

(A Govt. of Maharashtra Undertaking)

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Consumer Grievance Redressal Forum

“Vidyut Bhavan”, Gr. Floor,

L.B.S.Marg,Bhandup (W),

Mumbai – 400078.

REF.NO. Member Secretary/CGRF/MSEDCL/BNDUZ/115/544

Date:22.02.2017

Case No. 115/2016

Hearing DT 17/1/2017

In the matter of exorbitant bill

Mr. Manoj Shetty

- Applicant

Vs.

M.S.E.D.C.Ltd., Kolshet sub division

- Respondent

Present during the hearing

A - On behalf of CGRF, Bhandup

1) Shri. Anil P. Bhavthankar, Chairperson, CGRF, Bhandup.

2) Shri. R.S.Avhad, Member Secretary, CGRF, Bhandup.

3) Dr. Smt. Sabnis, Member, CGRF, Bhandup.

B - On behalf of Appellant

Shri.Heman Hadkar consumer representative

C - On behalf of Respondent

Shri. Sanjay Sonwale Addl. Executive Engineer, Kolshet sub division

**Consumer No.000380054981 date of connection 15.08.2013 connecting load
2.80KW sanction load - 2.80KW under the category of 01LT Residential single
phase**

1.Above named consumer purchase the said premises from M/s. Haware Engineers and Developers Bldg No. 18, Flat No 1703, Haware City, vadavli, Thane. Consumer received accumulated bill in the month of July 2015 for amounting Rs. 8,260/-. According to consumer the accumulated bill issue by respondent utility is exorbitantly high stating there is no fault of

consumer. On date 20.07.2015 consumer lodged online complaint No0000028066833.mentioning faulty meter status and duplicate bill for the month of June which is not received reply consumer stated that he was getting bill for 100 units though the meter status was mention faulty continuously without correcting the meter and the said 100 units bill charge paid regularly. On 1st August 2015 consumer visited personally the office of Kolshet Sub Division but no response. Consumer stated that accumulated bill for amounting Rs.28,113/- though the complaint was made against the bill of amounting Rs.8260/- no solution is made by utility. Consumer inform utility by letter dated 14.08.2015 and thereafter visited to Executive Engineer Mr. Sangale, Wagale Estate and gave the report to Executive Engineer by Mr. Dingankar Additional Executive Engineer as utility issued accumulated bill for the 18 months. Consumer raised the dispute of challenging exorbitant bill against the utility. Initially the consumer approach to IGRC Cell by filing complaint in Schedule 'X' on 20.07.2015 IGRC registered case No. 24/2016 hearing was made on 20.09.2016 & 10.11.2016. IGRC gave decision directing utility to calculated bill from December 2013 to July 2015 as per average consumption and deduct and adjust if additional amount is deposited. Respondent utility submitted reply that photo meter reading recorded in June 2015, 5353 units therefore in the month of July 2015 as per reading 5353 to 6115 monthly recorded unit 762 the bill was calculated and revised bill as per reading available as meter reading checking 6115. The earlier bill was revised after giving benefit communicated to the consumer on 14.08.2015. Being this dissatisfied with the order of IGRC this consumer approach to the Forum and filed complaint in Schedule 'A' referring earlier complaint dated 31.08.2015 and 20.08.2016. Consumer prayed before the Forum that accumulated bill issued to the consumer was illegal exorbitant and improper average consumption of unit in between 400-500 which was

exorbitant and high recorded 8260 unit calculating 762 unit per month as per current month next billing cycle wrong and exorbitant consumer requested and pray to check the meter and issue revised the bill accuracy without charging any interest and penalty. Consumers also made serious complaint about illegal disconnection and made several allegations against the officer of respondent utility about not communication properly and also challenge monthly consumption of higher side. Consumer pray that revised and reissue accurate and correct bill without charging any interest and penalty and also pray for penal action against officer of utility and further pray for compensation.

2. After filing the said dispute before the Forum as consumer on dated 07.12.2016. Consumer heard personally before issuing the notice consumer made appersiation and thereat of disconnection and pray for interim relief against the respondent utility not to disconnect. The request of the consumer was heard and found that premises is occupied by the tenant and there is accumulated bill claim by respondent utility which required hearing and verification of CPL and other relevant document .Protecting interest of utility consumer was directed to take 50% of accumulated amount in 3 equal installment for amounting Rs. 29,000/- out of this consumer deposited amount of Rs. 6000/- as per direction of this forum keeping reliance on contention of the consumer. The notice was issued by the Forum to the respondent utility on 06.12.2016 directing receive 50% of disputed amount on 3 month installment and restore the supply and not to disconnect until further order. Respondent utility also directed to submit parawise remark on the complaint of consumer on next suitable date.

3. After service of notice respondent utility appeared and filed reply on dated 11.12.2016 stating that meter no 01799004 consumer No.00038005498 situated at M/s. Haware Engineers and Builders Bldg No. 18/1703, Haware City, vadavli, Thane. The connection is installed in 15.08.2013 in the month

of June 2015 Photo copy of meter was examine unit recorded 5353 on meter. As per reading in the month of July 2015 showing meter reading 5353 & 6115 the reading report was received along with accu-check meter examination report dated 07.08.2015 found that meter was 'OK' and therefore the consumer issued bill from December 2013 to July 2015 calculation of meter reading 6115 and communicated to the person occupied the premises as tenant and also inform to the consumer on phone on 14.08.2015 by requesting consumer to visit office and it was explain to the consumer. However consumer disagrees with the report and stated that tenant was not occupying the premises and when the meter consumption was 'OK' photo copy of meter found on record after verification. However respondent utility submitted due technical fault recorded on the status on the meter on the bill it was wrongly printed meter status faulty. Thereafter the meter was tested and it was found 'OK'. The consumer was inform accordingly about calculation of bill thereafter consumer made part payment at her own unsent. According to utility that bill issued to the consumer December 2013 to June 2015 was issued in the month of July 2015 legal valid and proper. Therefore there is no substance and allegation made in the complaint therefore consumer complaint liable to be dismiss with cost. Respondent utility attach photo copy of meter along with other correspondence made by consumer with respondent utility consumer also attach various extract copy of mail correspondence along with copy letter dated 12.12.2016, bill dated 11.08.2015, Copy of IGRC order dated 10.11.2016. I have perused all the document contention of consumer who appears in person with his wife. Respondent utility officer shri Sonawale appeared for utility I have given opportunity to both the party and dispute was heard by Forum at length.

4. After consumer rival contention of consumer and respondent utility following point arose to my consideration to which I have recorded my finding to the point further reason given below

1. Whether accumulated bill issued by respondent utility dated 22.07.2015 is legal valid and proper.
2. Whether consumer is entitled for any relief.
3. What order?

Reasoning

5. It appears from the record and contention of consumer the date of connection 15.08.2013 till December 2013 the consumer was paying regular bill .In the month form Oct. 2014 to June 2015 the consumer was receiving bill for average consumption unit 100 and according to consumer he was regularly paying the same time to time online from his account .When the bill in the month of July 2015 receive to the consumer amounting Rs. 8260/- the dispute is raised by consumer by filing representation to the respondent utility office, It means that consumer never cares or pay any attention he was receiving the bill for 100 units for considerable long time. Consumer admittedly raise the dispute in the month of August and challenge the accumulated bill received to the consumer in the natural course the accumulated reading bill may or alliance allowance to the consumer showing huge amount.
6. Therefore the minute consideration about validity of accumulated bill and verification was made when the dispute raised by the consumer photo copy of the meter reading earlier time was not available. During the course of hearing respondent utility officer directed to verify the record and it was brought to the notice of the forum. After assessment of photo copy of reading available showing the same

meter number the reading was calculated from 01 to 6115 for the period December 2013 to July 2015. The said calculation according to utility was made as per reading available time to time recorded on photo copy of meter. The consumer raise strongly objection about showing the meter status faulty and communicated on monthly regular bill and charging minimum use of 100 units per month was charge earlier. After verifying the reason as pointed out by respondent utility representative, it is due to technical and computer error not feeding date properly even actual photo copy of meter was available. It was not communicated to IT section by officer properly for this fault the consumer cannot held responsible and there is no fault on their person. Therefore they cannot be penalized for no fault of consumer. However giving appropriate relief, I found the respondent utility made calculation of accumulated meter reading recorded found on the meter after check which was corrected as per direction of IGRC and consumption was adjusted as per direction 1 to 6115 for the period December 2013 to July 2015. The said calculation was made by respondent utility official or technical person keeping reliance of meter checking report. After complaint it is admitted fact the meter status checking report and accu-check report was found 'OK'. To my view consumer cannot take advantage of recording wrong faulty meter status which was recorded clerical and computer mistake cause by improper communication of data. Considering accumulated unit charge by respondent utility officer the period is calculated December 2013 to July 2015 is for 18 months which is within the period 24 months limitation available to the respondent utility for claiming arrears of bill unpaid or under bill consumer for any other reason and the said period is not exorbitant more than 24 months. It is found that respondent utility not calculated any interest

and penalty on the contrary given benefit of earlier deposited amount paid by consumer time to time. In these circumstances calculation made by respondent utility cannot be say to be illegal, improper as alleged to the consumer. The meter status accucheck report and actual photo copy reading of meter available on record the unit calculated 01 to 6151 according to be is legal valid and proper.

7. On the parity of justice to the consumer as I found monthly bifurcation of unit should be flat between 1 to 100, 100 to 300, 300 to 500 to give appropriate benefit to the consumer the utility only can be directed to give advantage to the consumer to fix the unit between 300 to 500 average monthly consumption as it was recorded subsequently time to time. As while granting interim relief 3 equal monthly installment benefit for payment of arrears already given to the consumer I do not wish to take away the benefit in final hearing. Therefore I found the substantial allegation made by the consumer the defect of recording faulty status meter recorded on the bill is clerical and computerized mistake which can be cured and found at appropriate time. Hence, the respondent utility already corrected and cured the mistake and no defective calculation was made at the final revised assessment of the bill and benefit was already given to the consumer and therefore at this stage consumer found not entitled for any substantial relief only restricted the continued the relief repayment of difference of arrears calculated revised bill in six monthly installment along with current bill without charging interest and penalty. Hence I proceed to pass following order.

RDER

1. The consumer complaint 115/2016 is partly allowed.

2. The responded utility directed to recovered accumulated arrears assessment 100 to 300 monthly consumption average base between disputed period. The revise bill shall be recovered in six monthly installments without charge interest and DPC.

3. No order as to the cost.

Both the parties should be informed accordingly.

Proceeding close.

The compliance should be reported within 45 days.

The order is issued under the seal of Consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup.

Note:

1) If Consumer is not satisfied with the decision, he may file representation within 60 days from the 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 file representation before the Hon. High Court within 60 days from receipt of the order.

(I Agree/Disagree)

(I Agree/Disagree)

DR. ARCHANA SABNIS
MEMBER
CGRF, BHANDUP

SHRI. ANIL P. BHATHANKAR
CHAIRPERSON
CGRF, BHANDUP

SHRI. R.S. AVHAD
MEMBER SECRETARY
CGRF, BHANDUP

The consumer Mr. Manoj Shetty (ConsumerNo.000380054981,
date of connection15.08.2013 connecting load 2.80KW sanction load -

2.80Kw, 01LT Residential category, 1 phase) has filed this complaint for exorbitant bill.

As per the arguments advanced by both the parties,

- a. The connection was given in the month of August 2013
- b. Thereafter the consumer was getting and paying the bills regularly
- c. The consumer was receiving bill as per average of 100 units
- d. Since the meter status was shown as 'faulty', in the month of August 2015, the utility issued accumulated bill for Rs.
- e. The consumer approached IGRC, wherein the utility was ordered to calculate the bill for the period of December 2013 to July 2015 as per average consumption
- f. The average calculated by the utility was as per 762 units, which was calculated taking into consideration the photo meter readings.
- g. Though the consumer was paying the current bills regularly, his supply was disconnected on the very same day evening when he lodged a complaint before CGRF.

Now the questions for consideration before me are

- A] If the Photo meter reading was available,
 - i. why the consumer was charged as per average
 - ii. why the status of the meter was showed as 'faulty'
- B] When the utility was aware about the complaint filed before the CGRF, why the supply was disconnected on the same evening?
- C] If the meter was accu-checked, why the consumer was not informed about the same? The utility has not produced any inspection report/ document to show that the consumer was well aware about the meter checking

D] It is submitted by the utility that due to technical problem, the meter status was reported as 'faulty'. In that case, why the consumer be made to suffer for the faults on the part of the utility

Thus, with due consideration to the questions above, I am of the opinion that the consumer should not be made to suffer for the faults on the part of the officers of the utility.

Consumer should pay the bill as per average of last 3 months.

Since there is no continuous demand for the arrears, now the utility cannot claim bill for more than 6 months retrospectively.

DR. ARCHANA SABNIS