



(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. 584

Hearing Dt. 09.03.2016

In the matter of billing

Shri. Ramesh R. Vishwkarma

- **Applicant**

Vs.

M.S.E.D.C.L., Gadkari Sdn.

- **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. Ramesh R. Vishwkarma - Consumer

C - On behalf of Respondent No. 1

- 1) Shri. R.B. Kore, Addl. Executive Engineer, Gadkari, Sub Division.

Order (passed on 16.03.2016)

1. Above named consumer filed this complaint against respondent utility for demand of excessive and wrong arrears. It is submitted by consumer that he has obtained electricity connection in his name Shri. R.R. Vishwakarama, date of connection is 22.03.2012 under the category of 04 LT II commercial 1 phase

20KW, connected load 0.30KW, sanction load 0.30KW. The consumer is running the business of Motor Garage under the name and style Mackinac Work Shop. In the month of September 2012 he received exorbitant bill of Rs. 58,099/-. The arrears in the said bill are shown in the name of R.R.Vikarama. However, Shri. R.R. Vishwakarama is new connection having consumer No. 000020654767.

2. According to the consumer, he had deposited earlier arrears and outstanding amount claimed on the meter situated on said premises amounting to Rs. 9020/- . Consumer filed document of demand and payment receipt of the said arrears of bill Rs. 9020/- in support of his submission.
3. Thereafter on execution of Stamp of Rs. 100/- he approach to respondent utility for new connection. Accordingly on 21.11.2013 the received notice and demand bill of amounting Rs. 58,099/- and also received threat of disconnection. After receiving the said notice and demand bill consumer dispute the same he approach to IGRC and raised dispute.
4. Thereafter as the consumer did not received proper reply and there was threat of disconnection he approach to the Authority of respondent utility and made application date 20.01.2014 for verification of bill and inspection of said the premises.
5. Thereafter respondent utility issued letter on 26.11.2013 and demanded the arrears. Spot inspection and investigation of said meter was done by the utility. Accordingly reply is given on 04.02.2014 that against consumer No. 000024274148 there is an arrears amounting Rs. 53,390/- (till September 2012) thereafter the consumer asked for new connection (000020654767) which was

then sanctioned. Therefore old arrears claimed against this consumer and bill is issued.

6. Being aggrieved by said reply of respondent utility consumer approached IGRC. The decision within stipulated time was not taken by IGRC. Therefore consumer approached this Forum and raised same dispute and prayed for Interim Order, not to disconnection of supply.
7. Consumer filed notice, demand bill, agreement cum affidavit and old bills since March 2012. Consumer raised dispute that he has already paid earlier arrears of Rs. 9020/-.
8. After filing the said complaint and on perusal of all the documents, this consumer Forum passed Interim order on 26.03.2015. Opportunity of hearing was given on 24.03.2015 and consumer was directed to deposit Rs. 40,000/- and after deposited of said amount respondent utility was directed to restore the supply of this consumer within 24 hrs.
9. Respondent utility also was directed to file reply to the said compliant along with the document/s if any. Thereafter on 08.03.2016 Respondent utility filed reply and denied the compliant. According to respondent utility there were old arrears on the said premises till the date of disconnection (Feb. 2015) of Rs. 53,390/- which was claimed at the instance of new connection. It is contention of consumer that there was mistake in writing the name of the consumer having arrears.
10. After verification and Spot inspection it is confirmed that there are old arrears on the same place on old meter till September 2012 amounting to Rs. 57,885/-, which was due. The said report was filed by SDO on 22/11/2013. The action was taken to claim the arrears from consumer and demand notice was issued. It is also submitted by respondent utility that after filing this complaint and as per order passed in this complaint no. 584 dated 26.03.2015, the complainant

initially failed to deposit 40,000/- in time. But later on, the said amount was deposited and thereafter connection was restored as per order. But it is stated by the utility that the old arrears are due from this consumer, which is to be recovered from this consumer with interest and prayed to dismiss the compliant with cost.

11. We have perused copy of CPL, old electricity demand bill, letter issued by Dy. Executive Engineer, Gadkari Sub division, earlier compliant revised by consumer on 21.11.2013 and all the documents on record. After perusing the rival contentions of consumer and respondent utility, following points arose for our consideration:

1. Whether the respondent utility is entitled to recover old arrears pending till September 2009 against this consumer.
2. Whether demand notice and bill calming amount of Rs 57,883/- is legally valid and proper.
3. Whether consumer is entitled to any relief.

We answer all the affirmatively for the aforestated reasons:

Reasons

12. On 12.05.2015 the respondent utility was directed to recover the amount of Rs. 40,000/- against demand bill of Rs. 78,623/- and Rs. 20,048.93/- towards interest. There is provisional bill issued by respondent utility as per direction, amounting Rs. 40,000/-.

Consumer applied for new connection and deposited the requisite amount.

13. It is contention of respondent utility that there were old arrears due against this consumer which is demanded vide provisional bill dated 08.09.2009. The connection was made PD on 7/4/2001. The arrears was shown amounting Rs.

7543/-/- and interest their on Rs. 2027.28 (total being Rs. 9580/-) was claimed by the utility and was deposited by the consumer.

14. Thereafter respondent utility claimed arrears (which stands in the name of R.R. Vishwakarama) amounting to Rs. 58,099/- against this consumer by issuing of the notice and demand bill.
15. On verification of the document filed by this consumer, wherein he had undertaken to pay off the arrears if any on the said premises in the name of previous occupier. This consumer had entered in to an agreement on 100/-Rs. stamp paper for the same. The premise was inspected and enquiry was held. Since last 10 years Mr. R.R.Vishwakarama is occupying and using the said premises and it is certified that the location of old consumer R.R.Vishwakarama and this new consumer is same. Therefore old arrears are claimed against this consumer.
16. It is pertinent to note that action was taken by respondent utility for old arrears amounting Rs. 9028/-. But these arrears are already recovered and deposited by said consumer against which the demand bill. Receipt is already filed by this consumer on record. It appears that the respondent utility was not sure as to when the earlier arrears were due against this consumer.
17. Therefore action of issuing notice by respondent utility is absolutely illegal. The old arrears stands in the name of Mr. R.R. Vishwakarama. Therefore respondent utility cannot claim old arrears of 2009. As such demand is time barred and out of limitation in view of Regulation 10.5 *(Any charge for electricity or any sum other than a charge for electricity due to the Distribution Licensee which remains unpaid by a deceased*

consumer or the erstwhile owner / occupier of any premises, as a case may be, shall be a charge on the premises transmitted to the legal representatives / successors-in-law or transferred to the new owner / occupier of the premises, as the cases may be, and the same shall be recoverable by the Distribution Licensee as due from such legal representatives or successors-in-law or new owner / occupier of the premises, as the case may be)

18. The respondent utility can claim only 6 months arrears prior to the date of PD. In this case, date of PD is 07.04.2009. Old PD arrears was already claimed by respondent utility and which is already deposited as per receipt produced by this consumer. Therefore neither there is any justification of claiming old PD arrears on the said premises from this consumer, nor is the action taken by utility is legal.
- 19.
20. Therefore notice and demand bill are liable to be quashed and set aside. The consumer who has obtained the connection on 22.03.2012. All the bills are revised for use of consumption on the premises and are paid by this consumer. Therefore we find substance in the complaint of this consumer. The recovery which claimed by respondent utility is set aside.
21. It appears that as per the interim order consumer has deposited amount of Rs. 40,000/-. The consumer is entitled to receive the said amount with interest as per RBI interest rate from the respondent utility. Hence I am inclined to allow the complaint and pass following order.

ORDER

- 1) The consumer complaint No. 584/2015 is allowed.
- 2) The demand bill and issued by respondent utility stands quashed and set aside.
- 3) The amount deposited Rs. 40,000/- by this consumer is to be refunded with interest as per RBI interest rate.
- 4) Compliance of said order be reported accordingly.

Proceedings closed.

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

DR. ARCHANA SABNIS
MEMBER
CGRF, BHANDUP

ANIL P. BHAVTHANKAR
CHAIRPERSON
CGRF, BHANDUP

I Agree/Disagree

RAVINDRA S. AVHAD
MEMBER SECRETARY
CGRF, BHANDUP