

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

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

Date :

Case No. 417

Hearing Dt. 07/01/2012

Shri Parthiben S. Mudaliyar

- Appellant

Vs.

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

- Respondent

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri R.M Chavan, Member Secretary, CGRF, Bhandup.
- 2) Dr. Smt. Sabnis, Member, CGRF, Bhandup.

B - On behalf of Appellant

- 1) Shri Jaya Shetty -Consumer

C - On behalf of Respondent

- 1) Shri Suhas V.Bedagkar, Dy. Ex. Engr., MSEDCL, Mulund Dn.

ORDER

The Appellant has filed this appeal against order of IGRC, Thane regarding wrong billing.

Facts in brief of this appeal are as follows:

Due to unpaid arrears of `16,290/- electricity supply of the appellant (meter no. 014536) was disconnected on 10/04/2004, & the same was reconnected on 14/08/2004 after receiving part payment of `7,500/-

Thereafter, till September 2010 bills were not issued as per meter reading for the reasons meter not approachable, being inside the premises i.e. milk centre which was open only from 5.30 am to 7.00 am & 6.00 pm to 7.00 pm.

In October 2010, bill was issued as per actual reading for the period from May 2004 to June 2010 after deducting all payments received by MSEDCL. Further the MSEDCL has recalculated the bill from May 2004 to June 2011 & given a supplementary bill of `52,850/- dt. 16/07/2011 (which has been ordered to withdraw by IGRC, Thane)

In October 2011 the MSEDCL has disconnected the supply without issuing 15 days notice (which is mandatory) to the Appellant.

MSEDCL vide its written submission dated 06/01/2012 has stated that the bill issued in October 2010 was for the period from February 2008 to October 2010 only. Therefore in March 2011, bill was issued for the period from September 2004 to January 2008 (which has been ordered to withdraw by IGRC).

MSEDCL has not repudiated allegation of "Disconnection without 15 days notice" of the Appellant.

Now the issue before us is whether the prayers of the complainant can be granted.

We answer the issue affirmatively for the reasons stated below:

- 1) It is clear from the documents that the cause of action arose in September 2010 when MSEDCL raised a bill of ₹. 77,170/- for a period from February 2008 to October 2010. Thus the complaint is well within the limitation period.
- 2) As per the say of the utility, it is evident that the consumer was issued a bill on average basis for 35 months (for Rs. 77,170/-) in October 2010.
- 3) The utility has stated that in the month of March 2011 bill was raised for the period from September 2004 to Jan 2008.
- 4) MSEDCL can recover the unpaid bill beyond the period of 2 years; provided the said amount has been continuously shown as arrears but the CPL of the consumer from October 2008 shows arrears as "Zero"

The Electricity Act 2003, section 56 has made it clear that utility can not raise bills beyond the period of 2 years thus issuing bill on average for 35 months and for period beyond October 2008 is against the provision of law.

- 5) The complainant has stated that his electric supply was disconnected without 15 days notice. MSEDCL has failed to repudiate this allegation thus the allegation of the complainant is deemed to be proved.

It is also a matter of fact that since the place of which the electricity supply is under dispute happens to be a Milk Centre, authorized to sell milk products only. Thus without electric supply the complainant must have suffered loss due to non availability of refrigerator for storage of perishable goods. But since the complainant has failed to provide documentary evidence for the same, we can not grant his prayer for compensation.

6) It is astonishing fact that MSEDCL failed to take readings of the meter for 7 years & this fact remained undetected till October 2010. Vide the impugned order of IGRC dated 14/09/2011 it has rightly directed to initiate recovery proceedings against the officers of MSEDCL & to set aside a bill of Rs. 52,850/- dt. 16/07/2011.

With the discussion above we are passing following order:-

- 1) MSEDCL is directed to recalculate & issue fresh bill for a period of October 2008 till October 2010 only.
- 2) MSEDCL is restrained from raising bills for the period beyond October 2008 & demanding any charges towards DPF/ Interest/ penalty/ late payment charges etc.
- 3) MSEDCL is directed to give credit of extra payment made by the complainant .
- 4) MSEDCL is directed to start the power supply to complainant immediately.
- 5) No order as to cost or compensation.
- 6) MSEDCL is directed to file compliance report before this Forum within 8 week from the date of receipt of this order.

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 writ before the Hon. High Court within 60 days from receipt of the order.

DR. ARCHANA SABNIS
MEMBER
CGRF, BHANDUP

R.M. CHAVAN
MEMBER SECRETARY
CGRF, BHANDUP