Member Secretary, CGRF, Bhandup.
- 3) Dr. Smt. Sabnis, Member, CGRF, Bhandup.

B - On behalf of Appellant

- 1) Shri. Pravin Thakkar - Consumer Representative.

C - On behalf of Respondent No. 1

- 1) Shri. S.K.Dhope, Assistant Engineer, Nodal Office Bhiwandi.
- 2) Mrs. Hemangi Mayekar, Assistant Manager, TPL

Consumer No.013192361944

1. Above named consumer filed this complaint against the respondent utility stating that this consumer having connection at the premises gala No.1 Laxmi Darshan Estate Dropadi Chhaya Compound , Purna Village , Bhiwandi. The said premises is occupied by the said consumer the said electricity connection having consumer No.013192361049 installed by

utility used by this consumer since 2005 .According to consumer the supply was use by this consumer over the premises for the period 25.10.2001 to 24.06.2006. In the month of august 2013 consumer received bill alleging they said electrical connection for the period 14.10.2000 to 23.06.2006 and July 2007 .The said premises against the bill is issued by utility found stands in the name of Janak Turakhia as per record as mention in current bill. After receiving the said bill consumer raised the dispute stating that activity in the said premises are already stop and inform to the utility MSEDCL at the proper time. The said connection according to consumer use for the purpose of godown on which connecting load 3 tube light consumption only used by consumer on the said premises and rest of the area of the premises used for godown purpose also for the most of period the said premises is lock and it is open only for delivery and removing the good purpose during few hours on day including holidays. Consumer alleged that he received consolidated bill for the period 2006 to 17.07.2015. After receiving the said bill over the said premises issued by utility was challenged by the consumer on the ground that since the supply over the said premises was disconnected in 2006 and thereafter issuing of bill was stop. However the letter and the bill issued by the respondent utility is not proper false and erroneous therefore consumer approach on 04.11.2016 to officer of MSEDCL for obtaining necessary document also consumer attachment application dated 04.11.2016. According to consumer the documents spot inspection report and deposit of connection charges was not paid by him and no copy of F1 registered is available. As issuing of the said bill by utility M/s. TPL on 04.11.2016 is unjust, unfair and illegal as demand made by the utility is not admitted by consumer. Therefore he raised for initially dispute to IGRC on 29.07.2016. Accordingly to consumer IGRC committee not followed proper procedure which is required to be followed in as per norms . However IGRC gave the

decision against the consumer stating that the claim of the consumer is beyond the period of 2 years as per Regulation of 6.4 the shorter period provided under the Act consumer not approach within the period of 2 years from the date of cause of action and therefore on dated 20.10.2016 IGRC pass the order against the consumer. According to consumer cause of action on 29.07.2015 and complaint was rejected by Superintending Engineer MSEDCL Bhiwandi therefore he approach to approach to IGRC cell on 20.10.2016 vide case No.170 however the IGRC overlook this said fact and not considered the same. Therefore the dispute raise by consumer is within the limitation of 2 years as decision of IGRC dated 20.10.2016 is illegal and improper to the provision without appreasiation proper fact and law wrongly dismiss the claim which required consumer to filed before this grievance this Forum in From No. A' 'consumer pray for withdrawal of illegal bill issued by respondent utility on 29.07.2016 consumer also pray for grant of 25000 compensation and appropriate relief in his favor.

2. After filing this complaint before Forum on 30.11.2016 notice was issued to the respondent utility. After service of notice respondent utility appeared and filed reply on dated 09.01.2017. According to respondent utility consumer made wrong and false complaint against the utility stating that wrong and illegal bill is issued to him. As the respondent utility MSEDCL since 26.01.2007 Distribution Company handed over power to M/s. TPL by the agreement for the period of 10 years. Respondent utility submitted that the grievance filed the consumer is barred by the limitation of 2 years in view of Regulation 6.6. Since 29.08.2006 the dispute was inform to the consumer as per record available average monthly bill was issued for average of 75 per/month till 29.08.2010 no to complaint is made by consumer. Applicant raised the dispute on 17.07.2015 after the period of 9

years. According to utility notice is issued M/s. Janak G. tukariya vide letter No. 2079 dated 29.07.2015 the bill is issued correctly which is liable to be paid by this Consumer as per the record the connection stands in the name of consumer on the given address since 2002. Thereafter consumer not paid the bill nor raised the dispute till 2006. This consumer filed complaint mischievously intention to take the advantage of loopholes in the system and therefore consumer grievance is liable to be dismiss In view of Regulation No. 6.9 with cost. As the dispute is malafied frivolous and vexations. The Respondent utility M/s. TPL also filed their reply and relevant document justified their claim by filing copy of provisional bill, dated 29.08.2013 copy of CPL and extract of monthly user charges. The consumer again filed details reply to the contention of respondent utility and gave point wise reply on date 23.12.2012. As I have perused all the contention of consumer grievance and the reply of utility.

After perusing rival dispute of consumer and the respondent utility following points arose to our consideration to which I recorded my findings to the point further the reason given below

1. Whether bill issued by respondent utility claiming accumulated arrears to the period 29.08.2006 to 17.07.2015.
2. Whether consumer complaint is within limitation.
3. Whether consumer is entitled for any relief.
4. What order?

Reasoning

3. I have perused the status of consumer and document record available with respondent utility. According to utility the connection is provided to the consumer on the given address against meter number and consumer number which stands in the name of Shri. Janak G. Tukariya since

regular earlier bill was issued for the period 23.07.2006 to 24.06.2006 there was arrears of Rs 1,46,640/- .This bill was issued to the consumer and said bill admittedly not paid by the consumer. According to consumer is the supply received to the consumer premises is not actually used till 2015. The consumer received letter and provisional bill by letter dated 29.07.2015 as demand was made against the consumer for amounting Rs. 1,46,000/- which is received the complaint is made on 28.07.2015. It means that respondent utility trying to recover old arrears due to against the consumer for the period of last 10 years. The objection raised by the consumer his representation and complaint was rejected on ground of limitation and as grievance was not raised by consumer within 2 years from the date of cause of action for raised. After making minute scrutiny of the record it appears to me that when respondent utility trying to recovered old arrears due give after considerable period of 9-10 years and lastly demanded with letter and provisional bill and intended that consumer should pay the said therefore question of limitation required to be considered in proper fact and circumstances of each case. As demanding of old arrears bill is continuous action undertaken by utility and it was lastly demanded by respondent utility. It give continues and reasonable cause of action to raise the objection. Therefore to my view either consumer or the respondent utility cannot take the advantage wrong done by the party. In the fair interest of justice cause of action should be access in proper fact and circumstances each case. In this circumstance as demand made by respondent utility of demanding old arrears due in the month 2015 by issuing letter means It is continuous demand. Therefore proper representation and revised and correction of accurate bill to be access properly. As the status of supply found at present though there are huge arrears pending payable by the consumer but not recovered. The amount is to be access they arrears payable at appropriate rate within the

period of 2 years. There is dispute raised by the consumer about status at present found on the premises the supply used for godown purpose and the consumption as monthly recorded at 75 units was charge against the consumer. As per record produce before the Forum form September 2008 and representation made by the consumer was issuing copy of CPL is also verified. At the one instance consumer admitted by letter dated 29.08.2006 after the power is disconnected and not use by the consumer persistently the said bill in the issued against the consumer by utility. Therefore the old arrears demanded are admittedly as shown in the bill issued on 19.08.2006. The amount of Rs 1,46,640/- which is due and not paid by the consumer and thereafter consumer of the receiving the bill of minimum unit of 75 per month charge against the consumer. For the sake of relief the outstanding old recovery arrears as mention in the bill cannot be recovered of the bill of utility after laps period of 10 years. However the admissible recovery should be restricted for 2 years. Respondent utility taken action of recovery in the year 2015 and therefore old arrears for previous 2 years should be recorded with charging minimum connection load provided to the premises charging 75 units per months. I found the grievance made by the consumer is within the period of limitation. I found entire recovery of old arrears amount is illegal improper and nor permitted in this proceedings. To my view the consumer complaint should be allowed the respondent utility entitled to recover the old arrears amount in separate civil proceeding against the consumer separately subject to provision of limitation Act. In this proceeding consumer shall only liable to pay 2 years minimum recovery charges as per 75 units per month for the period of 2 years from the date of last demand in the year 2015 restricted. Hence. The order made by IGRC is set aside after hearing arguments of consumer and respondent utility I found if consumer wanted to continue the supply to the premises he is liable to pay 75 units per months average consumption

which for the period 2 years prior to 2015 stands only to be recovered and should be paid by consumer. Utility directed to revise the bill accordingly. Hence I proceed to pass following order.

Order

- 1) The consumer complaint No. 116/2016 is allowed.
- 2) The bill issued by respondent utility old arrears stands illegal and improper set aside.
- 3) The respondent utility entitled to recover minimum charges 75 units per month prior to 2015 only and after payment of the bill along with current charges the supply should be continued and regular.

No order is to be cost.

Both the parties should be informed accordingly.

Proceedings closed.

The compliance should be reported within 45 days.

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

Note:

If Consumer is not satisfied with the decision, he may file representation within 60 days from the date of receipt of this order to the Electricity Ombudsman in attached "Form B".

Address of the Ombudsman

The Electricity Ombudsman,

Maharashtra Electricity Regulatory Commission,
606, Keshav Building,
Bandra - Kurla Complex, Bandra (E),
Mumbai - 400 051

2) If utility is not satisfied with order, it may file representation before the Hon. High Court within 60 days from receipt of the order.

(I Agree/Disagree)

(I Agree/Disagree)

**DR. ARCHANA SABNIS
MEMBER
CGRF, BHANDUP**

**SHRI. ANIL P. BHATHANKAR
CHAIRPERSON
CGRF, BHANDUP**

**SHRI. RAVINDRA S. AVHAD
MEMBER SECRETARY
CGRF, BHANDUP**