



(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/121/71

Date:13.06.2017

Case No. 121/2017

Hearing Dt.20.04.2017

**In the matter of excess and illegal recovery bill issued by respondent utility
for period Jan.2015 to December 2015**

Mrs. Jankibai Narayan Patil

At Post Chirmule, Josai

Tai-Uran Dist :- Raigad

- Applicant

Vs.

M.S.E.D.C.L. Uran 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. Krishana Patil – Consumer

C - On behalf of Respondent

- 1) Shri. Ajit M. Prhoiv, Addl. Executive Engineer, Uran Sub Division.

Consumer No.025640000751

1. Consumer received the bill of demanding amount Rs. 40618/- within the period of 15 days and notice under 56(2) of I.E.A. 2003 along with supplementary bill issued to the consumer of demanding amount Rs.28400/-. The bill issue to the consumer in the month of October 2016 for amounting Rs.123310 /-. After receiving the bill consumer

initially approach to the IGRC by filing application in Schedule 'X' .Consumer raised the dispute against the respondent utility saying that consumer was paying the bill regularly received to him using the unit 162 unit consistently for the period Jan. 2015 to December 2015.However in the month of Jan 2016 consumer received the bill using calculated unit 6156 and amounting Rs.818/- in the month Feb. 2016 amounting 5030/- of showing unit 513. According to consumer the bill issued to the respondent utility is exorbitant and calculated wrong unit unnecessarily notice issued of disconnection threat along with notice is illegal and cannot be acted upon. Consumer prayer that the total bill issued for amounting Rs. 90,000/- is required to be call back and verify and reassesses necessary. After receiving the said complaint IGRC registered the Case No.79/2016 on dated 22.07.2016. IGRC gave opportunity of hearing to the consumer and respondent utility on 18.11.2016 IGRC pass order against the consumer by dismissing the complaint and payment of billing six monthly installment bearing the interest and penalty and DPC.

2. Being dissatisfied with the said complaint and decision of IGRC consumer approach to the Forum and filed the grievance in Schedule 'A' on 04.01.2017. After filing the said complaint notice was issued to the respondent utility. After receiving the said notice respondent utility appeared and filed reply on 10.04.2017. Respondent utility submitted that the connection stands in the name of Jankubai N. Patil, Uran having consumer No. 025640000751 sanction load 0. 20KW and date of supply is 27.01.1986. According to the utility the meter was replace in the month of December 2012 as shown in copy of CPL. However effect of replacement of meter not mention in the bill April 2016 the old meter no.9000545779 was verified and check. In view of the said meter is found 'OK' and consumption was recorded on old meter was not billed to the consumer from Jan 2015 to December 2016. Accordingly B-80 error was found the consumer was issued average bill till December 2016. On verification it is found that meter which is replaced old 9000545779 but on the spot actual meter connected was found no 820367534 sub divisional office change the meter found in premises in the month of April 2016 and therefore assessment of unit consume during the said period of replacement of the meter charge unit 8625 from the period December 2012 to Feb. 2016 and the amount

was access Rs.78615/- as deduction of average unit bill already paid by the consumer. According to respondent utility the consumer actually use the unit 8625 for residential purpose therefore the said accumulated unit was claim as meter replacement data was not entered in the record and it is human error and to prevent financial loss to the respondent utility consumer it required to pay the said bill and therefore consumer complaint of excess unit bill required to be stands dismiss. Consumer attached the copy of supplementary bill and notice of disconnection copy of earlier bill issued to the consumer in the month of April 2016, copy of payment of receipt, the last bill issued to the consumer additionally accumulated unit, copy of correspondence ,copy of IGRC decision. Respondent utility filed copy of meter inspection report and copy of CPL. I have perused all the document filed by consumer and respondent utility.

After perusing the rival contentions of consumer and respondent utility, following points arose for my consideration to which I have recorded my finding to the point further reasons given below

- 1] Whether supplementary bill issued to the consumer for demanding accumulated bill in the month of Oct.2016 Rs 1,23,280/- is legal valid and proper.
- 2] Whether consumer is entitled for bifurcation of unit per month as giving slab benefit.
- 3] Whether consumer is entitled for any other relief.

Reasoning

1. I have given opportunity to consumer and his representative as well as Nodal officer Add. Executive Engineer Uran Sub Division. It appeared that the dispute raised by the consumer only after receiving accumulated bill in the month of April 2016. After perusing the said bill it appeared that respondent utility charge the consumer for accumulated unit only because the record indicate the earlier meter change in December 2012 when the spot inspection was made respondent utility found the meter no is change 8203675534. But the said meter was not entered in record and therefore the consumer was issued bill average monthly basis unit 162 units per month which is paid during the period of December 2012 to Feb.2016. The total calculation of aggregate unit more than 24 months.

2. Admittedly, the said consumer was under bill only because the change of meter was not entered in record and therefore consumer was receiving the average unit bill for considerable long time. Admittedly, It is a not a fault of consumer to my view claiming accumulated unit without giving any benefit to the consumer for bifurcation of slab the recovery of accumulated bill cannot be said to be legal. Therefore the said bill accumulated unit more than 24 months claim by respondent utility is absolutely illegal and not in accordance with law. Therefore the bill supplementary issued in the month of April 2016 calculating period from December 2012 to Feb. 2016 is more than 24 months. However during the course of hearing the respondent utility was directed to calculate the consumption of unit for 24 month aggregate and the claim the proportionate unit which was under bill to the consumer and therefore the respondent utility was directed to reassess and recalculated the bill giving benefit to the consumer considering average consumption use after the replace of meter unit recorded. Accordingly respondent utility acted upon and gave the chart which is perused by me at the time hearing consumer also raised objection before Forum if the proper bill could have been issued to him he could manage to pay the said bill regularly. However, the consumer is not at the fault at receiving average consumption unit bill. But to my view proper recovery for revenue and actually unit use by the consumer should be restricted by 24 month and therefore, I am inclined to allow the complaint and give direction to respondent utility to reassess and revise the bill restricted to the 24 month and recovered proportionate unit during the said period. The consumer shall pay the said revise assessment bill in six monthly installments. The consumer shall not be charge any interest, DPC and penalty. The correct meter number and revise bill assessment should be reflected in next monthly bill.

ORDER

1. The consumer shall pay the said revise assessment bill in six monthly installments.
2. The consumer shall not be charge any interest, DPC and penalty.
3. The correct meter number and revise bill assessment should be reflected in next monthly bill.

4. 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