



(A Govt. of Maharashtra Undertaking)

CIN : U40109MH2005SGC153645

PHONE NO. : 25664314/25664316

FAX NO. 26470953

Email: cgrfbhandupz@mahadiscom.in

Website: www.mahadiscom.in

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. 98/2016

Hearing Dt. 09/11/2016

In the matter of exorbitant accumulated reading bill claim by respondent utility(MSEDCL)

Mrs. Dwarika Sharma.,

- Applicant

Vs.

M.S.E.D.C.L. Vashi 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. Suraj Chakraborty – Consumer Representative

C - On behalf of Respondent

- 1) Shri.Tekale Additional Executive Engineer, Vashi Sub Division.

Consumer No. 00486483636 and 000488411225

Above said consumer received the bill in the month of Jan. 2015 for accumulated arrears along with current bill for amounting Rs. 1,48,190/-. Sanction Load 12KW &

connected load 12KW LT I Residential 3 phase. It is contention of consumer since December 2015 pay the regular bill as reading recorded on the meter as the said premises was lying vacant till the July 2016 and when he visited the premises he found there is no electricity provided to his premises. So he approach the respondent utility MSEDCL was seeking clarification respondent utility he should duplicate bill for amount 1, 33,373.00/-and 1, 38,190/- for other meter. After receiving the said bill the consumer was shock and being disagree with the consumption recorded on the meter in one month. He approach to junior Engineer for clarification no favorable answer received to consumer from respondent utility office so he demanded copy of CPL for year 2012 -2013 and 2013-2014. After seeing the said consumption patten yearly maximum consumption according to consumer recorded unit 4500 unit per year. However respondent utility claim consumption of unit 8700 units. Consumer alleged that respondent utility generated in correct and false bill and not followed the circular of 254/5.12.2015 considering previous average bill the bill generated to the consumer was required to be reassess and verified and initially excess amount paid should be refunded.

Consumer initially not approach to IGRC and chooses to file earlier consumer complaint no 658/2016 before this Forum. On dated 30.06.2016 the hearing was made this Forum given direction to the consumer to such approach to IGRC Cell and his complaint to was seems to be rejected as per provisions of Law. Thereafter this consumer again approach to the Forum raising the objection that accumulated arrears bill claim by respondent utility and in the month of Jan. 2016 is exorbitant incorrect and as per circular No.254 /dtd.05.12.2015. Consumer also pray to check the meter and revised the bill issue by the respondent utility claiming amount of both the meter installed in his premises. It appears that after filing complaint before IGRC consumer not received any order within stipulated period of 2 month. Therefore again the consumer approach to the Forum by filing representation in prescribe schedule 'A' on 22.09.2016 and claim revise the assessment of bill as per the Section 56 Electricity Act 2003.

After filing this complaint notice was issued to the consumer and respondent utility. After service of notice respondent utility appeared on 19.10.2016 and filed para wise remark. It is contention of respondent utility that consumer is LT residential consumer CL-12KW and date of connection is 4.02.2000. In the month of December 2015 bill issued to the consumer 1,40,319/- recording 8761 units respondent utility submitted that the said premises of the consumer was lock since April 2015 and the bill issued up to November 2015 was estimated as per CPL units recorded. Actual reading recorded on the meter of consumer the revised bill was adjusted and the estimate was given to the consumer by following Regulation No. 15.3.1 as per MERC Electricity Supply Code and Supply code other condition 2005 and the bill was revised for amounting Rs. 99,080/- also prior to the revision of bill the meter installed in the premises of the consumer was tested for accuracy working condition. The report received from Executive Engineer testing vide letter No. EE/VAshi/Tech/Lab/1370 dtd. 16.05.2016 which is enclosed. Respondent utility submitted that as per the hearing commence before the Forum on 17.06.2016 and dated 30.07.2016 the consumer was directed was earlier case to deposit amount of Rs. 50 % of the amount and matter was referred of IGRC Cell. The bill amount 50% Rs. 76680/- was outstanding against the consumer to be recovered on 30.06.2016. The consumer paid amount on 14.07.2016 and supply was reconnected accordingly. The record found that other meter on show connected load 12KW residential purpose date of connection is 05.04.2004 on the another meter in the month of December 2015 the bill amount Rs. 1,35,172/- a recording unit 8481 units . The consumer was billed in June 2013 as per the copy of CPL the bill was prepared as the premises was shown lock and earlier bill estimated on the basis of CPL was less .Complaint received on 10.02.2016 and actual reading was adjusting on estimated bill as per Regulation No. 15.3.1 of Regulation amounting Rs.1,48,155/-. The said meter was also theft case and report of Executive Engineer received by same letter no.1365 on 16.05.2016 against the said bill as per direction was this Forum consumer was advise of deposit 50% amount of the revised bill. The interim bill amounting 50% i.e 74080/- was outstanding bill was issued on 30.06.2016.

Consumer has paid the amount on 14.07.2016 and the supply was reconnected accordingly. The supply of the both premises was reconnected after payment of 50% of outstanding amount. Therefore allegation made by the consumer breach of section 56(2) E.A. 2003 does not arise. Respondent utility pray that as the connection of both the meter was revised and allowed to consumer to pay interim amount now the complaint made by the consumer had no cause of option. Therefore the complaint made by the consumer against both meter liable to be dismiss with cost.

Consumer filed all necessary documents of bill the issued December 2015 and Jan. 2015 earlier correspondence and letter made to the respondent utility. Respondent utility also filed copy of CPL, meter testing report, analysis report dtd. 16.08.2016 and actual MRI report dated 08.02.2016. I have perused all the document produce by consumer and respondent utility.

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

- 1] Whether respondent utility is entitled to recover accumulated reading unit bill.
- 2] Whether revised bill issued was respondent utility legal valied and proper.
- 3] Whether consumer was entitled for any relief.

Reasons

On various dated forum gave opportunity to consumer and his representative Shri. Suraj Chakraborty who appeared before the Forum. Forum also gave opportunity to respondent utility official and the matter was heard by this Forum. It appears that earlier bill issued to the consumer and paid by the consumer was not as per actual meter reading recorded on the meter. As the copy of CPL disclose the premises was lock. Therefore when actual meter reading was available to the respondent utility office on complaint received by the consumer the meter was theft case on 13.05.2016. The accuracy case before shows in meter in working condition the supplementary bill and the revised bill was issued by respondent utility on 30.06.2016. The revision of the bill was already considered by respondent utility by following MERC Regulation No. 15. 3.1 is reads as **"In case for any reason the meter is not accessible, and hence is not read**

during any billing period, the Distribution License shall send an estimate bill to the Consumer”

The allegation made by consumer it is exorbitant and incorrect assessment of the bill or the meter was not working in proper condition both the allegation does not substantiated as respondent utility filed photo copy of meter recorded at the premises and the actual reading was said the meter was checked. The meter reading recorded in the CPL situated in the premises both the meter No. against the consumer no and meter no was verified. As per copy of CPL the bill which is already deposited by consumer was revised. It is pertaining to note that consumer already deposited 50% of amount as per direction of this Forum and again raised the dispute which was according to consumer was not called properly.

Therefore this Forum gave minute consideration to allegation made by consumer against the respondent utility the copy of CPL and recorded unit consumption charge at the respondent utility against this consumer was verified though unit are undervalued and not as per actually reading recorded on the both the meter situated in the premises .Even the action of disconnection of supply over nonpayment of bill by the consumer. The action was already taken .As the consumer approach to the Forum in interest of consumer the direction was given to the consumer to deposit 50% of amount and allowed him to raised the dispute. To be called before this the Forum in subsequent hearing as the action taken by respondent utility and already revised bill was issue to the consumer considering giving discount of already 50% was deposited the remaining amount yet to be recovered. At the time of hearing all the allegation raised by the consumer was verified by this Forum. According to utility revised bill was issued to the consumer as per Regulation No. 15.3.1.After hearing the argument of respondent utility I found the respondent utility followed correct procedure and issued revised bill. The contention raised by the consumer the benefit of Section 56 I.E.A. 2003 should be given as in present case issuing of bill and continuous demand as per the accurate reading recorded on the meter could not be possible to respondent utility as the premises was lock for considerable long time and it is fault of consumer and not at the hand of the utility. I have only considered that calculation of interest of

accumulated meter reading recorded subsequently should be waved as it is not willful and intentional on the hand of consumer so the he liability of the interest should be waved. However, the revised assessment of the bill of actual meter reading recorded and available when made to the utility it is claim in month of December 2015 and Jan. 2016. To my view consumer is liable to pay the bill actual unit record on the meter and which supply is used. The period of assessment of revised bill should be bifurcated as consumer should get the benefit of slab and avoid unnecessary exorbitant charges. Therefore with minimum direction to the respondent utility they are allowed to claim the bill bifurcating the period of monthly average bill should be assess. The consumer should be given benefit of deducted of amount already paid and deposited up to the date. The remaining amount access to the consumer to utility should not be charge interest and penalty. The consumer also permitted to deposit the said bill along with equal monthly installment with current bill for six month. Hence, the consumer complaint on the material point of exorbitant and accumulated arrears charge by the utility was not illegal and it seems proper. But mode of recovery should be in the benefit of the consumer remaining amount should be recovered by installment without charging interest and penalty. Hence I proceed to pass following order.

ORDER

The consumer complaint No. 98/2016 was partly allowed.

1. Respondent utility directed to recover remaining amount of bill as per actual meter reading recorded by deduction of amount already deposited by consumer and remaining amount payable should be charge without any interest and penalty.
2. The consumer is permitted to deposit remaining amount in six monthly installments.

No order as to the cost.

Proceeding close.

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