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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. 667

Hearing Dt. 28.06.2016

In the matter of accumulated exorbitant bill refund faulty status

Mr. Bhalchandra Hari Bhoir, - **Applicant**

Vs.

M.S.E.D.C.L. Panvel I Sub/Division - **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. Archana Sabnis, Member, CGRF, Bhandup.

B - On behalf of Appellant

- 1) Shri. Bhalchandra Bhoir – Consumer

C - On behalf of Respondent

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

Consumer No 0088320000668. CL- 5KW SL-5KW category of LT Res. Panvel Sub Division 0239

1. Above named consumer filed this complaint against respondent utility stating that he obtained supply for residential use in the month of November 2011 respondent utility issued average bill showing meter status faulty lock reading recorded on the meter shown unit 2473. According to consumer he deposited amount Rs. 25540/- and restore supply as per demand of utility. Consumer

raised dispute initially before IGRC on 05.02.2016 but hearing was not commence. He submitted his return argument but it was not considered in Jan. 2015 meter reading ought to having been received 150 unit which was charge by utility in the month of November 2015 respondent utility taken action against consumer and supply was PD. Respondent utility issued bill along with demand notice for amounting Rs. 1, 52,345/- which is allowed to pay by six month installment. During the pendency of dispute the hearing of the consumer was not commence by IGRC. IGRC decided this complaint of consumer ex-party and pass order stating that consumer is liable to pay entered accumulated arrears bill u/s 56(2) in six monthly installment amounting Rs.1,52,345/-. As per delivery of the said judgment of IGRC consumer be dissatisfied approach to the Forum and filed complaint in form Schedule 'A' on dated 31.03.2016. Hence, demanded bill for revised the bill within the period of 24 month as per section 56(2) E.A. 2003 consumer relied on with the judgment Hon'ble High court in Rototex Polyester case consumer pray for issuing revised bill and allowed to pay by installment 24 month.

2. After filing the said complaint notice was issued to respondent utility on dated 05.04.2016. After service of notice respondent utility appeared filed their reply on 12.05.2016. It is contention of consumer that meter reading of premises of consumer was not taken since 38 months. Consumer was billed as per average unit of 150 showing meter faulty status in the month Jan. 2015 reading of meter was taken and representative of utility found the meter installed in the consumer premises was working in OK condition meter bearing serial No.1191876 was installed at the premises of the consumer which was tested with accu-check method and the meter reading was recorded correctly and meter was not faulty as per condition Clause No. 15.4.1 of MERC supply Code and other Condition supply 2005 held not applicable in the present case of consumer. The consumer was billed as per actual reading of meter in Jan. 2015 which was made available

for 39 month the total unit consumer of found utilize 29409 which is average base of 523 unit per month for the period of 39 month and consumer was bill only 150 unit average per month earlier which was letter filed served the bill 1,52,645/- and after dividing the said unit equally and adjusted in bill which is already issued to consumer in spite of revised bill by equal adjustment monthly as per consumption of unit benefit was given to the consumer he did not pay the bill. Therefore in the month of November 2015 the connection was permanently disconnected due to nonpayment of bill by consumer Nov. 2015. Thereafter consumer approach to IGRC Cell Vashi Circle and their order after receiving amount Rs.25,440/- feed by the consumer the supply was reconnected utility pray that consumer complaint filed his false and no prima facie case dispute already solved by IGRC and therefore this complaint liable to be dismiss with cost. The respondent utility filed copy of CPL and all other relevant document.

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

1] Whether respondent utility entitled to recover accumulated bill for the period 39 months.

2] Whether consumer is entitled for any relief.

Reasons

4. I have given opportunity to the consumer and his representative and also to the Nodal officer of respondent utility who appears before this Forum on following given date 21.04., 05.05. 28.06 ,13.07.2016 and other dated because consumer /consumer representative not attend hearing requested another date due accident to his representative .I have carefully made scrutiny of dispute raised by the consumer according to consumer respondent utility issued bill in the month Jan. 2015 was charging accumulated unit 2409 amounting Rs.278618/-. The total period was calculated 39 months. Respondent utility submitted in the reply

the reading was not taken at the premises of the consumer this is a serious lapse in the functioning of respondent utility who fail to visit consumer premises periodically and not access the premises properly which resulted for a considerable long time the consumer was receiving average consumption of unit 150 showing the meter was faulty the endorsement recorded on the bill and see of utility bringing the case of consumer in faulty meter status and issued the bill on average monthly unit of 150 for considerable long time which is fault on the function of respondent utility side not taken proper care and precaution. The consumer cannot be held responsible for non action of officer of respondent utility.

5. In the month of Jan 2015 meter of the premises was check and found the meter was working properly which is checked and verify by accu-check method is this contention of respondent utility is to be believed then continuous issuing of average bill on the part of respondent utility and issuing the bill in the month of Jan. 2015 claiming accumulated arrears for 39 months according to me absolutely illegal and improper in all other condition is at all the meter was in OK condition but reading was not recorded properly due to faulty of respondent utility official accumulated arrears of bill which is access wrongly by respondent utility. In this complaint even IGRC Nodal officer have not taken proper care to make assessment and view the consumer complaint in proper line being influence by Higher Authority. Therefore giving direction to pay entire unit consumption for 39 month and granting six equal installments cannot be set to be exit relief of justice made by IGRC which is not in favor of consumer with according with law.
6. I have considered grievance of consumer and found under section 56(2) permissible accumulated recovery of arrears should be only for 24 month from the date of inspection and therefore calculation of unit proportionately which is already recorded is reassess and reviewed by respondent utility properly. Consumer is justified in raising the dispute and seeking the relief of accumulated

arrears should be only for 24 month. Consumer already deposited amount Rs. 25,450/- which shall be adjusted in payable amount in revised bill. In view of the judgment of Hon'ble High Court reported in ***M/S. Rototex Polyester & Anr vs Department on 20 August, 2009*** the respondent utility can recovered accumulated arrears only for 24 months under section 56(2) for Indian Electricity Act 2003 total arrears shall be calculated without charging any interest or DPC dividing recovered unit in 24 month proportionately not exceeding average consumption pattern minimum use by this consumer no extra charges should be added. Hence I am in client to allow the grievance of the consumer as having prima-facie case in his favor approach of respondent utility is illegal and improper action against erring officer of respondent utility shall be taken in accordance with law. In view of provision under section 56(2) respondent utility shall revised bill accordingly. The amount already paid Rs. 25,440/- shall be deducted from bill. The supply to the consumer shall be continued. After paying arrears six equal monthly installment along with current bill. Hence I proceed to pass following order.

ORDER

1. The consumer compliant 667 of 2016 is allowed with cost.
2. The respondent utility shall revise the accumulated arrears of bill for 24 month and reduced the unit 2409 proportionately and revise the bill without charging any interest and DPC.
3. The Consumer shall pay the accumulated arrears in revised bill in six equal monthly installments along with current bill.
4. No order as to the cost.

Proceedings closed.

Both the parties be informed accordingly.

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

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

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

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