



(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/122/573

Date:16.03.2017

Case No. 122/2016

Hearing Dt. 18/1/2017

**In the matter of accumulated arrears recovery unit assessment bill Rs 87630/-
& 542050/-**

M/s. Gurusamruddhi CHS

- Applicant

Vs.

M.S.E.D.C.L. Palmbeach Sub Division

- Respondent

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri. Anil P. Bhavthankar, Chairperson, CGRF, Bhandup.
- 2) Shri.Ravindra S. Avhad, Member Secretary, CGRF, Bhandup.
- 3) Dr. Smt. Archana Sabnis, Member, CGRF, Bhandup.

B - On behalf of Appellant

- 1) Shri. Suraj Chakraborty – Consumer Representative

C - On behalf of Respondent

- 1) Shri.Tekale Additional Executive Engineer, Vashi Sub Divison.

Consumer No. LT consumer No. 000296199885

1. Above named consume filled complaint against the respondent utility alleging that on 27.04.2016 there was fire in meter room and all meter has replaced by

respondent utility. The procedure for replacing of meter required 3 months for actual replacement of meter installed in the society on 12.09.2016. Thereafter respondent utility issued supplementary bill calculating accumulated unit recorded for the period and issue 2 different bills on 12.09.2016. As per actual consumption recorded on the meter initially for the period date 27.04.2016 and 23.06.2016 on meter sr. no MHD 12077. The unit after replacement of unit calculated 9983 Kwh which was already paid by society consumer on 09.06.2016 amounting Rs. 163730/-. Thereafter on 30.08.2016 the reading recorded on the meter 53357Kwh on date 30.08.2016. Therefore accumulated calculated units which was unbilled issue to the consumer for the period 12.05.2016 to 23.06.2016 amounting Rs. 542050/- and for the period 23.06.2016 amounting Rs 87326.68/-. After deduction of common load in the society respondent utility issued letter and two supplementary bills issued to consumer and directed to pay the same. Thereafter consumer approach to respondent utility and filed complaint initially in Schedule 'X' on dated 03.10.2016 giving all the details and reason of grievance raised place before IGRC however IGRC not decided the said dispute within stipulated time. Therefore consumer approach to the Forum and filed complaint in Schedule 'A' on dated 09.01.2016. Consumer prayed that the accumulated supplementary bill issued is not legal proper and valid. It is the wrong bill in fact regarding rules and regulation of defecting meter referred in 15.4.1 the average reading of 3 months period should have been considered consumer also prayed that all consumers used actual consumption and unit was club together in one meter and this is not as per legal provision. Consumer prays that as per regulation No.15.4.1.of MERC (Electricity Supply code and other Condition of Supply) Regulations 2005. "Billing in the Event of Defective Meters." which speaks that "in case of defective meter, the amount of the

consumer bill shall be adjusted for a maximum period of 3 months prior to the month in which the dispute has arise, in accordance with the results of the test taken Subject to furnishing the test report of the meter along with the assessed bill.”As given below required to assess the bill rules and regulation supply Condition of Regulatory Commission Regulation 2005 as per Clause 21.7.6. Consumer relied on judgment reported in M/s. Jaikishna Floor Mills,Shri. N.M. Dashottar CGRF Nagpur and also decision given by CGRF Nagpur in Shri. Bhourao Damodar Channewa, M/s. Giriraj Enterprises Vs CGRF Nasik and Hotel Guruprasad Pvt. Ltd,. CGRF Kalyan .Three judgment relied by consumer and in view of the decision consumer pray that withdraw of wrong and illegal bill issued be calculate at regulation No15.4.1 of revised bill to all owner as per Provision of 15.4. The bill issued by respondent utility MSDECL should have been withdrawn at it is exorbitant bill included in running bill with interest and DPC and charges there on. Consumer also prays for interim stay and passes order not to disconnect till disposal of the case.

2. After filing the said grievance notice was issued to the respondent utility consumer attach copy of provisional bill No. 1709 dtd.12.09.2016 supplementary bill dated 12.09.2016 and list of consumer whose meter is burn .After filing the said grievance and notice is received respondent utility appeared and filed reply on 24.01.2017. The respondent utility submitted that giving details of consumer address meter no, consumer No. situated at the premises .Respondent utility also inform the connection of the meter in cabin connected to the meter used for residential ,commercial connection. According to utility on 24.04.2016 meter room cabin was fired and all meter wiring was burn. On request made by society by letter dated 24.05.2016& 25.06.2017 and they installed common meter has replacement of consumer

No. 000296199885/2 and feed load for all flat , water pump and stair case. The respondent utility submitted that in the month of May 2016 bill issued to the consumer for recording unit 9982 which was paid by consumer (Attach Exhibit 3). Further bill in the month of May 2016 and June 2016 was issued in the month of June 2016 recording unit 34267 for amounting Rs. 542050/-. The common load of all the flat was utilizes the said power. Respondent utility submitted that individual meter for the said flat installed only common load run to this connection the separate bill issued for the month August 2016 was generated online bill software recorded unit 5947 amounting Rs. 87330/- as per supplementary bill served to the consumer giving details in letter 1709 dated 12.09.2016. The bill is generated as per record and actual meter consumption unit recorded at relevant times as per regulation and direction circular issued as per MERC regulation. According to utility MERC regulation No. 15.4.1 is not applicable in this case as two supplementary bill issued to the consumer on the base of clear recorded consumption of unit and therefore there is no question arises of benefit and spread of consumption to the individual flat owner cannot be given under regulation No. under 15.4.1. Respondent utility pray for rejection of the complaint with cost and give the direction to consumer to pay the said bill accordingly to avoid immediate action of disconnection.

After perusing the rival contentions of consumer and respondent utility, following points arose for our consideration:

- 1] Whether two supplementary bill issued by respondent utility is legal valid and proper.
- 2] Whether consumer is entitled for bifurcation of individual unit of all flat owners and gives the benefit of regulation No.15.4.1 MERC regulation 2005.

3] Whether consumer is entitled for any relief.

4] What order?

Reasons

3. I have given opportunity to the consumer and his representative Shri Suraj Chakraborty appeared in this case. I also gave opportunity to respondent utility additional Executive Engineer of Palm Beach sub division. Respondent utility filed details of original bill and revised bill and claiming difference. The reason of issuing supplementary bill is categorically clarified by utility recording actual consumption of unit on meter for the period 12.05.2016 to 23.06.2016 for 42 days. The report filed of replacement of meter and the date inform by utility to this Forum I have also perused the copies of earlier bill filed by utility against the meter situated in the premises. The question raised by consumer in this case taking advantage of accumulated unit calculated by utility and charge against the said consumption recorded on the meter.
4. To my view the fact of getting meter cabin burn due to fire is beyond control of human act and there for no disadvantage or wrong recovery should be claim against the consumer.
5. It is aware by respondent utility even assuming as request made by society in fact of necessity of emergence supply connection required to be made at the site. The respondent utility them self connected the said load to the common meter which is used for residential and commercial activities including the additional service connected to the said meter used by all flat owners commonly. Therefore in normal core dispute and reason has to be occurred

between society member and society. As accumulated arrears and recovery huge amount required to be paid by the society against the bill issued to the respondent utility in duration of this period. However as clear date and the period already specified by utility while calculating and issuing to supplementary bill is clear so far as mathematical calculation I found there is no error in calculation of accumulated unit.

6. The objection and grievance raised by the consumer for applying of regulation no 15.4.1 which is in respect of defective meter are giving when actual consumption is could not be recorded as all meter are burn and therefore as the regulation as claim by consumer cannot be actually work upon has supply is use for common meter at the society for about given mention period. However to solve the dispute of this grievance discussion was made at the Forum the accumulated unit required to be assess considering the actual consumption of each individual flat owner and verifying the actual consumption patter of each occupant of the flat should be taken into consideration by respondent utility properly. To avoid dispute between flat owners of claiming the bifurcation go the amount required to be paid accumulated bill as claim in two separate supplementary bills by utility issued along with the notice. Therefore the dispute is resolved consideration benefit and welfare of individual flat owner. I found calculation of interest and DPC also not proper as the event occurred beyond the human control at society flat owner cannot be blame for the same fact of fire taken palace in the cabin meter room. Therefore I am not inclined to enforce any cost or penalty consumer required to be paid.

7. It is pertaining to note that the respondent utility should be receiving revenue calculated actual consumption of unit on common meter. Therefore the revise assessment of the bill the direction is given to the respondent utility to deduct the actual consumption recorded on common meter earlier period before the event of fire take palace. The additional consumption recorded on the meter should be assess considering individual consumption of flat owner used the unit for 3 months earlier to the dated of incident of fire and bifurcate the amount giving as per the list accordingly the respondent utility calculated the average consumption of flat owner recorded within 3 months prior to the date of incident of fire and accordingly the amount required to be paid by individual flat owner is assess and interim arrangement made to avoid the dispute in society member. It is also submitted that the amount should be club and recording additional unit for both the period should be assess as per above mention direction to avoid unnecessary burden on the individual flat owner not to charge interest penalty or DPC. Hence I am inclined to allow the complaint of consumer and proceed to pass following order.

ORDER

1. The consumer complaint No. 122/2016 is allowed.
2. The Respondent utility directed to revise and reassess accumulated unit and the amount and give bifurcation of recovery of unit considering 3 months average consumption actually used by individual flat owner and give details as per the list. The respondent shall not charge any interest penalty or DPC against the said bill.
3. The said amount paid by society in six monthly installments. No order as to the cost.

Proceeding close.

Both the parties be informed accordingly.

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

Note:

1) If Consumer is not satisfied with the decision, it may proceed 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 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

ANIL P. BHAVTHANKAR
CHAIRPERSON
CGRF, BHANDUP

RAVINDRA S. AVHAD
MEMBER SECRETARY
CGRF, BHANDUP