
REF.NO. Member Secretary/CGRF/MSEDCL/BNDUZ/170

Date:26.09.2017

Case No.25/2017

Hearing Dt. 06/09/2017

In the matter about reassessment of bill wrongly given in October 2014

Mr. R. Ab. Rashid Bahjabi

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Applicant

Vs.

M.S.E.D.C.Ltd., M/s TPL Ltd., Bhiwandi

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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) Mrs. Archana G. Sabnis, Member, CGRF, Bhandup.

B - On behalf of Appellant

1. Shri. Sajid Ansari - Consumer Representative.

C - On behalf of Respondent No. 1

Mrs. Hemangi Mayekar, Assistant Engineer, TPL, Bhiwandi.

Consumer No.13010333851

1. Above named consumer received bill given by respondent utility M/s. TPL Ltd in the month of November 2013 in the month of along with current bill 20823/. After receiving the said bill consumer raised grievance before IGRC by filing application in from Schedule 'X'. About issuing of the said bill is wrong and not shown particular about description of the said bill .Consumer filed copy of the said bill along with receipt of complaint dated 10.04.2017 copy of receipt

30.01.2015. After receiving the said compliant IGRC registered case No.16-17/24 on dated 21.04.2017 opportunity for hearing was given to consumer and respondent utility M/s. TPL .On dated 14.06.2017 IGRC passed order against the consumer that grievance raised for rectification of bill is dismiss.

2. Being aggravate by the said order consumer approach to this Forum and filed his grievance on 11.07.2017 stating that bill issued in the month of October 2014 is Wrong and incorrect. Consumer stated that the bill which is issued in the month of November 2014 along with current bill or Rs. 20823/-. According to consumer that he was wrongly billed in October 2014 with 5626 units. Consumer raised the grievance for checking of the meter by filing application and depositing prescribe fee. Accordingly the meter was check bearing meter no 845101174 against meter No.13010333851. After the meter was check in laboratory the letter was sent to consumer on 24.05.2017 MRI of the said meter was retrieve and copy of the said MRI handed over the said consumer still consumer raised the dispute before IGRC which was rejected. Consumer prays for rectification and correction of the bill. After filing the said grievance on 11.07.2017 notice was issued to the respondent utility. After service of notice respondent utility appeared and filed reply on 06.09.2017. Respondent utility submitted that order pass by IGRC on 06.06.2017 for complied grievance was raised by the consumer about bill in October 2014. The said dispute is raised after period of 2 years which is barred by limitation as per Regulation no 6.6 and therefore respondent utility submitted that Forum shall not admitted any grievance from unless file within 2 years from the date of cause of action. Respondent utility submitted that this service was not in use proper to October 2014. Consumer claim wrong bill in the month of Oct. 2014 for charging unit 5628. Respondent utility further submitted that the service was release on 01.01.86 for the purpose of power loom in the year of 2007 by fair of Maintenance handed over the TPL Company and it is observed that meter is

situated inside the premises. It is consumption was recorded 0 for long time. When the consumer raised dispute in the month of October 2014 the meter was check unit on record on the meter 5628 which was charge in the month of October 2014 in bill issued Nov 2014. The reading was recorded and confirm for unit 5641 and the consumer was intimated accordingly. There was no error .During the hearing the IGRC It was communicated the consumer but hear was not agree. Consumer not followed IGRC instruction and it was decided the check them again. Thereafter representative of company check meter seal and laboratory testing and made on request of consumer. As per test report in the laboratory received the reading was noted 5641 which was communicated to the representative of consumer and details test report copy was handed over. The report of the meter laboratory tested was found 'OK' and bill was generated as per consumption of unit by consumer in the month of October and November 2014. The consumer directed to make payment outstanding dues even then consumer raised the dispute which is time barred beyond the period of 2 years. Therefore respondent utility pray for dismissal of complaint with cost. Consumer filed all relevant document copy of IGRC order, copy of receipt of given complaint, deposit receipt of testing laboratory meter and letter of communication 27.04.2017 and details of report. I have perused all relevant and necessary documents.

After perusing all the documents and grievance raised by consumer following point arose for our consideration to which I have recorded my findings to the point further reason given below.

1. Whether consumer complaint raised the dispute against the bill October 2014 and date of complaint initially filed before IGRC is within the period of limitation of 2 years.
2. Whether consumer is entitled for rectification of bill.
3. What relief?

Reasoning

- 4.** I have given opportunity for hearing to consumer and his representative who appear before the forum on given date. The dispute raised by the consumer charging unit 5628 in the bill of October 2014 reflected in the bill 06.11.2014. After receiving the said bill consumer required raise the dispute accordingly the copy of report grievance filed by consumer which is printed receipt dated 10.11.2014 and said dispute was not resolved by the respondent utility at appropriate time. The service connection which was not in use even then consumer raised the dispute first time before IGRC against the bill October 2014. When consumer filed document of receipt of given complaint no corresponded and satisfactory explanation given by respondent utility why he complaint was not resolved at appropriate time now the objection for limitation raised by the respondent utility cause serious prejudices to the Rights of consumer and therefore, I found initially the consumer raised the dispute within appropriate time which was not at all resolved by the respondent utility. Therefore respondent utility objection raised for limitation does not survive as the grievance was raised but not resolved. Even IGRC not much stress on the point of limitation during the hearing the IGRC and MRI report and laboratory testing report was relied by the respondent utility .
- 5.** Coming to the dispute for claiming bill in the month of October 2014 which is not paid by the consumer which was remain unpaid till this grievance heard by this Forum. Therefore I am inclined to give reasonable and fair consideration towards the dispute raised by the consumer and I found it is appropriate and proper.
- 6.** Coming to the merit of this case the meter was tested after grievance is raise and the meter was laboratory tested also.
- 7.** The report of MRI which generated having technical details does not fault. Consumer submitted that the power loom is not in used but said non use

never communicated. Therefore it is duty of consumer to give sufficiently documentary evidence to show that unit was close. The meter reading card which was provided replace the access unit was charge previous month for October 2014 even prior to the month but MRI laboratory testing report reflect the unit was recorded 5641 on the meter. The final reading as per MRI data displayed 5641 KWH was recorded. Even average consumer pattern was access the monthly unit connecting load, working hrs. per day consumption load service for 11 looms and unit consumption pattern 1 reflect the load is in 7646 watt and consumption per day was recorded 7.162 to 17.9 average consumption according to working days 25 to 30 for month consumption minimum 179 unit to 537 unit the loan service is for 11 looms and therefore unit consumption for service as per consumption pattern recorded 1969 to maximum 5907. Therefore contention of consumer that power loom is not in use. I found no substance so far as assessment as bill reflected in the month of October 2014. The said bill was not paid by consumer in spite of order of IGRC as consumer fail to produce any document for non use. The laboratory testing report and consumption pattern is assertive evidence which cannot be ignored. I come to conclusion the consumer was under bill for previous month and the meter box was situated inside the premises and it was not in access and therefore amount due Rs. 20823/- is payable by consumer. There is no error in record of respondent utility provided to this Forum .In this circumstances the consumer bound to pay the said bill as on date of due amount 2823/- shall be pay by consumer in equal monthly installment six as amount can be equivalent to current bill of minimum charge as per connecting load to be paid for the category of power loom and average monthly consumption even though the consumer was not bill in appropriate time. As such bill recovery for unit 5628 is payable by consumer in equal six monthly installments without charging DPC interest and penalty. Hence, I am not

inclined to grant relief of rectification of bill place before this Forum. Hence I proceed to pass following order.

ORDER

The consumer complaint No. 25/2017 stands dismissed.

The respondent utility shall recover outstanding bill of Rs 20483/- in equal six monthly installments without charging interest DPC and penalty

No order as to the cost.

Both the parties should be informed accordingly.

Proceedings closed.

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:

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**

