

(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.665

Hearing Dt. 13.07.2016

In the matter of issuing of wrong arrears recovery bill and reconnection of service to the premises of consumer

Mrs. Chhaya Vishnu Patak, - Applicant

Vs.

M.S.E.D.C.L. Bhingari Sub Division, Panvel - I - Respondent

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri. Anil P. Bhavthankar, Chairperson, CGRF, Bhandup.
- 2) Shri. Ravindra S. Avhad, Member Secretary, CGRF, Bhandup.
- 3) Dr. Smt. Sabnis, Member, CGRF, Bhandup.

B - On behalf of Appellant

- 1) Mrs. Chhaya Phatak – Consumer

C - On behalf of Respondent

- 1) Mr. Maske, Addl. Executive Engineer, Panvel I sub Division

Consumer No.028850009009

1. Above name consumer filed this complaint against respondent utility alleging that he received supply of connection and use for residential purpose at address given on the consumer date of connection 17.05.2012 sanction load and connecting load 0.20KW. It is connection of consumer she is not actual staying in the residential premises as both are service as revenue department. She made advance payment towards electricity bill for amounting RS.3230/- vide receipt No.8045304 date 01.03.2014 since the

consumer was not staying and occupying the premises actual use of consumption received “0” unit. Therefore the consumer was required to the bill at per minimum charges. It is further contention of consumer that both the consumer charge for minimum bill august 2014 and suddenly thereafter both the consumer charge on average basis in the month of dec.2015 when consumer visited the premises she found the supply of electricity was disconnected and meter was shown PD by authority of respondent utility. Consumer submitted that she did not received any communication or notice regarding disconnection either oral or in writing Therefore consumer pray that action of respondent utility taken to issued average bill and then action of disconnection is totally illegal. Consumer pray for reconnection of supply immediately without leveling any charges. I also prayed for confirmation of balance she made towards advance deposit against the bill with respondent utility.

2. After filing the complaint consumer relied on the decision of IGRC in case No.57/2015-16 order dated 18.02.2016. IGRC allowed the complaint partly and directed to correct B-80 given in April 2014 and wrong billing on account of faulty meter status. IGRC also directed for refund of access payment on account of bill revision and refund of Security Deposit. IGRC also directed respondent utility or new connection to the consumer after payment of necessary charges and fulfilling required formalities and submitting necessary document and after receipt of payment new connection should be issue to the consumer within 2 days. Being dissatisfied with the order of IGRC consumer filed this complaint in Schedule Form ‘A’ before this Forum on dated 29.03.2016. After filing this complaint notice was issued to the respondent utility. After service of notice respondent utility appeared and filed reply on 12.05.2016. It is contention of respondent utility that above said consumer charge “0” unit consumption till August 2014 consumer had

deposited and paid charge 3240/- towards credit mention in the account on 01.03.2014 due to advance payment by consumer bill for March 2014 was credited and wrong B-80 was feed in April 2014. Thereafter from September 2014 to January 2015 consumer was billed as per faulty report basis and average bill of 101 unit was charge and shown in the bill in January 2015 per amounting Rs.2739/- due to nonpayment of said bill the consumer connection was PD in Feb 2015. It is contention of respondent utility that return communication was send to the consumer for recovery of bill and disconnection on the given address of consumer was not staying in the premises the communication was not received to the consumer. It is informed by the respondent utility to this Forum as per order of IGRC on 18.02.2016. The security deposit and credit bill amount refund the proposal was sent to division office for amount Rs.2555.68 + SD amount 2000 and total amount of 4555.68/- was required to the refunded to the consumer. Accordingly, necessary document which include copy of CPL and correspondence filed by the respondent utility. I have given opportunity to the consumer who both appeared before this Forum on following date 13.07.2016. I have carefully gone to the initial complaint filed by the consumer before IGRC the dispute which is considered by IGRC and order pass by IGRC on the complaint not agree by the consumer.

3. The dispute arose before this Forum on following point.

1] Whether action taken by respondent utility for recovery of average unit bill showing consumer connection service PD and recovery of bill is legal valid and proper.

2] Whether consumer entitled for relief for restoring electricity supply without any charges.

3] Whether consumer is liable to pay bill arrears to the respondent utility.

Reasons

4. I have considered the complaint of consumer initially following point which are true of the face of record on 01.03.2014 consumer deposited amount of Rs. 3240/- towards advance credit bill deposit. However the record maintain by respondent utility disclose the consumer was billed as per "0" till April 2014. Thereafter action taken by respondent utility is not found any justification or proper reason issuing the bill to the consumer showing as faulty meter status against the said faulty meter status average consumption of unit 101 is charge till Jan. 2015 and arrears was shown. It is surprises to know from the record maintain respondent utility when consumer advance deposited amount towards payment of electricity bill and knowingly the consumer actually is not occupying the premises as they are service in out station and actual use of unit already treated as '0' unit and minimum bill was issued by respondent utility during continuous period till April 2014 then suddenly showing the status of consumer meter faulty and charging average consumption of unit 101 without any record is absolutely false and illegal. The person who created fault record certainly liable to penal action and disciplinary enquiry is it is not done. The consumer bill lose the faith in respondent utility and bill not respondent to the advantage of depositing advance bill for future period in the field of communication and maintaining faith between consumer and respondent utility according to me the proper action against responsible officer must be taken.
5. Coming to withdrawal the dispute as advance deposit of bill which is not accounted by respondent utility properly. It is necessary to maintain that the IGRC not considered this issue during the hearing in proper way and order for refund of amount and security deposit considering the action of PD and disconnection was term by IGRC legal. But in my view there is advance deposit already made by consumer the action average recovery bill and

showing the status of meter PD of this consumer and taking action of permanent disconnection showing wrong PD arrears not paid by the consumer without communication neither the arrears bill nor legal notice of disconnection properly served. Therefore entire action of respondent utility is illegal and improper therefore I am in client to set aside the order of IGRC and considered the prayer of consumer his entitled to restore the supply on same security deposit and further she is entitled for adjustment of deposit amount already made by her by calculating minimum charges during the disputed period. There is no necessity to make any refund of security amount nor repayment of deposit to the consumer as order of IGRC is quash and set aside. I found wrong action taken by responded utility against the both consumer required to be quash and set aside the consumer prayer for reconnection of supply without any charges such relief should be granted. Hence, I am in client of allow the consumer compliant and proceed to pass following order.

ORDER

- 1) The consumer complaint No. 665/2016 is allowed.
- 2) The consumer to entitled to restore the electricity supply immediately on same Security Deposit the advance deposit of bill should be adjusted by calculating minimum average bill of '0' units consumption order pass by IGRC and action taken of PD connection and wrong B-80 as illegal stands set aside. The respondent utility shall pay the penalty cost of Rs. 1000/- each to the consumer and shown adjustment in the bill.
- 3) No order as to the cost.
Both the parties be informed accordingly.
Proceeding stayed.

Compliance should be reported within 30 days.

The order is issued under the seal of Consumer Grievance Redressed Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup.

Note:

- 1) If Consumer is not satisfied with the decision, it may proceed 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

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

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

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