

A Govt. of Maharashtra Undertaking)
CIN : U40109MH2005SGC153645

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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. 643

Hearing Dt. 15.03.2016

In the matter of exorbitant and incorrect billing

Mr. Dhanraj Chandrakant Sharma

- **Applicant**

Vs.

M.S.E.D.C.L., Sarvoday Sub Division.

- **Respondent**

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri. Anil Bavthankar, Chairman, CGRF, Bhandup
- 2) Shri.Ravindra S. Avhad, Member Secretary, CGRF, Bhandup.
- 3) Dr. Smt. Sabnis, Member, CGRF, Bhandup.

B - On behalf of Applicant

- 1) Shri. Dhanraj C. Sharma - Consumer Representative

C - On behalf of Respondent No. 1

- 1) Shri. Mr. Jadhav, Addl. Executive Engineer, Sarvoday, Sub Division.

Order (passed on 17.03.2016)

1. Above named consumer (bearing consumer No. 000094021103 and old consumer No. 000094021103 having LT I Residential Single phase, connected load 5KW and sanctioned load 5KW) filed this complaint against the respondent utility alleging that they issued bill showing arrears of Rs. 18,791/- along with

current bill. The consumer has paid this bill under protest and raised dispute before IGRC.

2. IGRC registered case 98/2015 and issued notice of hearing dated 23.12.2015. 16.10.2015. Despite the notice, the, matter was not decided within the statutory period of 2 months.

Therefore consumer approached this Forum on 05.1.2016 and filed complaint praying for withdrawal of wrong arrears and to investigate in to this complaint

3. After filing to this complaint on 05.1.2016 notice was issued to respondent utility. Respondent utility appeared and filed reply on 10.02.2016. It is stated by the respondent utility that this consumer was issued bill regularly but not paid regularly and in time. In the month of December 2013. But after verification CPL from January 2013 to December 2015 no record of abnormal bill was issued to consumer. During the said period. It is also submitted that after receiving the complaint, respondent utility inspected the meter on 13.10.2015 by accucheck method. It was found that the meter is running properly and no fault is detected. The said report was shown to the consumer, who refused to sign the said report.
4. It is submitted by utility that for the period from January 2013 to December 2015 no bill was issued to consumer as the meter was showing RNA status or lock status. All the bills issued to consumer during the said period were inspected along with CPL. It was seen that the bills were issued as per reading recorded on the meter and actual consumption used by consumer. It is further submitted by respondent utility that the said meter was supplied to consumer on 01.01.1987, which is old meter of HPL and facility of recording MRI was not available that time. Therefore MRI assessment of calibration of meter was not possible. Respondent utility filed a copy of photograph of said meter along with all the details of arrears of meter shown outstanding bill against the said

consumers till Jan. 2016. The outstanding amount to be recovered from the consumer is Rs. 1,18,450/-.

5. Respondent utility has stated that there is no abnormality or any fault in the meter, thus the arrears shown in the bill were due to nonpayment. Hence respondent utility prayed for dismissal of complaint with cost.
6. Consumer filed all relevant documents viz. Details of accucheck old electricity bill dated 28.09.2015.
7. Respondent utility filed details bifurcation of units for the period from Jan. 2015 to Jan.2016.
8. After perusing the rival contentions of consumer and respondent utility, following points arose for our consideration:
 1. Whether respondent utility entitled to recover old arrears shown in the bill of September 2015.
 2. Whether consumer is entitled for any relief.

We answer both the questions negatively for the foretasted reasons:

Reasons

9. We have given opportunity to the consumer who appeared in person. He is well educated and able to understand English and Hindi languages and also predict conversation with the procedure adopted by IGRC and this Forum.
10. We have perused complaint and reply filed by respondent utility. It appears that the dispute raised by consumer is only for the reason of arrears shown. Respondent utility submitted detail abstract form Jan.2013 to Jan. 2016 Arrears which is shown in the bill indicated actually consumed units and bill charged against the consumer. It appears from record that consumer is not paying monthly bills in time as per the schedule. Till date he has paid lumpsum in

Jan.2013, May 2013, December 2013, March 2014, December 2014, September 2015, October 2015, November 2015. As such total amount paid by consumer is Rs. 38,310/-. Due to non-payment of monthly bills, there are accumulated arrears, which are shown in the bill. This is because of improper payment made by consumer and interest thereon.

11. This case has been accepted on humanity ground as the consumer Dhanraj Sharma is now 87 years old and bed ridden. The consumer has expressed his inability to pay entire amount is lumpsum as consumer is 87 years old and bed ridden and there are financial crises. Considering the nature of dispute and since there is no fault detected in calculation of meter unit recorded technically, I am unable to grant any substantial relief to the consumer. However, we hold that 15% interest charged against the consumer in the last recovery bill should be waived off and after waiving off interest; remaining amount shall be recoverable from consumer in 6 monthly installments. This view and judgment is exceptional in this case and shall not form any precedent.
12. Technically consumer complaint required to be dismissed. Only relief granted is of waiving off 25% total interest and remaining amount to be recovered from consumer in 6 monthly installments.

Hence I proceed to pass following order.

ORDER

1. The consumer complaint No. 643/2015 is stands dismissed.
2. No order as to the cost.
3. Respondent utility entitled to recover 15% total interest amount recovered shall be waved and remaining amount shall be recovered from consumer in 6 monthly installment from the date of this order.

Proceeding close.

Note:

1) If Consumer is not satisfied with the decision, he may file representative 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