

PHONE NO. : 25664314/25664316  
FAX NO. 26470953  
Email: [cgrfbhandupz@mahadiscom.in](mailto:cgrfbhandupz@mahadiscom.in)  
Website: [www.mahadiscom.in](http://www.mahadiscom.in)

Consumer Grievance Redressal Forum  
"Vidyut Bhavan", Gr. Floor,  
L.B.S.Marg,Bhandup (W),  
Mumbai – 400078.

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REF.NO. Member Secretary/CGRF/MSEDCL/BNDUZ/

Date

**Case No. 89/2016**

Hearing Dt. 20/09/2016

**In the matter of illegal recovery of accumulated provisional bill for unbilled period charge by respondent utility amounting Rs. 53719/-**

**Mr. Nitin Anant Naik**

- **Applicant**

Vs.

**M.S.E.D.C.L. Belapur Sub Divison, Vashi**

- **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.

B - On behalf of Appellant

- 1) Shri. Nitin Naik – Consumer

C - On behalf of Respondent

- 1) Mr.Chate, Additional Executive Engineer, Belapur Sub Division.

**Consumer No.000312630036**

1. Above named consumer already filed this complaint against respondent utility stating that he was allotted the dispute premises by company where the meter record CPL disclosed since October 2008 the said connection was PD on 18.02.2013.He informs to respondent utility for restoration of supply. The said letter was not found on 11.03.2016 again he requested respondent utility official who restored the supply and issue the correct bill as per the reading. On receiving the said letter 12.03.2016 lineman Shri. Male and he associate visited

the premises on 17.03.2016 no report was filed or inform to the consumer on enquiry consumer inform the said connection was PD. Thereafter on 04.04.2016 & 05.04.2016 letter was send to the consumer inform that period of the bill was not mention on said annexure bill issued on 11.04.2016. The amount of Rs. 1823 added in the bill of next month after receiving this said bill consumer raised objection and demanded copies of document. The billing period mention by respondent utility to since October 2008 to March 2016. Consumer alleged that the said premise was no actually occupied by him and he has not consumed huge arrears unit supply to the premises during the said period. Consumer raised dispute against the respondent utility and refuse to pay the bill. Earlier the consumer approach to IGRC and raised the dispute consumer attach the provisional bill issued dated 04.04.2016 and the demand notice 11.04.2016 claiming amount Rs.. 53721-/- along with bill dated May 2016. Vashi Circle division upon receiving the consumer complaint No. 82/2016-2017. Thereafter on IGRC gave opportunity of hearing on 13.06.2016 the dispute and objection of consumer was heard by IGRC cell. Thereafter IGRC decided the dispute and allow the consumer complaint partly. IGRC gave direction to revise the bill form 01.09.2011 instead of October 2008 and directed to consumer pay the bill in six monthly installments. IGRC also directed to fix reasonability on concern employee who responsible for unbilled this consumer for longer period.

2. Being dissatisfied with the order of IGRC consumer approach to the Forum and filed all relevant document consumer pray that to verify the copy of CPL giving direction to respondent utility to revise the bill and pass order in his favor.
3. After filing the complaint notice was issued to the respondent utility on dated 20.09.2016. Respondent utility appeared and filed reply informing to the Forum that this consumer was made PD since October 2008. The supply was in used on verification report dated 23.03.2016. The consumer was unbilled from Oct. 2008 to March 2016 the bill was issued to the name of consumer M/s Nagva

UARD sector 03. , Belapur Navi Mumbai. The billing period is 90 month from October 2008 to march 2016 as per verification report unit recorded on that part dated 23.03.2016. Respondent utility inform that consumer used supply and consume the unit record on meter 11153 for the period of 90 month. Thereafter consumer approach to IGRC cell and as per direction of IGRC the bill was revised instead of October 2008 to September 2011 thereafter record was verified receipt of the Rs 480/- and Rs. 250/- is appeared of dated 03.02.2010 and on the request mention on the said letter and receipt the supply was restore. At the time of feeding report by IT Section of MSEDCL of this meter no 52114783513 initially reading was recorded 2 unit and finally unit was recorded on 11513. The period on April 2011 to April 2016 calculated 61 month after split the units bill amount 69660/- . The consumer was found residing in the said premise since 2013 respondent utility pray that unbilled period of 90 month bill issued as per record liable to pay by the consumer therefore the consumer is directed to deposit amount of Rs.69660/-

4. After perusing the contention and objection raised by the consumer and after hearing & the reply of utility following point arose to our consideration. To which we have recorded our finding to the point for the reason given below.
  - 1) Whether respondent utility entitled to recovered unbilled for the period October 2008 to April 2016.
  - 2) Whether provisional bill issued is legal valid and proper.
  - 3) Whether consumer is entitled for any relief.

### **Reasons**

5. On dated 04.09.2016 I gave opportunity to consumer and respondent utility I have verified document filed by consumer and also by respondent utility. The disputed amount of bill mention Rs 53719 /- provisional bill issued on 04.04.2016 claiming period from October 2008 to 23.03.2016. The case of the consumer is

that he was allotted the quarter by department and initially he was occupied in quarter no 01. As per the won contention of consumer due to internal administrative order he was asked to occupy the premises quarter no 03 at the time when order receive 1n the year 2011 but the said premise was not ready for occupation and therefore he shifted to quarter no 03. But actually he was not using the premises so far as earlier status of installation on his premises the copy of CPL and IT record indicate that in the October 2008 the said connection is PD. Thereafter as per the request of official the receipt date of installation charges & request for reconnection dated 03.02.2010. The supply was reconnected to the premises entry in the record found of payment of amount 250/- & 480/- dated 03.02.2010.aamount received to the office and as per installation report. The premises are reconnected with supply. As the said consumer after change of meter and new installation was not shown in IT record no data was feeded. However on 18.05.2011 the data was feeded in the mean time it is the contention of consumer he issued letter to the respondent utility and inform that he is not receiving the bill since the premises is occupied by him in the May 2011. Again in the year 2013 he inform to the utility office he not receiving the bill after persuasion made by the consumer respondent utility official visited premises and verify the status. It is disclosed by that the said premises was PD October 2008 and It was reconnected by deposited of fees by official on 03.02.2010 but no data was feeded. Therefore provisional bill was issued by respondent utility on 04.04.2016 claiming amount of Rs. 53719/- charging consumption of unit between the said period 11153 units the period which was calculated and claim in the provisional bill in October 2008 .so far as the provision and regulation related the unbilled the consumer when the meter was found working it is necessary to consumer pay the charges as per reading recorded on the meter. In this case the date of change of meter February 2010. Consumer was remain unbilled till September 2011. This consumer approach to respondent utility office first time in the year 2011 and thereafter again inform

much letter on the period on 18.02.2013. Therefore liability again this consumer starts from the period April 2011 when entry was made in the CPL and IT record regarding this record. However accumulated arrears of bill unpaid by consumer due to unbilled not at the fault of consumer. There is no question of continuous demand required to be considered in this case. I found respondent utility claiming the accumulated arrears of 61 months alleged consumption of unit and issued the provisional bill of showing the unit alleged to be consumed by this consumer 11153 and total amount is access 57719/-. The said unit recorded as per checking inspection report dated 23.03.2016. but the assessment of the period is beyond limitation prescribed under section 56 (2) of E.A. .To my view the respondent utility cannot recover accumulated arrears bill even against unbilled consumer beyond the period of 24 months all earlier observation and order pass by IGRC cell or official informing B-80 is prepared accordingly bill not be a correct assumption. As the respondent utility cannot act contritely to the regulation provided under 56(2) of E.A. even as otherwise no accumulated recovery of 61 month period can be said illegal. The consumer approach to the Forum and inform that reassessment office liability freshly consider during the hearing. The proportioned distribution of unit of 24 months earlier recovery should be made against by respondent and payable by consumer which is equivalent to monthly consumption recorded by this consumer using the actual unit. Therefore I am in favor to allow the said consumer complaint and proceed to pass following order.

### **ORDER**

1. The consumer complaint No.89/2016 is allowed.
2. The respondent utility entitled to recover accumulated arrears of unbilled consumer 24 months only. The unit claim should be divided equivalent to 24 months as per monthly consumption pattern of this consumer. No other

charges interest DPC would be payable by the consumer. Consumer is at liberty to pay the accumulated bill after calculation in six monthly installments along with current bill. Hence complaint stands dispose off.

No order as to the cost.

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**

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

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