MAHAVITARAN
Maharashtra State Electricity Distribution Co. Ltd.

**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. 644** **Hearing Dt.23.03.2016**

**In the matter of excessive demand of electricity bill**

**Mr. Harish Premji Sethia - Applicant**

Vs.

**M.S.E.D.C.L., Pachrasta 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.Harish P. Sethia - Consumer

C - On behalf of Respondent No. 1
1) Shri. Dhiraj V. Chawan, Addl. Executive Engineer, Pachrasta, Sub Division.

**Order (passed on 12.04.2016)**

1. Above named consumer filed this compliant against respondent utility. This consumer is using supply for residential purpose, having consumer No.000092030741/5which stands in the name of Shri Harish Sethia since 1/01/1997.Consumer received bill in month of February 2015 for Rs. 3,91,100/-,

2. which is exorbitant. The consumer requested MSEDCL official to check meter, which they failed to do. Consumer alleged that instead of giving relief, respondent utility continued to threaten the consumer for disconnection of supply. This forced him to pay the bill.
3. It is contention of consumer that MSEDCL issued bill for the months of March15,July 15, August 2015 amounting Rs. 1,22,415/-, 64,962/-,58413/- respectively.
4. Consumer has prayed for the directions to the respondent utility to test the meter and issue revised bill. He has also prayed that the MSEDCL should be restrained from issuing disconnection threats.
5. Also the consumer has not received the current bill and due to which he is prevented from getting benefit of slab. Therefore, consumer has also requested for giving directions to respondent utility to issue revised bill after verification and checking actual consumption pattern of consumer and grant reasonable installments without charging interest and DPC.

6. The consumer raised the dispute before IGRC bearing case No. 43 on 30.09.2015. Respondent utility appeared before IGRC. The hearing was conducted. IGRC after receiving reply from respondent utility passed an order on 30.10.2015 directing respondent utility to give hearing and form the committee at the level of Executive Engineer and after verification of CPL slab benefit should be given. Consumer patter of consumption should be assessed taking into consideration average consumption and reading of accucheck report of the meter and to give the benefit and reasonable installments.

7. The Respondent utility filed its reply stating that actual photo of the meter readings was undertaken by agency. There is fraud by way of manipulation of photo of meter reading. The case of fraud in photo editing is already registered against agency and case is filed at Mulund Police station. However,

consumption pattern of use and accucheck was made and as per record actual consumption used by consumer was assessed and difference of calculation of units recorded. After deduction of amount already paid, bill was issued.

8. It is submitted by respondent utility that the consumer has already paid bill of Rs. 1,00,000/- issued on November of February 2015 on 05.05.2015. The part payment was already done.

9. It is contention of respondent utility that consumer' actual consumption patter was assessed and the actual consumption recorded within the range of 800 to 900 per month. The same meter had continually recorded units in range of 200 to 300 average from the month of March 2015 onwards.

10. The utility has submitted that there is criminal case already filed for fraud in meter reading by way of editing, which is under investigation of Police authority.

Respondent utility prayed that actual consumption of units as per use pattern recorded. Also actual meter checks and unit recorded on the meter is already used and consume by consumer is verified. Therefore, consumer is liable to pay actually consumed units assessed by the utility along with interest and penalty. As there is no substance in the complaint, it is liable to be dismissed with cost.

11. After perusing the rival contentions of consumer and respondent utility this Forum called for the documents, report of assessment, demand of bill during the disputed period, CPL for perusal. During the course of hearing opportunity was given to consumer. His Representative appeared before the Forum. Similarly, we also gave opportunity to respondent utility who appeared and the filed documents.

12. After perusing the rival contentions of consumer and respondent utility, following points arose for our consideration:

1) Whether bill issued by respondent utility is exorbitant.
2) Whether consumer is entitled to any relief.
3) Whether the relief in the form of revised bill, bifurcation of units in equal installments and waving of interest would be proper in similar cases.

**Reasons**

13. The Forum gave an opportunity to both parties and hearing was conducted. We have minutely considered the dispute. It is pertaining to note that photo editing scam case is already under investigation in Mulund police station.

14. The question arise before me about actual recovery of units consumed by this consumer and fixing liability for recovery of said arrears period within total period required to be calculated. It is necessary to mention in this case that actual incidence of theft taken place since when within this locality by the utility could not be fixed this period required to be access form the CPL record available with utility on the date of changing the meter or period of 24 months which is restricted and limitation allowed under section 56(2) of E. A. Act. 2003 only can be recovered in accumulated bill.

15. Therefore, I have called for copy of CPL to fix of the period for recovery of entitled to be recovered in accumulated bill excluding bill which is already charge. Difference of unit shall been considered from the date of change of meter or period of recovery shall not exceed prior to 24 months the date of detection of fraud (photo edit scam).Said period is fixed by me after giving opportunity of hearing to each consumer separately.

16. It is pertinent to note and mention that similar litigations have resulted from this photo editing scam. In earlier consumer complaint decided by the

Forum, consumer approached the Ombudsman, being dissatisfied by the decision of this Forum. The case then was amicably settled before the Hon'ble Ombudsman. REPRESENTATION NO. 66 OF 13th October, 2015. After some deliberations, parties agreed to settle the matter amicably as under:-

(i) Accumulated units of 20524 to be divided in 46 months (446 units per month).

(ii) Bill for accumulated units be revised accordingly as per the tariff rates for relevant period.

(iii) The total amount of arrears calculated as above should be paid by the Appellant in equal 12 monthly installments or in lesser installments, if the consumer so desires.

(iv) The amount of arrears worked as above will not carry any interest or DPC till payment of 12 installments.

(v) The aforesaid settlement is without prejudice to the stand of the parties in FIR No. 95 / 2015 filed at Mulund Police Station. The Appellant has deposited Rs. 20,000/- while filing the representation. The Appellant during the hearing stated that he has no objection if the said amount is paid to the MSEDCL against the arrears. Accordingly, deposit of Rs. 20,000/- be credited directly against the account number of the Appellant with the MSEDCL.

17. Thus, we have given an opportunity to all of the consumers. In view of the Rule of Paternity, similar relief should also be given to consumers who asked for review. They agree to follow the decision given by Hon'ble Ombudsman in earlier case. All the consumers have filed their separate willingness to settle the matter amicably in similar manner.

18. Therefore this Forum gave directions to respondent utility to calculate period and deicide the consumption patter as per actual use of units recorded on the respective meters and claim the revised bill similarly. The Forum also

decided to give similar relief by calculating the units for 24 months earlier from the date of detection of the scam and assess the units without charging any interest and penalty. However, as the Hon'ble Ombudsman has also granted equal monthly installment for payment of the bill, I am of the opinion to grant similar relief to all the consumers. The consumers shall pay the bill in six equal monthly installments.

19. Hence I am inclined to allow the complaint of consumers and proceed to pass following order.

**ORDER**

1. The consumer complaint No. 644/2015 is allowed.
2. The respondent utility shall charge and assess the revised bill for 24 months. Actual unit consumption pattern of the consumer shall be recorded. The consumer shall pay the revised bill issued by respondent utility in six equal monthly installments.
3. No interest and DPC shall be charged against the said the consumer.
4. There shall not be disconnection unless he consumer fails to make payment of the installments.
5. No order as to cost.

   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** **I Agree/Disagree**

**DR. ARCHANA SABNIS**
**MEMBER**
**CGRF, BHANDUP**

**ANIL P. BHAVTHANKAR**
**CHAIRPERSON**
**CGRF, BHANDUP**

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