

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

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

Date :

Case No. 196

Hearing Dt. 0707/2008

In the matter of bill dispute

Shree Shantiniketan Co.Op. Hsg. Society - Appellant

Vs.

MSEDCL, Panvel (U) Division - Opponent

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 S.N. Jagtap, Consumer representative.

C - On behalf of Respondent

- 1) Shri Sunil Kathale, Ex. Engr & Nodal Officer, Vashi Circle.
- 2) Shri Thorat, Dy. Ex. Engr., Panvel (U) Division.

The case was registered with this Forum on 19/06/2008 vide case No. 196. The said society is situated at Plot No. 8 A, Sector 8, Kharghar, Navi Mumbai – 410210. Society made an appeal with this Forum against ICGRU decision No. SE/VC/Tech/No. 2330, dtd. 19/04/2008.

Appellant consumer's contention in brief is that, their society is having three electrical meters meant for common use such as two for stair case and one for water pump. The society did not receive the energy bills during the period from about June 2003 to Dec-2007 for the above meters for the period of 55 to 59 months though they had continuous contact with utility's officials by letters dtd/. 30/10/2005, 01/02/2006, 07/10/2006 & 30/11/2007 for getting the bills.

The utility sent the accumulated provisional bill in the month of Dec-2007 amounting to Rs. 99,740/-, Rs. 62,920/- and Rs. 37,450/-. Seeing these bills the consumer approached utility's officials but could not get any success, therefore the consumer approached vide his application dtd. 19/03/2008 to Nodal Officer and Ex. Engr., ICGR unit, Vashi.

After hearing heard both the parties by ICGR unit had passed following orders :

“As the bills are issued as per actual consumption recorded on energy meters, they can not be revised as per prevailing rules”

Since ICGR unit also turned down the request of the consumer. Hence this appeal has been filed to CGRF. Both the parties were heard on 07/07/2008. Both the parties continued their stand. However, consumer specifically pointed out that utility cannot sent the accumulated bills of five years in one stroke. As provided under section 56 (2) of E. Act 2003. The consumer accordingly claimed that they are bound to pay the bills for two years prior to receipt of first provisional bill in Dec-2007.

The utility officials in their written statement admitted that the consumers all the three meters were unbilled till receipt of Jr. Engr. report dtd. 30/11/2006, according the provisional bills were made on dtd. 27/12/2007. It was admitted that the bills were of the amounts of Rs. 62,920/-, Rs. 99,740/- and Rs. 37,450/- against which the payments received from the consumer were in part. Now it is admitted by utility that the bills sent to the consumer were incorrect and need to be revised. The utility assured to go through the record of the consumers as also verify the facts in the site. The utility officials revealed the facts finally on 16/07/2008.

OBSERVATIONS :

- 1) This is a typical case of sheer negligence of utility's field officials and billing section. Primarily this is because the consumers were making personal approaches with written representations with requests to get the proper energy bills and the utility officials simply slept over it. The matter is pending for about five years to issue the bills. This was really a loss of revenue to utility.
- 2) The meter reading process starts from Meter Reader, it is his negligence to escape these three consumers. Then the role of section Incharge started (Junior Engineer) noticing it after three years i.e. 30/11/2006 and reported to sub-division Incharge. However their billing section sat over it silently for one year and issued provisional bills of whopping amount which is not easily bearable by common consumers.
- 3) After that provisional bills for accumulated readings for about 55 to 59 months were issued for 1st time in the month of December – 2007 and April – 2008 and thereafter regular computerised bills were issued to the consumer.

4) During the hearing the Forum had pointed out that the bills issued to the consumers for three connections were issued by considering them having three phase supply including water pump it was found doubtful and hence Dy. Ex. Engr. was asked to visit the site and confirm the actual utilization on dtd. 16/01/2008 he stated that it was a mistake on the part of his staff and the three connections were utilized for following purpose.

- a) Con. No. 029470773870 - Single phase connection for stair case lighting
- b) Con. No. 0297470187113 - Single phase connection for stair case lighting
- c) Con. No. 29470777557 - Single phase connection
Water pump used by commercial consumers.

5) The utility has admitted that there wrongly charged the water pump connection to commercial users at residential tariff and it was accepted by the appellant during the hearing. Again it was observed that the provisional bill issued to the connection having consumer No. 029470187113 was issued with reading on Dec-07 for 9402 unit. But after observing CPL of the same consumer the reading recorded in meter was 20379 units and not 9402 unit. This shows a wrongly recording.

6) The appellant prayer is to revise the accumulated bills of about 5 years in the regulation of section 56(2) of E.A. Act 2003 and to restrict the bills for 2 years prior to receipt of first bill issued in Dec-2007 and Jan-2008 the Forum, agrees with this argument in view clear legal position envisaged.

7) The bills of each of the three consumers should be revised as under :

a) 029470773870 - Single phase for stair case lighting with residential tariff.
Reading in May-2008 = 18119 units
Reading in Dec-2007 = 15944 units
2175 units for five months.
Therefore $2175/5 = 435$ units per month.

Bills issued to be prepared from Dec-05 to Dec-07 with 435 units per month and considering fixed charges for single phase residential tariff.

b) 029470187113 - Single phase for stair case lighting with residential tariff.
Reading in May-2008 = 22141 units
Reading in Jan-2008 = 20379 units
1762 units for four months.
Therefore $1762/4 = 440$ units per month.

Bills issued to be prepared revised from Jan-08 to Jan-06 with 440 units per month and considering fixed charges for single phase residential tariff.

c) 029470777557 - Single phase for water pump being used by commercial consumer (shops)
- Single phase commercial tariff.
Reading in May-2008 = 8482 units
Reading in Jan-2008 = 7567 units
915 units for four months.
Therefore $915/4 = 230$ units per month.

Bills issued to be prepared revised from Jan-06 to Jan-08 with 230 units per month and considering fixed charges for single phase commercial tariff.

8) Outgoing bills from Jan-08 should be revised by considering single phase connection with tariff as per given in observation para No. 7.

9) Since all the bills being squashed the revised bills issued to the consumers should be without DPC and interest and also adjusting the payments already made.

ORDER

1) The bills should be revised as per observations, immediately.

2) Action should be taken against the responsible field staff and office/billing staff who have shown considerable negligence in their duties and caused considerable revenue loss to the Company.

The order is issued under the seal of consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 19th July 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 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