

A Govt. of Maharashtra Undertaking)
CIN : U40109MH2005SGC153645

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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. 68/2016

Hearing DT.28.09.2016

In the matter of unbilled consumer recovery bill issued accumulated arrears

M/s. Mitali CHS

- **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.

B - On behalf of Applicant

1) Shri. Mahendra Nene

2) Shri. R.B. Lad - Consumer Representative

C - On behalf of Respondent No.

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

Consumer No.000028044453 Date of connection 15/01/2008 connection load – 0.50kw sanction load 0.50 KW category 01 LT I

1. Above named consumer filed this complaint against respondent utility alleging that to society received supply of connection to give him under the category of 01 LT I residential single phase connecting 0.50KW sanctioned load 0.50KW date of connection June 1998.Consumer received letter from respondent utility on 1.10.2012 in forming as per circular issued CE/BNDUZ/T-2010 dated 13.06.2010 there is requirement for clubbing of common meter for residential

office society and commercial complex. In view of compliance of this circular No 110 dated 16.06.2010. The respondent utility desire to implement the circular in the society complex. Therefore authorized officer of utility visited the premises of the consumer and found to electricity connection installed in the premises in the name of Sameer Mukand Natu M/s. Mitali Apartment bearing description given on meter No.01 & 2 .During the course of inspection it is notice that meter no 900230603 the supply was used by society and against meter No. 6303301664 consumer no 28044453 required to be club. On said supply of meter the service connection provision to the society remain unbilled June 1998 to Jan. 2016. Therefore, supplementary bill was issued to the consumer demanding accumulated units recorded on the meter found 46209 and accordingly bill in the month July 2016 for amount Rs. 1,86,000/-.

2. After receiving the said bill the consumer raised dispute alleging that accumulated recovery of bill is illegally and exorbitant not at the fault of society. Thereafter consumer approach to respondent utility official by filing grievance on 29.06.2016. Initially consumer deposited amount of Rs 40,000/- by cheque against outstanding amount 1, 86,000/- and remaining amount 1, 46,225/- was remain unpaid. Thereafter consumer was not ready and willing to pay the said bill. On demand made by utility therefore consumer approach initially to IGRC cell and raised the dispute by filing complaint. IGRC cell register case No 44/2016 and notice was given to the respondent utility on 07.06.2016 opportunity of hearing given to the consumer and respondent utility official IGRC cell decided the dispute on 17.06.2016 against the consumer directing him to deposit the bill as per reading recorded on meter No 3301621 from June 1998 to Jan 2016. IGRC cell also allowed the society to pay the due by installment.
3. Being dissatisfied with order of IGRC consumer approach to the Forum and filed grievance in form No 'A' on dated 02.08.2016 and pray that accumulated arrases form June 1998 to Jan. 2016 bill claim by respondent utility is exorbitant

against the law illegal and pray for provision of bill as per rules also pray for restraining respondent utility to disconnect the electric supply to the premises being connection is use for public purpose in B wing of the society

4. After filling the said dispute notice was issued to the respondent utility. After service of notice respondent utility appeared and filed reply. It is submitted that respondent utility that as per inspection report received to the utility official it is notice meter installed to be wing against consumer No. 11521193/5 of the said premises was remain unbilled. It is notice at the time of inspection the reading recorded on the meter for the date of installation till Jan. 2016 was 46209 from May 1998 to Jan. 2016 was remain unbilled and therefore supplementary bill was prepared for amounting Rs. 186000/- payable by the consumer out of which provisional bill initially issued for amounting Rs. 40000/- deposited consumer by cheque on dated 13.02.2016 and remaining amount was unpaid Dispute raised by the consumer for exorbitant and accumulated arrears more than 24 months under section 56(2) of E.A. is not applicable for unbilled meter reading as society never brought to the notice of utility nor produce any document nor earlier any point of time the bill for the use of said connection paid by the society regularly .Therefore society is not entitled to any benefit and as per provision actual unit used by the society and consume for public purpose using the said premises for stair case and open public premises. Liability is upon the consumer to pay the bill as demand the complaint filed by the society not in accordance with law and therefore direction may be given to society to pay the remaining bill. Consumer filed document of correspondence letter copy of from No. 'X' supplementary bill copy of inspection report and letter issued by respondent utility per claiming clubbing of meter as per circular and direction. I perused all the document filed by consumer and respondent utility for deciding the said dispute.

5. 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 below.

1) Whether respondent utility entitled to recover unbilled arrears of bill form June 1998 to Jan. 2016 for consumption of unit recorded on meter 46209 amounting Rs1, 46,225/-.

2) Whether consumer is entitled for any relief.

Reasons

I have given opportunity to hearing to the consumer and his representative and also authorized officer respondent utility on dated 03/08/2016 and various date. Respondent utility filed copy of B-80 calculation of 24 months unbilled consumer require to pay the bill approximately amount Rs. 35081/- payable. It appears form the dispute the reason of unbilled consumer whether recovery of accumulated arrears more than 24 months can be permissible section 56 (2) E.A. reads as under

“56(2) Notwithstanding anything contained in any other law for the time being in force, no sum due from any consumer, under this section shall be recoverable after the period of two years from the date when such sum become first due unless such sum has been shown continuously as recoverable as arrear of charges for electricity supplied and the licensee shall not cut off the supply of the electricity.” In view the provision of this section there must be continuous demand of bill issued by the respondent utility for purpose of nonpayment of the said bill disconnection should be possible.

6. In this case as the consumer remain unbilled and actual use of supply already made and utilize of consumer for purpose of stair case and open premises. It is also notice that under the clubbing of meter scheme the supply was connected

to live meter against which the bill was paid regularly and therefore nonpayment of accumulated arrears cannot be said faulted at the instance of the consumer. To my view there is responsibility also live on consumer to pay the bill if supply is used by society for public purpose of the society official of the society remain unattmpting and resulted nonpayment of bill till the date of inspection. The provision of section 56 (2) of I.E.A. 2003 restrict respondent utility a limitation for arrears of recovery of any kind the bill should be paid of the consumer. There is no other the provision under the said electricity act permit respondent utility to claim recovery more than 24 month under general clause of limitation availability to the respondent utility. Therefore in this proceeding respondent utility unable to issue the bill more than 24 months. The dispute raise by the consumer seems to be appropriate and proper but to my view the consumer cannot escape form the liability payment arrears of remaining unit under this statue. Therefore respondent utility is at liberty to claim the recovery of arrears in appropriate proceeding like civil suit in competent court of law subject to limitation act.

7. I found during the course of hearing respondent utility already submitted that amount of 40,000/- already deposited by consumer shall be adjusted in the total liability of payment arrears to be recovered from the consumer. Respondent utility submitted B-80 showing total arrears RS 35817.131/- to be recovered against the consumer and therefore which is appropriate and proper. In the light of this circumstances considered by this Forum the consumer should be liable to pay the arrears for 24 months arrears as calculated and claim under B-80 .For the reaming amount consumer shall execute Indemnity Bond for liability to pay remaining amount as per order by competent court in future.

I am inclined to partly allow the consumer complaint and proceed to pass following order.

ORDER

1. The consumer complaint No. 68/2016 is partly allowed.
2. The respondent utility entitled to recover accumulated arrears of amount shown in the B-80 Rs. 35817.31/- against the consumer. For remaining amount the consumer shall execute indemnity bond showing his liability to pay the amount as per order on competent court in future. No interest penalty and other charges shall be recovered from consumer.

No order as to the cost.

Proceeding 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

ANIL P. BHAVTHANKAR
CHAIRPERSON
CGRF, BHANDUP

RAVINDRA S. AVHAD
MEMBER SECRETARY
CGRF, BHANDUP