



**CONSUMER GRIEVANCE REDRESSAL FORUM
M.S.E.D.C.L., PUNE ZONE, PUNE**

Case No.21/2014

Date of Grievance : 14.08.2014

Date of Order : 31.01.2015

In the matter of wrongly issuance of bills.

M/s. D. H.Sales Corporation.,
Plot No.10, S.No.46/2/1,
Parvati, Kaka Halwai Industrial Estate,
Pune Satara Road,
Pune.

Complainant
(Herein after referred to as Consumer)

versus

The Executive Engineer,
M.S.E.D.C.L.,
Padmavati Division,
Pune-37.

Respondent
(Herein after referred to as Licensee)

Quorum

Chair person
Member Secretary

Mr. S.N.Shelke
Mr. Y. M.Kamble

Appearance

For Consumer
For Respondent

Mr.Kishor Dhotre (Representative)
Mr.U.R.Dhygude, Exe.Engineer
Mr.S.B.Kulkarni,Asstt.Engineer,
Padmavati Division.

- 1) The Consumer has filed present Grievance application under regulation no. 6.4 of the MERC (CGRF & E.O.) Regulations 2006.

- 2) Being aggrieved and dissatisfied by the order dated 16.06.2014 passed by IGRC Rastapeth Urban Circle, Pune, the consumer above named files present grievance application on the following amongst other grounds.
- 3) The papers containing the above grievance were sent by the Forum to the Executive Engineer, M.S.E.D.C.L., Padmavati Division, Pune vide letter no. EE/CGRF/PZ/Notice/21 of 2014/168 dtd.20.08.2014. Accordingly the Distribution Licensee i.e. MSEDCL filed its reply on 02.01.2015.
- 4) We heard both sides at length, gone through the contentions of the consumer and reply of the respondent and the documents placed on record by the parties. On its basis following factual aspects were disclosed.
 - i) Consumer is connected with supply vide consumer No.170012837481 LT-VB.
 - ii) The said consumer made application to Licensee on 03.10.2012 for disconnection of supply.
 - iii) Accordingly the Licensee temporarily disconnected the supply somewhere at the end of Oct.2012 or 1st week of Nov.2012.
 - iv) The consumer deposited arrears of bills on 21.12.2012.
 - v) Employees of the Licensee visited the spot for removing of meter at that time they noticed that the said meter was missing.
 - vi) Licensee informed the consumer vide letter dtd.09.01.2013 that meter no.MSD 3380 with its box was missing. Therefore the said connection could not be made P.D.(Permanent Disconnection) & about lodging of necessary police complaint and about recovery of cost of said meter.
 - vii) There after the consumer lodged complaint to police station Dattawadi about missing of meter on 25.03.2014
 - viii) One Padmavati associates made application to the licensee for giving supply for construction from the same premises in the month of June-2013, however the supply was not released since the said connection was not made P.D.
 - ix) Bill of Rs.1,39,286/- for the month of Oct.2012 including fixed charges for Dec.2012 to March-2013 was issued to the consumer.

- 5) The consumer representative namely Kishor Dhotre was present at the time of hearing. He submitted that the said supply was for Industrial purpose. The said industry has been closed therefore they made application on 3.10.2012 for disconnection of supply and accordingly the said supply was disconnected. Thereafter they paid bill amount on 21.12.2012 of Rs.1,90,830/-. However the licensee issued quotation of Rs.22,500/- on 20.02.2013 for depositing of price of missing meter & wrongly issued bill of Rs.1,37,000/- Therefore the consumer is not liable to pay energy bill amount as well as price of meter. He further submitted that, the security deposit be adjusted against the energy bill.
- 6) On the other hand, the MSEDCL was represented by Mr.Dhygude, Exe Engineer, Padmavati Dn. & Mr.S.B.Kulkarni, Asstt.Engr. They submitted that the said consumer has applied for disconnection of supply on 3.10.2012, however at that time he was arrears of bills, therefore the said connection could not be made P.D.(Permanent disconnection) The said connection was temporarily disconnected at the end of Oct.2012 or in the 1st week of Nov.2012. The said consumer deposited arrears of bills on 21.12.2012 to the tune of Rs.1, 90,830/-. Thereafter the employees of the licensee had been to the spot for disconnection. At that time they noticed that the said meter was not forthcoming & found missing with its box. Therefore they informed the said consumer about the same & for paying the price of the meter & for lodging of police complaint for missing of the said meter, vide letter dated 09.01.2013. Thereafter the consumer lodged the complaint to the Police Station Dattawadi on 25.3.2013. However he has not paid the arrears of bills for the month of Oct.2012. The said consumer has utilized the energy in the month of Oct.2012, therefore the above bill of Rs.1,39,286/- with fixed charges for Dec.2012 to March-2013 was issued to the consumer. They further submitted that as per the decision of IGRC Rastapeth, average bill was issued for one month for Rs.1,28,370/- however the consumer has not deposited the said bill. Therefore the grievance application they rejected with cost.

7) Taking into consideration submissions of the both the sides & material produced on record, following points arise for our determination. We give findings thereon for the reasons stated below.

- i) Whether consumer is liable to pay the energy bill for the month of Oct. 2012 ?
- ii) Whether the consumer is liable to pay cost of meter bearing no. MSD 3380 ?
- iii) Whether price of meter can be adjusted from Security deposit of the said consumer ?
- iv) What order ?

Our findings to above mentioned points are as under.

- i) In the negative.
- ii) In the affirmative.
- iii) In the affirmative
- iv) As per final order.

8) Reasons, as to points nos. I to IV.

Admittedly the consumer had applied for disconnection of supply of consumer no. 170012837481 billed on Industrial tariff for 63 HP i.e. LT-VB on 3.10.2012 since they wanted to close their industry & that they did not require the power. However at that time the said consumer was in arrears of bills. Therefore the licensee could not process the said application for making the connection P.D. but made the temp. supply disconnection from the outside pole by removing of cable jumper at the end of Oct.2012. The consumer deposited the arrears of bills much latter i.e. on 21.12.2012. Thereafter the employees of the licensee went to the spot for Permanent Disconnection. They noticed that the meter was missing. Therefore they could not make it P.D.(Not removed of cable & meter box) Thereafter Licensee informed the consumer about missing of meter no.MSD-33380 with its box & to pay price of the meter otherwise the complaint will be lodged to Police Station. Admittedly the said meter was installed in the premises of the consumer therefore it was in the custody of the consumer. So the consumer is liable to pay the cost of meter if it is not found.

The said consumer lodged complaint to Police Station Dattawadi about missing of meter on 25.3.2012. All these facts establish that consumer is liable to pay cost of the said meter.

- 9) So far as arrears of bills for the month of Oct.2012 is concerned, the consumer had informed the Licensee for disconnection & making it P.D. on 3.10.2012. It was the duty of consumer to pay the electric bills on due date & then to make request for P.D. The CPL of said consumer discloses that last bill upto Dec.-2012 was Rs.1,90,825/- & has been paid by him on 21.12.2012. Also from the CPL it is seen that the bill for 6869 units for the month of Oct.2012 was charged to the consumer. Thereafter 00 unit for Nov.2012, 00 unit for Dec.2012. MSEDCL has issued bill in the month of July-2014 for Oct.2012 for 15990 units i.e. after lapses of 17 months, which is not as per MSEDCL rule and according to law. Therefore it is clear that at the time of making above mentioned application, consumer did not deposit the arrears. According to Licensee the consumer did not give any evidence showing he did not utilize the power for the month of Oct.2012 but only intimation was given on 3.10.12 about non using of power supply. Since the meter was missing they could not take reading for that particular period, but power supply was T.D.at the end of Oct.2012 & pointed out about no meter at the place on 9.1.2013. However it is clear from the CPL record the licensee has recovered the bill of Oct.2012 on 21.12.2012. Therefore licensee is entitled to recover only fixed charges from Nov.2012 to Jan.2013.
- 10) The IGRC Rastapeth in the impugned order dated 16.6.2014 directed that average bill for one month be issued to the consumer as per regulations 15.4.1 of MERC (Electricity Supply Code & Other conditions of supply) Regulations,2005. Accordingly the Licensee issued average bill of Rs.1,28,370/-for unit of 15990 on 4.7.2014. However in the present case Regulation No.15.4.1 is not at all applicable it is the case of defective meter as seen from CPL record of the consumer. Therefore no question of average billing for 3 months as observed by the IGRC, hence findings of IGRC on the said point is erroneous.

Now so far as adjustment of security deposit of said consumer is

concerned, it can be very well adjusted against the energy charges bill outstanding of the consumer. We record our findings on the said point accordingly.

11) Post of Chairperson, CGRF of this Zone was vacant during the period from 28.7.2014 to 7.12.2014. Hence grievance could not be decided during a period of 2 months.

Hence the order

ORDER

- i) Grievance of consumer is partly allowed with cost.
- ii) Licensee to issue revised bill to the consumer as stated in para no. 09.
- iii) Licensee to adjust Security Deposit of the consumer against energy bill as per rules.
- iv) Licensee to recover the cost of meter.
- v) Licensee to report compliance within one month of this order.

Delivered on: - 31/01/2015

Y.M.Kamble
Member/Secretary
CGRF:PZ:PUNE

S.N.Shelke
Chairperson
CGRF:PZ:PUNE

Note :- The consumer if not satisfied may file representation against this order before the Hon.'ble Ombudsman within 60 days from the date of this order at the following address.

Office of the Ombudsman,
Maharashtra Electricity Regulatory Commission,
606/608, Keshav Bldg.,
Bandra Kurla Complex,
Bandra(E), Mumbai-51.

