

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. 654

Hearing Dt. 15.03.2016

In the matter of billing

Mr. Girish W. Thakkar

- 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 12.04.2016)

Consumer No. 000093169565 CL 0.50KW SL 0.50Kw connection dated 27/6/1998

1. Above said consumer is having connection since 27/6/1998 under the category 01/LT I Residential single phase. It is contention of consumer that he received

accumulated bill in the month of March 2015 for Rs. 1, 68,580/-. After receiving the said bill consumer raised dispute for receiving exorbitant bill for accumulated units.

2. Initially the dispute was raised before IGRC in Form No. 'X' on 15/10/2015. IGRC passed an order after hearing in case No. 88/2015 on 30.01.2016 and gave directions to respondent utility
 - to verify the dispute and reassess the units consumed on the basis of average consumption pattern of the consumer.
 - to form a committee
 - to accucheck the meter Sr. No. 01443645
 - to rectify the error and
 - report within 30 days.
3. Being unsatisfied with this order of IGRC, consumer raised the dispute in Form No. 'A' on 1/2/2016 before us, upon which, the notice was issued to the respondent utility. After service of notice respondent utility appeared and filed the written statement. The photograph of the meter reading taken showed the consumption of 3808 units in month of Feb and 16848 units in March 2015.
4. It is submitted that the meter was accuchecked and record was verified. It revealed that there was illegal editing of the photo of meter, which continued during all earlier months. This Act was done by the meter reading agency and fraud was detected in vicinity of Mulund, against which FIR is lodged under No. 94/2015 against the agency under section 420, 465, 468, 470 and 471 on 24.02.2015.
5. However, the consumer Mr. Girish W. Thakkar did not pay the bill since March 2015, for which the supply was permanently disconnected and the proceeding was initiated against the consumer. The consumer was charged as per the

directions of IGRC and bill along with demand notice was legally issued. Therefore, consumer is liable to pay the charges along with interest and penalty and the objections raised by consumer liable to be quashed and set aside.

6. It appears from the record that provisional assessment bill issued to the consumer for Rs. 2,34,308/-. Against this, on 19.01.2016 Rs 25,000/- and on 30.12.2015Rs. 1,00,000/- were deposited by the consumer. Copy of the receipt is enclosed.

7. After hearing both the parties and perusing the documents on record, following point arose to our consideration. To which we have recorded our findings point wise.

1) Whether respondent utility entitled to recovery of accumulated arrears in the month of March 2015.

2) Whether bill issued to the consumer is legal.

Reasons

8. As per our directions to the respondent utility to calculate the average consumption of monthly units prior to the change of meter and find out the period of detection of scam of illegal photo editing, respondent utility did accucheck and meter testing and conducted an inquiry. During the inquiry it revealed that there was illegal photo editing even prior to the date of change of meter due to which the consumer was benefited. As per CPL the date of change of meter in particular month was detected. During the hearing of group of cases in illegal photo editing scam it revealed that period of fraud could not be fixed.

9. It is pertaining to note that in earlier instance similar case was decided by this Forum (complaint No. 590 on dated 26.06.2015) Against the order of Forum arising out of the same cause of action made representation to the Hon'ble

Ombudsman in consumer Representation No. 66/2015 which is decided by Hon'ble Ombudsman on dated 13.10.2015 and gave the relief to distribute the units liable to be paid in 42 to 46 months separately under the settlement. Now the other consumers also agree to solve the dispute in similar way. In case of dispute raised by this consumer Shri. Girish W. Thakkar. We have already calculated the difference of units, additional units (4650) and energy charges.

10. During the period of assessment, the copy of the bill was submitted for our perusal. Forum is of view that as per the order of Hon'ble Ombudsman, similar relief must be given to all consumer under the similar circumstances. Therefore, the Forum decided to grant similar relief to all the consumers treating their individual case separately. Also, there is limitation of 24 months for recovery of arrears. The record of CPL since Jan. 2013 is placed on record. Therefore the aggregate difference of unit is to be divided by 24 months for monthly recovery of additional units.
11. We hold that when fraud committed by agency by way of illegal photo editing, consumer should not suffer when he was ready to pay additional used units charged against him and he should get benefit of equal monthly installments as is already granted by the Hon'ble Ombudsman.
Hence I inclined to accept the complaint of consumer and proceed to pass following order.

ORDER

1. The consumer complaint No. 654/2015 is allowed.
2. The respondent utility directed to withdraw the accumulated bill issued till March 2015.
3. The respondent utility is allowed to recover the additional units for prior 24 months in equal monthly installment.

4. The respondent utility directed to issue revised bill and to recover the arrears divided in 24 month equally without charging interest and penalty. The supply of the consumer shall be restored immediately within 24 hours after receiving first installment.

Proceedings 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