

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

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

Date :

Case No. 399

Hearing Dt. 23/09/2011

Mulund Harsha Niketan

- Appellant

Vs.

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

- 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.
- 2) Dr. Smt. Sabnis, Member, CGRF, Bhandup.

B - On behalf of Appellant

- 1) Shri G.P. Salvi – Appellant
- 2) Shri Yogesh.

C - On behalf of Respondent

- 1) Shri S.H. More, Dy. Ex. Engr., MSEDCL, Mulund.
- 2) Shri K.D. Gherade, J.E., MSEDCL, Mulund.

Preamble: -

The Mulund Harsha Niketan Co-op Housing society Ltd. is having two meters each for lift and staircase under one consumer no. 000092030881. The meter no. 917193 is a single phase meter for staircase and meter no. 72489 is a 3 phase meter for lift.

In March 2003, the meter for lift was replaced by new one bearing no. 75303 whose initial reading was 00005. This meter remained unbilled since its replacement and traced in the month of Jan-2011. The Respondent changed the bill for entire recorded consumption of 35758 units, which amount to ` 2,19,170/-. Aggrieved to this consumer approached to the ICGRC, Thane and ordered to split up the units over entire period and sterned action against the concerned employee.

Consumer say :

Shri G.P. Salvi and Shri Yogesh were present to represent the case , they stated that the co-op housing society, situated at Bhakti Marg, Mulund (W), Mumbai – 400080, with the name Harsha Niketan co-op housing society Ltd. registered in the year 1975.

The sixth storeyed society has two wings 'A' wing and 'B' wing with 42 flats in each wing. For society usage there are two meters installed in 'A' wing and two meters installed in 'B' wing they have been receiving regularly four separate bills with their respective consumer numbers. Society has been paying electricity bills regularly, by due date, since last so many years.

In the month of February 2011, Asstt. Engr. Shri Gherade, contacted them and said about the fifth meter, which is in existence in 'A' wing, installed since the year 2003, and is running, but somehow not billed. Meter no. for the same is 75303. A handwritten bill for the same for 97 months and for 35758 units, totaling ` 2,19,170.00 was given to the society, which was found clubbed with already existing bill for meter nos. 917193 (attached as Annexure –A).

With the sudden demand of ` 2,19,170.00, the society was shocked. Society members were unwilling to believe and take it as a mistake by MSEDCL because

- i) Every electric meter is photographed for billing, and hence tallying of photo with the said meter bill is necessary. Even photo contractor is paid as per the number of photographs.
- ii) Once in every 15-20 days, officials open meter cabinet, to check and detect if there is any manipulation or pilferage by any consumer. Meter cabinet is right at the entrance of society and the said traced meter is very much visible, as it is at the height of eye-level, and hence very much visible. (photo can be given if required)
- iii) 97 Months is too long a period, to detect a meter, which is very much visible on the opening of the meter cabinet, of which every meter is properly billed except this one.

The society members approached I.G.R.C., O&M circle, MSEDCL, Thane, submitted the form schedule X, dtd. 5th April 2011. (attached as annexure – B)

Society Member was called for hearing on 29th April 2011, at 3.30 pm and case no. was 29. Shri Joshi from Grievance Cell presided. Shri Dhaware represented MSEDCL and Shri G. Salvi, Shri Yogesh Katira, Shri Ratan Lala and Shri Anandji Gada represented the society (attached as Annexure – C).

They further stated that a month later, repeatedly their society followed Grievance Cell twice to know the outcome and the order, as MSEDCL continued its practice of sending the clubbed bill with the amount of ` 2,19,170.00, shown as outstanding. But nothing came from Grievance Cell, not even the most awaited order.

Finally, after no response, society wrote a letter dtd. 11th August 2011 to the Executive Engineer, giving him the details of the problem that society has been facing due to sudden tracing of the said meter

by MSEDCL officials and society's hesitant preparedness to pay the bill amount of two years instead of MSEDCL's insistence to pay for 97 months, against the full and final settlement for newly traced meter nos. 75303, cons. no. 90510550.

Also society wrote that it will be compelled to file a complaint with electrical inspector. (copy attached as annexure – D).

On 8th September, the society receives a letter dtd. 06/09/2011, mentioning revision of bill as its subject line and requesting society to pay the bill according to its handwritten February bill of ` 2,19,170.00 for consumer number 00009203051, the number which we have not heard of upto now (copy attached as annexure – E).

They added that separate notice of disconnecting the line in 15 days if bill is not paid in next 15 days (copy attached as annexure – F).

Also received order by post on 09/09/2011 from IGRC (copy attached).

Prayer of the Appellant :

- 1) Kindly issue the order to MSEDCL to stay the disconnection order till the dispute is resolved.

- 2) To give justice to the society as they feel that injustice has been done to them for no fault of their, still they have shown their preparedness to pay electricity bill for two years (24 months) as full and final settlement.

Utility's Say :-

On behalf of the Responded Shri S.H. More, Dy. Ex. Engr., Panch Rasta s/dn. was present along with Shri K.D. Gherade, Jr.

Engr. of the concerned section (herein after will referred as to the Respondent). They stated that the consumer no. 000092030881 has two meters i) single phase meter no. 917193 for stair case ii) three phase meter no. 72489 for lift. But the billing of both the meters were being done on above single consumer number.

The three phase meter no. 72489 was replaced by meter no. 75303 with initial reading as 000005 in the month of March-2003. However, the consumption of this meter remained unbilled due to switching over of billing system from port while handing over from BSES to MSEB. Therefore, the consumption of only single phase meter continued on the above consumer no. However, this fact come to the notice of their Section Engineer during checking on dtd. 17/01/2011. Reading on three phase meter was 35758 units. Accordingly, the energy bill is prepared by splitting 35758 units from Feb-2003 to Jan-2011 & issued to consumer which is as per actual consumption amount to ` 2,19,170.00.

As per decision of IGRC, Thane the supplementary bill as per rule & as per MERC Regulation 2005 SOP action is in progress against then concern PC employee Mrs. Mangal Golap & Mrs. Jyoti Kulkarni who are responsible.

Observation :-

The matter was heard on 23/09/2011 both the parties were present, perusal of record and arguments during the proceedings reveals that the three phase meter replacement report could not be updated in the record, which leads to remain this meter unbilled. It is astonished that how then meter reader could not identify this unbilled meter which he had read the single phase meter just beside it. Moreover, this also shows the great ignorance of the employee in updating the record of three phase meter that too for such long period of 8 years. These both meters were having same consumer number

and units were clubbed in the bills. In such circumstances, the Appellant should also realise the dropped billing from Feb-2003. It was the duty of the Appellant to enquire the Respondent about such droppage.

Forum observed that the Respondent missed the billed of one meter from Feb-2003 and unable to show in the bill. The respondent has split up the accumulated consumption for a period of Feb-2003 to Jan-2011, 35758 and granted the slab benefits, but Forum feels that when the Respondent is unable to show the billing continuously as recoverable arrears and all of sudden demanded such huge arrears will not be justified.

Considering the E.A. 2003, section 56 (2) which speaks as

“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 appear of charges for electricity supplied and the licensee shall not cut off the supply of the electricity”....

Forum therefore have no other alternative than to ask the Respondent to collect charges for only 24 months back consumption from Jan-2011.

ORDER

The Respondent should collect charges for only 24 months consumption from the date of detection of unbilled three phase meter i.e. split the 35758 units over period of Feb-03 to Jan-2011 on per month basis. The balance arrears should be squashed.

No order as 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 17/10/2011.

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