

**Consumer Grievance Redressal Forum
Maharashtra State Electricity Distribution Co. Ltd.
Bhandup Urban Zone, Bhandup**

Ref. No. Secretary/MSEDCL/CGRF/BNDUZ/

Date :

Case No. 385

Hearing Dt. 15/09/2011
& 23/09/2011

M/s. Mittal Developers
Vs.

- Appellant

M.S.E.D.C.L., Thane

- Respondent

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri S. D. Madake, Chairman, CGRF Bhandup.
- 2) Shri R.M Chavan, Member Secretary, CGRF, Bhandup.
- 3) Dr. Smt. Sabnis, Member, CGRF, Bhandup.

B - On behalf of Applicant

- 1) Shri Shakeel Ansari –Consumer Representative

C - On behalf of Opponent

- 1) Shri Reddy, Dy. Ex. Engr.
- 2) Shri N.K. Kadam, U.D.C.

ORDER

M/s. Mittal Developers is a three phase consumer used electricity for operation of lift at 'A' wing, Mittal Park Co.Op. society. This connection was released on 21/06/2006 but remains unbilled to due feeding of wrong route. This connection was earlier in

processing cycle no. 1 which transfers for correction of reading route to processing cycle no. 4 and hence the consumer number was changed from 000028005717 to 000020454741 with the same meter no. 24000105.

On correction of route, the utility got the reading in the month of Jan-2011 of 42008 and billed this consumer for an amount of ` 3,73,086/-. This was the accumulation, since the date of release of connection i.e. June-2006. The consumer has filed the grievance to the IGRC, Thane on 22/03/2011 but could not get any kind of relief except splitted the accumulated consumption over the unbilled period which reduced the billed amount to ` 2,52,230/-.

The consumer had paid ` 75,000/- by cheque on 14/03/2011 under protest and preferred the appeal in this Forum on 14/06/2011 which was registered vide case no. 385.

The Forum was not operative from 15th of March to 28th of July 2011 due to incomplete quorum hence hearing was fixed on 15/09/2011 and subsequently on 23/09/2011.

The matter was heard on 23/09/2011 both the parties were present, shri Shakeel Ansari was representing to the consumer (hereinafter will referred as to the Appellant) and Shri Reddy the Dy. Ex. Engr. was pleading on the behalf of utility (hereinafter will referred as to the Respondent). The documents on record and arguments during the hearing reveals that the Respondent failed to billed the consumer as per reading due to their own technical problem of misfeeding the wrong meter reading route and processing cycle. Consumer is found no at fault for such ignorance of the Respondent.

However, it was also the duty of the consumer to bring in the notice of utility for unbilling and unreads meter. Forum observed

that in such cases where the consumer remain unbilled for a long period and sudden billing with the huge accumulated consumption that too at no consumer fault, the Respondent is not entitle to recover the dues beyond 24 months from the issue of first bill.

The provision in the Electricity Act 2003 under Section 56(2) speaks as :

E.A. 2003 56 (2)

“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 shows continuously as recoverable as arrears of charges for electricity supplied and the licensee shall not cut off the supply of the electricity”.

Considering the above provision, the Forum has no other alternative than to ask to the Respondent to limit the recovery of accumulated consumption for last 24 months from the date of issue of first bill calculated on per month basis.

According to the above directives, the Respondent should revise the bill and report the compliance within a month to this Forum.

No order as to the cost.

Both the parties should be informed accordingly.

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

Note :

1) If Consumer is not satisfied with the decision, he may go in appeal within 60 days from 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 go in appeal before the Hon. High Court within 60 days from receipt of the order.

DR. ARCHANA SABNIS
MEMBER
CGRF, BHANDUP

S. D. Madake
CHAIRMAN
CGRF, BHANDUP

R.M. CHAVAN
MEMBER SECRETARY
CGRF, BHANDUP