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

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REF.NO. Member Secretary/CGRF/MSEDCL/BNDUZ/05/155

Date: 20.09.2017

Case No. 05/2017

Hearing DT 08.08.2017

**In the matter exorbitant recovery of bill February 2015 and November 2015**

**Mr. Mahendra Thakkar**

**J-Vardman Nagar, R.P Road**

**Mulund West, Mumbai-80**

**- Applicant**

**Vs.**

**M.S.E.D.C.Ltd., Pachrasta Sub Division**

**- Respondent**

**Present during the hearing**

A - On behalf of CGRF, Bhandup

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

**B - On behalf of Appellant**

Mr. Jaganath Kamath - Consumer Representative

**C - On behalf of Respondent**

Shri. S.S.kuril Addl. Executive Engineer, Pachrasta Sub Division.

**Consumer No. 000093035933 category LT I residential single phase Connection Load – 0.50KW**

**Sanctioned Load - 0.50KW date of connection 01.01.1987**

1. Above named consumer received bill issued by respondent utility, Pacharasta Sub Division to the premises of his residence in the month of Feb. 2015 and November 2015. It is contention of consumer that bill issued in the month of Feb. 2015 was deposited by him. However subsequent bill issued in the month of November 2015 also exorbitant. Consumer requested for checking of electricity meter several time. Consumer prays that the recovery of bill is exorbitant of Rs. 2,80,390/- by also subsequent bill issued to the consumer was also exorbitant. Initially the consumer

approach to IGRC cell and filed his complaint on 16.10.2015. Consumer filed copy of bill, copy of meter testing report and all other relevant document. After the grievance is registered by IGRC cell which was not decided within 2 months from the date of presentation. Therefore consumer approach to the Forum and submitted that in the September, October and November consumer was receiving exorbitant bill. The meter was tested in the laboratory of utility and as per testing report the meter was found 50% slow running as per report dated 06.10.2015. Therefore consumer raised the grievance and objected demand of exorbitant bill. Consumer prays for refund of deposited amount exorbitant claim by utility along with interest.

2. Consumer approaches to the Forum and filed complaint in Schedule 'A' on dated 24.04.2017. Consumer filed copy of old and new bill report, copy of complaint given in Schedule 'X', copy of letter issued to the consumer and meter testing report.
3. After the grievance is registered by this Forum notice was issued to the respondent utility on dated 8.05.2017. Respondent utility filed reply and stated that meter reading shown of this consumer and meter number in January 2015 is 8372 and P00003897 also in the month of February 2015 reading is 28924 and bill charge 2,80390/- consumer paid the said bill of RS. 2,77,950/- under protest. It is inform by respondent utility this consumer involved in photo edit scam case his name is appeared in FIR 93/2015 offence register under sections 420,465,467,468,470,471,34 as per IPC on dated. 24.2.2015. Respondent utility gave the data of consumption used actually by this consumer in January 2011 to Jan. 2015 actual consumption of unit found used in the month of Feb. 2015 and from Oct. 2015 to Jan. 2017 and Feb. 2017 to April 2017. The respondent utility gave average consumption actually used by this consumer between all this period normal and average consumption recorded minimum 171units and maximum 1024 units between this periods. Respondent utility filed document copy of spot inspection report, copy of CPL, copy of FIR and list of consumer involved of photo edit scam case forwarded to Mulund police station. Respondent utility also filed copy of actual reading photograph and photo edit scam fraudulent photograph giving actual unit bill also filed. I have perused all the document and objection made by consumer at the time of hearing. I also minutely gone thought the reply given by utility. After perusing the rival contention of consumer and respondent

utility following point arose to our consideration to which I have recorded my finding to the point further reason given below

- I. Whether respondent utility bill is issued in the month of September, October, November 2015 is legal valid and proper
- II. Whether consumer is entitled for any relief on meter testing report 50% slow.
- III. Whether consumer was entitled for any refund with interest amount.

### **Reasoning**

4. I have given opportunity to consumer and his representative who appears before this Forum for hearing and grievance raised by the consumer is heard by this Forum. The issue raised by way of objection by this consumer referring his involved in photo edit scam case. The amount bill in Feb. 2015 already paid by the consumer it appears to the Forum that thereafter consistently the consumer was issued incorrect bill which is issued by respondent utility at the request of consumer the meter was tested the laboratory on date 06.10.2015. The meter testing report revealed that in accu-check the meter was slow 50% therefore the bill issued to the consumer for unit between the said period of 1162 and 2792 unit. Thereafter the meter was replace and it was found 50% slow also at the time of replacement the meter reading was recorded 7979 unit shows the consumption 1836 in 20 days. The meter was found slow it should be 3672 unit in 20 days of September 2015. The unit should be 5584 which is objected by the consumer for considering the variation in the meter reading this Forum considered the meter testing report the actual unit recorded at the time of laboratory testing is mention in the report 7979 and the report was the meter was slow 50% and accordingly the bill was charge against the consumer accordingly .To go in minute the direction was given to respondent utility considering the issue commonly arose against this consumer which is objected by indusial consumer in different group of cases. It appears that the sensible consumer wanted to take benefit linking the dispute of photo edit scam case when the consumer involvement found in photo edit scam case and the amount charge in bill already deposited by the consumer under protest.
5. The subsequent dispute raised by the consumer when he objected the recovery bill issued by the respondent utility taking advantage of meter testing report. The

consumer wanted to get refund of already paid amount in photo edit scam case. This Forum not inclined to give any benefit linking to photo edit scam case as it is already decided by this Forum against the consumer. Therefore the consideration given to the subsequent event of meter testing report found the copy of punchnama of the premises of this consumer the meter was slow inform to the consumer and meter was taken in the charge at that time consumer agree to difference of unit found in the meter recorded he will deposit the said amount. Thereafter the bill issued in the month of November claiming arrears of amount Rs. 80,784/- calculating the unit which is divided in actual disputed period in September to November for safe consideration the direction was given to the respondent utility to decide the consumption patter of this consumer since Jan. 2015 to April 2017. The variation found of actual consumption recorded after photo edit scam case more specifically the considering the actual dispute raised by the consumer September 2015 high consumption is 1024 units and low consumption recorded 204 units the normal consumption patter recorded in between the said unit of consumption. The intention of the consumer to challenge the subsequent bill raising objection of earlier dispute is prejudice. To my view the consumer cannot take advantage of earlier dispute for continuous litigation. Hence the 50% slowness of meter as found in the report which is reflected laboratory meter testing report there is no contrary technical data produced by the consumer therefore the bill issued by the respondent utility in the month of Nov. 2015 cannot be said to be faulted the consumer liable to pay the said bill by dividing the said unit from September 2015 to November 2015 and the amount should be recovered from the consumer without charging any interest and penalty. I found there is no substance in raising objection for refund of bill or exorbitant bill issued by the utility subsequent in the month of November 2015. Hence consumer complaint liable to be dismiss with cost.

### **ORDER**

The consumer complaint 05/2017 liable to be dismiss with cost.

The Respondent utility may recover the bill of November 2015 dividing the period of September 2015 to November 2015 without charging any interest DPC and penalty preferable three equal installments.

No order as to the cost.

Both the parties should be informed accordingly.

Proceeding close.

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, and Bhandup.

Note:

1) 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**

**ANIL P. BHAVTHANKAR  
CHAIRPERSON  
CGRF, BHANDUP**

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