

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. 651

Hearing Dt. 06.04.2016

In the matter of billing

Mr. Shantosh S. Shinde

- **Applicant**

Vs.

M.S.E.D.C.L., Gadkari 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. Santosh Shinde - Consumer

C - On behalf of Respondent No. 1

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

Order (passed on 25.04.2016)

1. Above named consumer filed this complaint against the respondent utility claiming wrong billing for the month of Oct. 2015, amounting Rs. 4,98, 565/-.The premises of this consumer is situated at Eternity Mall, having consumer no 000028006594 in the name of Shri. Santosh Shinde. He is occupying and using

the said premises since the date of connection for commercial purpose and was regular in paying the bills of the respondent utility. The consumer was given the supply under 04/ LT II 3 phase commercial category, connecting load 15KW and sanction load 15KW since 25/7/2006. Consumer was paying the said bill under impression that proper reading of the consumption was taken.

2. In the month of May 2013 meter was replaced by meter no. 20160506. But due to oversight of technical staff, consumer number was mentioned as 000028006594/2 instead of 000028065922/2. The status of meter was shown as 'meter missing' in the month of August and September 2013. In the month October 2015 he was given accumulated bill for 29 months for 47568 units amounting Rs. 4,98,561/-.
3. Thereafter on 19/11/2015 he was served notice of disconnection for non-payment of arrears and the supply was disconnected on 07/12/2015. Supply was restored after part payment of Rs. 100,000/- and again disconnected on 25/01/2016 for nonpayment of arrears. The consumer filed case before IGRC raising objection for the bill in the month of Oct. 2015 amounting Rs. 4, 98,565/-. The said premise was given to Mr. Iban Narana on leave and License and despite this information and request, utility did not take proper action. Also, raising bill for 29 month's arrears is clear violation of section 56(2) of EA.
4. IGRC after hearing the complaint passed an order on 29.01.2016, directing respondent utility to make an inquiry in to the said matter and issue revised corrected bill for 24 months (from the date of detection). IGRC also directed the consumer to give an Indemnity bond for the payment subject to final decision in the Writ Petition pending before Hon'ble High Court. (which he has not given till date)

5. Being dissatisfied with the decision of IGRC, consumer filed dispute before this Forum along with all relevant documents, bill issued by respondent utility, all correspondence with Executive Engineer, Gadkari Sub Division.
6. Consumer also raised an objection that in view of spot inspection report dated 13.08.2013, it was found that wrong meter number was fed in the record and consumption recorded on the said meter was claimed by respondent utility for 29 months from this consumer.
7. It is contention of consumer that he is not liable for the wrong act committed by respondent utility. The consumer has also prayed for 25% compensation by way of liquidity damages and directions to the utility to issue revised bill for 24 months along with the cost of this litigation.
8. After filing this complaint to the Forum on 01.02.2016 notice was issued to the respondent utility. The respondent utility appeared and filed para wise reply to the said complaint. It is contention of respondent utility that as per letter received from the consumer and direction issued by IGRC, detailed inspection of premises was done. During the inspection and verification of report it was found that the, meter No. 20160506 is actually connected to consumer No. 000028065922 in the same premises and consumer Shri. Santosh S. Shinde is using the supply from meter No. 23002118. Actually meter of consumer No. 000028065922 was replaced in May 2013 by new meter No. 20160506. Replaced meter due to oversight it was shown against consumer Shri. Santosh Shinde, although his meter No. 2300232118 was not at all changed.
9. Hence the billing record. i.e. meter details of consumer were corrected in the month of Oct. 2015 and the bill for the period from May 2013 to September 2015

was prepared as per the actual reading of meter No. 23002118. B-80 was prepared for the bill of Rs. 4, 98,561/- and was added to the regular monthly bill of consumer for Oct. 2015. Till date meter No. 23002118 is on site and in use by consumer (annex.1)

10. After receipt of the bill for Oct. 2015, consumer Shri. Santosh Shinde submitted application on date 06.11.2015 (Annex.2) alleging malpractice at Gadkari Subdivision. It is contention of respondent utility that the said bill of 29 months is correct, as it is based on the actual consumption recorded by meter No. 23002118 shown as (Annx.3) On 19.11.2015 the utility had also issued 15 days' disconnection notice to consumer (Annex 4). Subsequently, the Consumer filed case before IGRC, Thane (U) circle on 16.11.2015.
11. The supply of the consumer is disconnected on 07.12.2015 for nonpayment of arrears.
12. Consumer paid amount of Rs. 1, 00,000/- as part payment of arrears on 14.12.2015 and supply was reconnected. The supply was again disconnected due to nonpayment of bill till end December 2015 after giving notice of disconnection dtd. 25.01.2016.
13. Thereafter IGRC directed to issue corrected bill for 24 months instead of 29 months and to take an Indemnity Bond for remaining period as per decision in writ petition pending before Hon'ble High Court.
14. After perusing the all relevant documents, following points arose for our consideration.
 1. Whether respondent utility can claim accumulated bill for 29 months?

2. Whether the responded utility can claim the arrears which are due to mistake on the part of the utility?
3. Whether consumer is entitled for any relief.
4. What order?

Reasons

15. We have given opportunity to appear to both the parties. The utility has submitted that the consumer was receiving the supply to the premises earlier in the name of M/s. Kankai. Thereafter the meter was replaced, the fact which came to the knowledge when section Engineer, Kashish Park visited the premises. He found wrong serial No. meter was attached to this service for considerable long period i.e. since May 2015 to October 2015, May 2013 to Oct. 2013. After notice of the said fact, the correction was made and the consumption was reassessed. Detailed checking of the previous meter (no. 23003118) was done by the officer respondent utility and the detailed meter report was submitted dated 24.08.2015. As per direction, correction was made and during the said period the consumption recorded. Also wrongly attached meter reading was separately assessed.
16. It is contention of Respondent utility that the consumption recorded on wrong meter was separately calculated and the amount already paid was deducted. Remaining consumption was separately charged.
17. It is found that wrong consumption was recorded for the period of 29 months.
18. Bill raised against this consumer is absolutely improper and illegal which is already observed by IGRC. The period of claiming the liability should have been restricted to 24 months only. This Forum has already granted relief to the consumer situated in the same premises in other case No.528 and decision dated 07.03.2015 M/s. Cinemax Cinemas India Ltd., Gadkari Sub Division. This decision naturally is binding on this Forum.

19. So far as the recovery of arrears during the pendency of this litigation, the respondent utility was directed to calculate the average consumption of unit for 24 months. The consumer raised an objection and denied the liability. When the meter testing report was shown to the consumer, he objected at denied the said report.

20. To my view this is natural reaction of the consumer. The actual unit assessed is properly verified by this Forum.

21. To my view actual consumption of unit as per average consumption of 952 units per month to be considered for month from May 2013 to April 2015. The consumer has already deposited amount of Rs. 1, 50,000/-. This should have been adjusted. Forum holds that no interest and penalty should be charged against this consumer and he should be granted liberty to pay the arrears of accumulated bill of 24 months in equal six monthly installments along with current bill.

Hence the Forum has partly allowed the complaint and proceed to pass following order.

ORDER

1. The consumer complaint No. 651/2015 is partly allowed.
2. The respondent utility entitled to recover the charges, calculated as average consumption of 952 units per month multiplied by 24 months.
3. Respondent utility shall not charge any interest and penalty against this consumer.
4. Bill should be revised after adjustment and deduction of previous deposited bills of Rs. 1,00,000 and 50,000/- which should be shown separately.
5. Consumer is at liberty to pay the accumulated bill in six equal monthly installments along with current bill.
6. No order as to compensation or 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**