

BEFORE THE CONSUMER GRIEVANCES REDRESSAL FORUM,  
BHANDUP URBAN ZONE, BHANDUP.

HEARING HELD ON 18.11.2004 AT BHANDUP REGARDING THE DISPUTED  
BILL OF STAIRCASE LIGHTS OF THE ADITI APARTMENT OWNERS  
ASSOCIATION, VASHI - CASE No.01/04.

MEMBERS PRESENT :

Shri Phene - Representative of M/s Aditi Apartment Owners  
Association, Vashi - Complainant.

Shri Pramod Mane, Chairman, Consumer Grievances  
Redressal Forum, Bhandup

Shri Sandeep Pasarkar, Secretary, CGRF, Bhandup.

Shri H.B.Soni, Executive Engineer (Admn.), Bhandup and Assistant to  
Secretary, CGRF

Shri M.K.Jain, Executive Engineer (Admn.) and Vice Chairman &  
B.R, Vashi Circle, Vashi. - Utility Representative.

Shri Phene has produced the authority letter dated 18.11.2004 saying  
that he represents the case of M/s Aditi Apartment Owners Association. On  
behalf of M/s Aditi Apartment Owners Association, Shri Phene stated as  
under:

The Association has made an application to the Consumer Grievances  
Redressal Forum.

This dispute was about the bill pertains to F-2 Bldg, 'A' Wing only. The  
new Board of Managers of this Association assumed office in the month of  
January, 2002. It found that the electricity bills for the Staircase lighting of  
F-2 Bldg. "A" Wing were received on a notional basis on the ground that the  
meter was faulty since May, 1995. The association therefore applied for  
installation of a new Meter sometime in the year 2002 which was installed on

1.2.2003 by the MSEB with a reading of 01 Unit. On the same date, the old Meter (having No.10233982) showing a final reading of 22677 units was removed. It may be mentioned that the number of the "Faulty Meter" mentioned through out in the bills since May, 1995 was 397970. Thereafter on 31.3.2003, the next bimonthly bill was received. But that bill also followed the same old "Faulty Meter" basis without following the new meter readings and charged the Association Rs.1500/- for notionally assumed 528 units. On our protest, we were advised to pay that bill saying that necessary adjustments on the basis of the new meter would be made in the next bill. Accordingly we paid that bill. However the next bill dated June, 2003 also was received on the "Faulty Meter" and notional basis for 528 units and Rs.1500/-. We represented against this bill and then we were asked to come on a certain date for a revised bill. But no revised bill was given despite our repeated visits and representations. Awaiting this revised bill, we did not pay this last bill for Rs.1500/- dated June, 2003. We had paid all the earlier bills. No bill was received in August, 2003. On 6.9.2003, the disputed bill dated 5.9.2003 was received for Rs.18,305/- (upto August, 2003 having the meter No.906903708 which was the new meter installed on 1.2.2003), but without giving any other details about dates, meter readings, breakup of bills already paid during this period and adjustment etc.

The bill was accompanied by a letter dated 6.9.2003 which stated that from the records and seeing the units as 16,737 recorded since the change of the old meter is on average basis since April, 1997 to August, 2003 revised bill for Rs.18,305/- was being sent. The letter also did not give any other details.

We once again wrote to MSEB and met Dy Executive Engineer, Vashi Sub-division on 10.9.2003 when we were given the CPL (Consumer's Personal Ledger) from May, 1997 to August, 2003. But these details related to the "Faulty Meter" and not Meter No.906903708 installed on 1.2.2003 or the meter actually removed on that date (having No.10223982). We represented against this bill dated 5.9.2003 on 15.9.2003. From time to time we sent reminders also and met the concerned officers. Finally on 29.5.2004, the ICGR Committee, Vashi Circle, Vashi has confirmed that the revised bill was corrected only slightly changed the bill amount by Rs18,654(vide letter No.SE/VC/Tech/ICGRC/2795). We finally filed an appeal dated 15.6.2004 before the Chief Engineer, Bhandup Urban Zone, MSEB, Bhandup which remain pending. Hence on 4.9.2004, we filed the present appeal before the Forum which was received in their office on 9.9.2004.

In brief our grounds of appeal are as follows :

The revised bill, those stated to be covering the period April, 1997 to August, 2003 actually received for the period May, 1995 to August, 2003. During the discussion on 10.9.2003, we were told that the number of units consumed as per meter removed on 1.2.2003 was 16,737 viz. 22,677 (final reading at the time of removing the meter on 1.2.2003) (-) 5940. Now 5940 is the figure of the last reading of the "Faulty Meter" recorded in May, 1995 as mentioned in all the earlier bills from MSEB.

It will be seen that this consumption figure of 16,737 is devised by taking the final readings of meter No.10233982 actually removed on 1.2.2003

and the reading in May, 1995 of the Meter No.900397970 shown to be faulty since May, 1995. The consumption figures cannot be derived by taking readings from two different meters.

Under Section 56 (2) under Electricity Act 2003, no sum is recoverable after a period of two years from the date when such sum become first due. In our case the arrears claimed since May, 1995 "or April, 1997" was first raised only on 5.9.2003. With that bill dated 5.9.2003, no claim prior to 6.9.2001 would have been raised in view of the above Section. Even if we assume for the sake of argument that the bill was based on a properly working meter, still this section does not permit, raising of claims much older than 2 years.

MSEB has not explained how the bill being presently raised after about 8 years on the basis of a meter which was never mentioned in any of the earlier bills or even in the bill dated 5.9.2003. It is not clear when and why this meter was installed. Why this meter and its readings were not included in the bimonthly bills for '8 long years' disputed initial meter changed report which would have been sent and over 46 bimonthly meter reading reports which also would have been received.

The revised bill is not merely a correction of a mistake. It follows a totally new basis altogether.

It is also not clear what precise amount paid by us during this period have been adjusted before arriving at the net amount of arrears.

Our connected load is for 4x40 W tube lights. This would mean a periodical consumption of about 70 units per month assuming 14 hrs per day. Moreover if we work back a notional consumption of 164 units (by monthly)

assumed the bill for May, 1997 to May, 1995, it will be about 70 units only which would have been the six monthly average consumption used by MSEB for fixing the notional consumption for the first bill since after meter become faulty. It may also be mentioned that the actual consumption "recorded by the new meter on 1.2.2003" is only about 70 units per month.

For all these reasons, we feel that the disputed bill for Rs.18,305/- is illegal, arbitrary and irrational and should be quashed. Consequently any penalty, interest, DPC etc. added to it thereafter also should be quashed. It may be mentioned that we have been paying our current dues since then, omitting the disputed amount.

Shri M.K.Jain, Executive Engineer (Admn.), Vashi Circle states as under:

The consumer's say is generally in order. It is true that MSEB has failed to issue the bills to the consumer with correct meter serial number i.e. 10233982 and actual consumption during the period May, 1995 to January, 2003 and even upto June, 2003. The bill with correct Meter Sr.No. was issued in August, 2003. The bill first become due when correct reading is recorded on 1.2.2003 and correct consumption bill is issued in August, 2003. The electricity charges become due after the bill is sent and not when less bill is issued to the consumer, the loser is MSEB only. The MSEB is entitled to receive money for the electricity consumed by the consumer, but not in a position to receive the same unless all the units it gives is properly recorded

and billed. It is true that considerable hardship may be caused to the consumer even a bill of electricity charges is sent after a lapse of number of years and the consumer has asked to pay a large amount in lumpsum. But it must not be forgotten that for all these period of time, the consumer used the money which would have been legitimately due and payable to MSEB for the electricity admittedly consumed. So Board is empowered to make its demand in case of discovery of mistake in billing at a later stage. There is proof (documents) available to show that the meter which was existing physically, the readings of these meter was taken by various Meter Readers from 20.1.2001 to 21.11.2002 and there was progressive readings. The readings of various dates are :

On 20.11.2001 - 19,493 units.

On 15.1.2002 - 20,167 units.

On 22.7.2002 - 21,762 units.

On 21.11.2002 - 22,431 units.

On 1.2.2003 - 22,677 units.

No arrears has been claimed in the bill of August, 2003 which was only the first time. The Electricity Act Section 56 (2) of Electricity Act - 2003 is a matter of Court Suit which is mentioned in Section 56 (i) and Electricity Act 2003 has come into existence. So the bill issued to the consumer is in order. MSEB may grant suitable installments to the consumer if he so desire.

In reply to the above, Shri Phene has stated that :

We do not accept that the meter which was physically removed on 1.2.2003 represents the correct consumption from May, 1995 to 1.2.2003. Even the readings now produced purporting to that meter about only 4 readings for a period of about one year, 3 months from 20.11.2001, however the disputed bill covers about 8 years.

It is still not clear how the consumption figure of about 16,000 units was arrived at for billing purpose.

It has not been explained why the bills could not be sent on the basis of actual readings as per this meter for over 8 years.

If we have been told in time about the readings now reported in time, we would have got an opportunity to check them if necessary. This vital opportunity has been denied to us because the MSEB did not do so.

Hence next hearing was postponed for 25.11.2004 and Shri M.K.Jain, E.E, Vashi has agreed to produce the following documents :

R.R.Sheet

Revision of Bill worksheet

Testing report of two meters.

