

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. 71/2016

Hearing DT.19.10.2016

**In the matter of accumulated excess recovery bill issued by MSEDCL in the month
Feb. 2015**

Shri. Dharmesh Shah and Heena Shah

- **Applicant**

Vs.

M.S.E.D.C.L., Sarvoday 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. Jaganath Kamat

- Consumer Representative

C - On behalf of Respondent No.

1) Shri. Jadhav Additional Executive Engineer , Sarvoday Sub-Division

Consumer No.0000090513427

Date of connection 05.10.2011

Connection load – 4.5 KW sanction load 4.5KW category of LT I Residential

1. Above named consumer filed this complaint against respondent utility alleging that he obtained supply from respondent utility to his residential premises description of consumer and meter No. and date of installation is given above .The said consumer

received bill in the month of March 2015 claiming accumulated arrears recorded on the meter in view of the date of inspection 17125 units. Accordingly the photo scam was detected in the vicinity of Mulund and Thane the section officer submitted spot inspection report dated 11.02.2015. The said meter was found running correct recording unit 24309. Therefore in the month of Feb 2015 the consumer use unit 17125 which is actually recorded unit on the said meter. Therefore the consumer was issued bill of demanding used amount bill Rs.233156/-. After receiving the said bill in the month March 2015 consumer raised the dispute initially before IGRC in Form No. 'X' on dated 22.09.2014 stating that excess and exorbitant bill for residential purpose supply used is wrongly issued. Consumer raised dispute that there is no provision to issue provisional assessment bill. There is no arrears payable by consumer. There is no complaint against this consumer doing any illegal Act and the meter was not check thoroughly though the meter reading was found very high and error. After receiving the said complaint in the month of Sep. 2015 consumer made complaint about meter and deposited meter fees Rs.150/- to the respondent utility office. Accordingly on 12.09.2016 the meter was check and reported that date and time on the meter is not found correct. It appears from the record and contention of consumer in the month of 30.11.2015 the report filed by respondent utility official at the time calibration of meter found no false indication. Hence, meter could not be calibrated and declared as faulty. Consideration this fact and circumstances it appears that IGRC authority not decided the disputed within the period of 2 month from the date of filing and therefore this consumer filed his grievance before this Forum in Schedule 'A'. It is prayed by the consumer the bill accumulated arrears issued by respondent utility it is high and exorbitant. The said bill required to be quash and set aside in view of meter testing report submitted subsequently required to be access the unit as per Regulation No.15.4. The filling the said dispute on 11.08.2016 notice was issued to the respondent utility. After service of notice respondent utility appeared and filed reply on 26.08.2016. It is

submitted by respondent utility giving the description of consumer meter no and consumer no and residential address not disputed. Respondent utility submitted that the final reading recorded on meter for Jan. 2015 was 7228 unit but the consumer was billed for only 208 units as per the spot inspection report on dated 11.02.2015 the actual reading was found 24309. Accordingly to respondent utility this is correct reading and consumer has filed verification report and agreed for the same. In the month of Feb.2015 consumer was billed for 17125 units which is actual recorded unit found on the meter therefore the consumer was bill in the month of Feb.2015 for amounting Rs.233156/-. The letter was issued by consumer dated 16.03.2016 and consumer agreed to pay the bill in two installment. It is specifically submitted by respondent utility that the case was detected under photo scam and FIR was logged by his office in photo edit case as Mulund Police station FIR No.94/2015 dated 24.02.2015 as per section 425, 467,468,470,471 read with 34 of IPC. The respondent utility given bifurcation of unit as per direction given in hearing and submitted the charge of actual unit used by the consumer form Jan. 2013 to Jan. 2015 and from Feb. 2015 to August 2016. In the month of August 2015 on the request of consumer the meter was replaced and thereafter from Sept. 2015 to April 2016 the consumption was recorded 4765 which is average unit for month 595 showing meter status normal. On the request of consumer the meter No.01229926 was replaced in the month of September 2015 and send to testing lab the report found meter seems fast and declared faulty. In view of the said report office prepared B-80 for amount Rs. 42164/- calculated for 24 months and B-80 report submitted to authority for approval. The respondent utility filed document copy of inspection report, copy of CPL, Copy of meter testing report and copy of B-80. I have perused all the document filed by consumer and respondent utility. I have gone through the content of the document.

2. 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 I have recorded finding to the point for the reason below.
 - 1) Whether respondent utility entitled to recover of accumulated arrears of bill issued in the month of March 2015.
 - 2) Whether consumer is entitled to seek relief of reassessment unit record on the meter in view of faulty meter status report meter.
 - 3) Whether consumer is entitled for any relief.
 - 4) What order?

Reasons

1. This Forum fix the hearing of group cases arising out of sarvoday Division and Thane Division which is connected to Photo Edit scam case .The respondent utility submitted details of copy of FIR and the list of the consumer involved in photo scam case. The list consist 1 to 210 consumer out of which consumer approach to this Forum made similar dispute against the respondent utility of accumulated arrears recovery of bill issued by respondent utility to all the consumer in the month of March 2015 on the basis that in the month of Feb. 2015 photo edit scam case was detected. Therefore, the respondent utility sub division office second common drive and inspected the premise of consumer for the purpose of clubbing of group cases the chart of consumer there description of consumer number and meter number date of inspection and actual unit recorded found on the meter on date of inspection was access as below
2. It is necessary to mention important fact that consumer those received accumulated arrears of bill in the month March 2015 before the said date the event of photo edit scam case incident took place . Therefore exact date of starting photo edit scam case could not be fixed by this Forum for fixing general formula the accumulated arrears of bill can be claim by respondent utility

MSEDCL office not exceeding 24 months. It is found to this Forum the date of changing of earlier meter at the premises of consumer should be required to fix for spreading of period of 24 months .The event of date of replacement of meter will be vital as to my view effect of photo edit scam cannot be exceed prior to date of replacement of meter at the premises of consumer therefore 24 month shall be calculated by respondent utility taking into consideration of date of replacement of meter at the premises of consumer individually.

3. It is important to note the fact that though consumer received accumulated arrears bill in the month of March 2015 the date of giving complaint by consumer about defective meter in the month of August September October and November .In such event the meter testing report some cases found defective and therefore the meter which is tested after 6 to 8 month latter the serial no of those meter are same which is mention in accumulated arrears bill in the month of Feb. 2015 therefore the question arose before this Forum whether consumer can be benefited by subsequent status of meter reported faulty for the purpose of assessment of accumulated arrears unit found recorded in the month of Feb. 2015 at the time of inspection.
4. To my view ones the same meter found faulty even though the subsequent period the effect Photo edit scam resulted in issuing bill to the consumer for less recorded unit so seriously cause loss of revenue therefore I am inclined to follow the universal formula which could be benefited judge and proper legal and valid applying justice to the consumer considering and object of the Ombudsman Regulation Consumer Act 2003.The provision which are adversely effected against the consumer at no fault on their path to my view could not be suffered and the same brief there should not be loss of revenue to the respondent utility public related company for the purpose of just and necessity of administration of justice at found overall monthly consumption of unit found recorded on the meter

after new meter is installed at the premises of consumer should be make foundation. Therefore, during the hearing I have given direction to respondent utility to prepare the chart of consumer accessing average monthly consumption of individual consumer verifying their previous record Jan. 2013 to August 2016. The respondent utility submitted chart of recording monthly consumption of individual consumer as recorded on the meter to the range of monthly consumption unit the actual unit shown in the bill of Feb. 2015 and March 2015 is required to be divided in equal month for the purpose of uniform procedure should apply to the individual case of consumer in this case. Therefore to my view individual monthly consumption of unit which undisputed should be the foundation of bifurcation of accumulated unit formula should be fixed so that monthly consumption should be divided equivalent to average monthly consumption as reported and undisputed by the consumer.

5. I found so far as the recovery of the said unit most of the consumer already deposited entire amount but in case of any shortfall the amount require to be recovered from consumer those individual consumer entitled to pay the amount equal monthly installment from fixed to maximum ten installment along with current bill. I have given the opportunity to consumer and his representative and heard argument periodically time to time as it is the group case partly consumer complaint filed in representative capacity to apply uniformity of administration of justice. I am inclined to allow the consumer complaint and proceed to pass following order.

ORDER

1. The consumer complaint No. 70/2016 is allowed.
2. The respondent utility shall calculated accumulated unit considering undisputed monthly average unit agreed by consumer and spread the period of bifurcation

for 24 month and amount shall be paid by in six to ten installments by consumer without charging interest, DPC and Penalty. Party to bear their own cost.

Proceeding close.

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