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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. 554

Hearing Dt. 22/12/2014

Shri. Abhay Neurgaonkar

- **Applicant**

Vs.

M.S.E.D.C.L., Kolshet Sdn.

- **Respondent**

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri. Anil Bavthankar, Chairman, CGRF, Bhandup
- 2) Shri.S.B.Bhalshankar, Member Secretary, CGRF, Bhandup.
- 3) Dr. Smt. Sabnis, Member, CGRF, Bhandup.

B - On behalf of Applicant

- 1) Shri.Abhay G. Neurgaonkar - Consumer
- 2) Mrs. Smita A. Neurgaonkar

C - On behalf of Respondent No. 1

- 1) Shri. M.K.Sangle, Executive Engineer, Wagale Eastate.
- 2) Shri. J.M.Diwigware, Asst. Engineer, Sub Division, Kolshet

ORDER

The consumer has informed that he is occupant of the residential premises at the given address. He has filed this Case No. 554 before us.

He has stated in the complaint that he received faulty bill in the month of June 2011 first time. Thereafter he approached Patlipada Ghodbandar Road Sub division and informed the Office about faulty bill on 29/04/2014. He again gave reminder and representation by Email informing the respondent that from

November 2013 to May 2014 he has received faulty bills, as the meter has shown round bills and status faulty.

It is informed by the consumer that in the month of June 2014 he received bill in which arrears of Rs. 49529/- were shown for the first time. Therefore he again informed Kolshet sub division Office and made Grievance. But no action was taken by respondent Therefore he filed this complainant before the Forum. Thereafter notice was issued to respondent office calling upon para wise remarks. Accordingly reply is filed by the utility.

Consumer complainant has filed 20 documents along with the complaint. We have perused all the document carefully. It appears that consumer during the pendency of this complaint has deposited amount of Rs. 61,000/-. The respondent submitted CPL statement of this consumer which is also perused by this Forum.

It appears that Respondent issued bill to the consumer in the month of June 2014 claiming charges towards arrears, amounting Rs. 50320/- for the first time. It appears that in the previous bill the Respondent had charged minimum bill for unit 150 for months continually till demand of arrears made in the bill of June 2011; which is illegal and mistaking as section 56 (2) Maharashtra Electricity Act 2003. The section reads as under:-

As per this provision, the respondent Company cannot recover DF charges beyond the period of 2 years from the month when the arrears were shown for the first time. Therefore claiming arrears for the period beyond 2 years from the consumer is illegal.

We have also heard argument of representative of Respondent. It is contention of respondent that section 56(2) is not applicable in this case, and thus the respondent company can recover energy bill amount beyond period of 2 years as the consumer has not paid any amount. It is also submitted that the consumer is liable to pay charges on actual units used by him during period and the utility is entitled to recover charge for use along with interest and penalty.

The consumer had paid the amount Rs. 62630 and shall not refund. He had paid against energy utilized by him.

We have come across the judgment reported in Bombay High Court 10764 of 2011 MSEDCL of Sinddurag Vs BSNL Devgad, Sinddhudurg. It is observed in the same judgment and interpreted section 56(2) proviso as under: that respondent company entitled to claim arrears of the bill beyond the period of 2 years, where the arrears demanded in previous bills continually; apart from

whether consumer paid it or not. In the present case, neither such demand was made by respondent in previous bills nor is there any question whether consumer paid the same. Therefore demanding arrears of bill for period beyond 24 months is illegal and it cannot be recovered from the consumer.

Hence argument of respondent could not stand. Therefore we have come to the conclusion that respondent company is entitled to recover arrears for the month form this consumer from month April 2014 and shall also be entitled to recover additional other charges and interest applicable for the said calculated amount without leveing of penalty and shall be permitted to deduct the same from the deposited amount by the consumer and remaining amount shall be refunded to the consumer. In addition, interest at the rate of 9% from the date of deposit till the date of payment be refunded and paid to the consumer. Hence the order:-

ORDER

- 1] The complainant No 554 is partly allowed.
- 2] The respondent entitled to recover average bill form the consumer from April 2012 till the day of dispute with interest applicable at that time as per circular.
- 3] The utility shall recover said amount from deposit of consumer Rs.62630/- Receipt No.5709390 dt. 19.08.2014 and shall refund remaining amount with interest at the rate 6% from the date of deposit till the disputed bill.
- 4] The respondent shall pay cost of Rs. 1000/- to the applicant consumer.
- 5] The respondent shall pay additional amount of Rs. 2000/- towards compensation and bear their own cost.
- 6] The prayer of consumer to reduce the bill as per minimum charge without applicant of interest cannot be considered.

The utility is directed to re-instate the supply within two days of this order.

The concerned Superintending Engineer Bhandup Circle Office has already been informed telephonically about this Order.

No order as to cost.

Both the parties be informed accordingly.

The order is issued under the seal of Consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 30/12/2014.

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.

DR. ARCHANA SABNIS
MEMBER
CGRF, BHANDUP

ANIL P. BHAVTHANKAR
CHAIRPERSON
CGRF, BHANDUP

S.B.BHALSHANKAR
MEMBER SECRETARY
CGRF, BHANDUP