

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

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

Date :

Case No. 188

Hearing Dt. 28/02/2008 & 05/03/2008

**In the matter of energy Bills issued for the closed factory (billing dispute
and request for disconnection)**

Shri Joseph Varghese

- Appellant

Vs.

MSEDCL, Bhiwandi

- Respondent

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri S.L. Kulkarni, Chairman, CGRF, Bhandup.
- 2) Shri S.B. Wahane, Member Secretary, CGRF, Bhandup.
- 3) Mrs. Manik P. Datar, Member, CGRF, Bhandup.

B - On behalf of Appellant

- 1) Shri Joseph Vargees, Consumer.

C - On behalf of Respondent

- 1) Shri Barhate, Dy. Ex. Engr., Bhiwandi Circle.
- 2) Shri Patil, Bhiwandi Circle.

PREAMBLE :

Consumer registered his grievance with this Forum on 23rd May 2008 vide case No. 188. His grievance is against unrealistic energy bills of his closed Engineering unit at Bhiwandi. He was provided with an industrial connection of 10 HP at H.No. 1059/37, Kanwali, Bhiwandi by MSEDCL from Jan-2002. This unit started facing production troubles from 2003 and it was intermittently closed since then.

He started complaining about excess energy bill vide his letter dtd. 15th Sept-2003 to the utility, however he obtained to get exorbitant bills.

Subsequently, after follow up, utility section officer visited the premises on 22/05/2004 and recorded the current reading as 2080 units. Subsequently, the consumer appellant requested the utility to disconnect his supply vide letter dtd. 07/10/2004 at the current reading of 2282 units. His spot verification was carried out by utility officials on 23/06/2006 recording the final reading as 2289 units. However, the utility instead of acceding to his request for disconnection, only continue to issuing bills on average basis on lock status recording consumption 'O' units recording a reading of 9144 as per CPL.

The case dealt with by specially appointed recovery committee with directed the utility to give to the consumer the bill for the period of Feb-2002 to June-2006 i.e. for 53 months for final reading of 2289 units as on 23/06/06 and distribute the same slab wise. It further directed to the utility to give to the consumer bills for the period for July 2006 to Jan-2007 on minimum basis. All the bills previously charged were directed to be withdrawn from Feb-2002 to June-2007.

However, the utility sent a final bill in the month of May-2008 for Rs. 27445/-. This bill does not indicate the meter reading etc. It is claimed by the consumer that the billing officer did not obey the order of competent authority i.e. the recovery officer appointed.

The consumer has questioned the correctness of this bill arguing that these payments made by him towards earlier bills have not been considered by the utility and therefore requested to re-examine the issue.

Hearing of the case was held on 19/06/2006 when the consumer himself argued the case. The copies of his representation as also two site verification reports and the reading reports of the utility officials clearly indicated the non use of electricity and closure of the factory premises which was also confirmed by the adjoining industrial units. Moreover, the appellant Shri Vergees had produced his copy of letter dated 07/10/2004 duly acknowledged by the utility officials requesting for disconnection of energy supply on complaining of totally unrealising exorbitant energy bills when there is no use of energy. Unfortunately no cognisance was taken.

The utility officials stated that the matter was placed before specially appointed Recovery Committee which gave following decision.

“ The consumer be charged for units 2288 from Feb-2002 to June-2006 for 53 units per month. Therefore minimum bill be issued from July 2006 to Jan-2007. All the previously charged bills from Feb-2002 to Jan-2007 may be withdrawn.”

Utility agreed to implement this decision. However, consumer's plea is that he had already submitted his request disconnection letter (duly

acknowledged by the utility) on 07/10/2004. Hence further billing by the utility in the situation of non use.

OBSERVATIONS:

1) The applicant had closed his industrial unit in 2004 and requested the utility in Oct 2004 for disconnection of energy supply. However, no action has been taken by the utility.

2) His billing dispute was kept before recovery committee some times in early 2008 (no dates mentioned) with reference to his applications 15/09/2003, 07/10/2004, 10/04/2006 and 07/01/2008.

3) The utility however did not take cognizance of committee's decision as also had contained to charge the consumer for the load at 12 HP instead of actual 10 HP usages.

4) The utility had not taken cognizance of the correspondence/request of the consumer since 2003. Required B-80 proposals were not prepared and relief sought for by the consumer. Who continued to get exorbitant bills despite his repeated request visits to utility officials. Certainly he was harassed mentally, physically and economically, even in Jan-2008 his energy connection appears to be live despite Sept-2003. He certainly deserves relief.

ORDER

Since it was proved beyond doubts that the appellant is not using electricity for his closed industrial unit and the utility MSEDCL is charging him energy bills as average basis, following orders are passed.

- 1) The bills issued by the utility for the period from the date of connection to the date of application for disconnection i.e. Oct-2004 be billed with final reading 2289.
- 2) From Oct-2004 when consumer had given (duly acknowledged by utility) application for disconnection, this connection be treated temporarily disconnected for six months from Oct-2004 to April 2005. Therefore the connection has to be treated as permanently disconnected.
- 3) The energy bills issued to the consumer from Oct-2004 to April 2005, is to be on minimum basis by considering 10 HP sanctioned load and not 12 HP load wrongly fed. After April 2005 all the energy bills charged should be squashed.
- 4) The consumer has paid to the utility quite excess amount when calculated on the principles mentioned above, his last date of payment to utility is 26/10/2006. While refunding the excess amount to him, he be paid with the interest at the rate which utility charges to the consumer from last date of payment.

The order is issued under the seal of consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 11th May 2008.

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 this order, it may go in appeal before the Hon. High Court within 60 days from receipt of the order.

MRS. M.P. DATAR
MEMBER
CGRF, BHANDUP

S.L. KULKARNI
CHAIRMAN
CGRF, BHANDUP

S.B. WAHANE
MEMBER SECRETARY
CGRF, BHANDUP