

(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/

Date

Case No.630

Hearing Dt.

In the matter of billing

Mr. Janak G. Turakhiya

- Applicant

Vs.

M.S.E.D.C.Ltd., Bhiwandi, Torrent power Ltd.,

- 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. Sabnis, Member, CGRF, Bhandup.

B - On behalf of Appellant

- 1) Shri. Pravin Thakkar - Consumer Representative.

C - On behalf of Respondent No. 1

- 1) Shri. R.R.Beloskar, Executive Engineer, Nodal Office Bhiwandi.
- 2) Shri. S.K.Dhope, Assistant Engineer, Nodal Office Bhiwandi.
- 3) Mrs. Hemangi Mayekar, Assistant Manager, TPL

ORDER (Passed on 21.03.2016)

1. Above named consumer filed this complaint against the respondent utility for issuing wrong recovery of bill, charging interest and DPC since 1999 - 2006. Complainant is a consumer of respondent M/s. Torrent Power Ltd. He received demand notice under section 56 (1), of EA. MSEDCL, Bhiwandi demanded Rs. 67,281.71/- towards arrears (since April 2013).

Consumer also received bill of demanding old arrears. After receiving said bill, consumer raised dispute before IGRC for wrong recovery along with interest and DPC. IGRC issued notice but the decision was not given even after stipulated period of 2 years. Therefore consumer approached this Forum on 09.12.2016. We registered his complaint vide Case No. 630/2015. After service of notice respondent utility appeared and filed its reply.

2. It is contention of respondent utility that demand notice was issued to the consumer as per the spot inspection of the premises done by Authorized Officer on 31.08.2006. The status of the meter was shown the meter as 'working properly and supply in use'.
3. The consumer falls under category of commercial tariff. The consumer has not paid the bill during the disputed period. The bill issued shows the status as 'locked premises'. It appears that during the pendency of litigation IGRC decided the issue and concluded that as per average consumption of 1000 units per month, consumer has paid bill only for the period from 10.12.2001 to 16.09.2003. Thus as per status of meter the bill was issued and the consumer was shown in arrears due to the nonpayment of demand bill within prescribed time.
4. Therefore earlier notice was issued on 03.02.2014 for recovery of amount along with old arrears. As per notice issued on 17.10.2013 by MSEDCL total amount due is shown along with arrears as Rs. 67281.71/-.

5. It is prayed by respondent that this amount is required to be recovered with interest as per Rules.
6. Thereafter consumer filed additional reply on 24.02.2014 alleging that he was forced to pay Rs. 4000/- on 10.12.2001, Rs. 5000/- on 16.09.2003 and Rs. 6000/- on 22.01.2010. Consumer was dissatisfied with meter report which did not detect any fault.
7. After perusing all the documents on record, issues before us for determination are:
 1. Whether respondent utility entitled to recover total arrears of bill Rs. Rs. 67281.71/- shown recovery against consumer.
 2. Whether bill demanded is legally valid and proper.
 3. Whether consumer is entitled for any relief.

We answer all the issues negatively for the reasons below:

Reasoning

8. On 15.01.2016 we gave opportunity to all the parties and verified the complaint, reply and the documents minutely. The record reveals that the consumer is in habit of nonpayment of bill in appropriate time. The bill earlier revised was not paid by the consumer as he was not inclined to pay the arrears.
9. The question of limitation for recovery of old arrears is raised by consumer. The point of limitation runs on fresh demand bill issued by Respondent utility and consumer raised dispute against the said demand.

In this case to previous notice of demand issued on 17.10.2013 and another is on 03.02.2014. the dispute before IGRC was filed after receiving second demand notice and which was duly considered by IGRC. The record reviewed old the contention of consumer and such the liability raised due bifurcation of period since 10.12.2001. After adjustment of amount already paid by consumer the total bill claim finally in the demand notice stands Rs. Rs. 67281.71/- and willing to pay the said bill and revised dispute.

10. It is appears from record that nonpayment of bill is a major faulty on the part of consumer and therefore no relief to withdrawal of interest and DPC entitled by the consumer. In this case as the report of the status of meter shown the meter is in working conditions as no fault is detected. As per the record, spot inspection was done by authorized officer and the bill demanded accordingly as per recording of units on the meter. Thus there is no fault detected in calculation.
11. Regarding period of limitation, there was continuous demand from the Respondent utility. Therefore to my view there is no fault found in the demand notice issued under section 56 (2) by Respondent utility.
12. Also during the pendency of litigation, as the decision of IGRC awaited, there is no prima facie case.
13. The respondent utility hereby directed to recess the recovery of the bill against and should claim appropriate amount and interest from

consumer in fair interest of the justice. I am inclined to grant six equal monthly installments to the consumer to pay the arrears of bill along with current bill.

14. Rest of the relief claimed by the consumer stands dismissed.

Order

1) The consumer complaint No. 630/2015 is stands dismissed.

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. RAVINDRA S. AVHAD
MEMBER SECRETARY
CGRF, BHANDUP**