

(A Govt. of Maharashtra Undertaking)
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Consumer Grievance Redressal Forum

“VidyutBhavan”, Gr. Floor,

Mumbai – 400078.

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

Date

Case No. 560

Hearing Dt. 12/02/2015

M/s. Balaji Complex CHS.

- Applicant

Vs.

M.S.E.D.C.L., Panvel-1, Bhingari Sdn. - Respondent

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri. Anil P. Bhavthankar, Chairperson, 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.AmolPalkar, Consumer Representative.

C - On behalf of Respondent No. 1

- 1) Shri.Devidas N. Baikar, Additional Executive Engineer, Bhingari.

ORDER(24/02/2015)

Above name complainant filed this complaint against the report on dated 27/04/2014 stating that he is residing at and occupying the premises-Balaji complex, at plot No. 141/3, AdaiGav, Tal. Panvel Dist. Raigad-410206. He is consumer of the respondent, having CT-I, Residential Phase –I since date of connection i.e. 06 May 2011 with sanction load 2Kw and connected load 2KW and consumer No. 028770303372. The said consumer alleged that he received bill in December 2013 for 510740/- for 41525 units, for the period earlier which was shown in the bill of August 2013. According to the consumer connected load to this unit was used for the purpose of staircase and water pump of society. MSEDCL has issued bill till November 2013, showing average unit of 1000. But in the said bill issued in the month of August units shown are 41525, as arrears and the bill was paid under protest. The consumer has raised an objection on the

ground that the bill is exorbitant and claiming bill for earlier period is not permitted. Therefore he lodged a complaint to IGRC. Complainant also filed separate application for interim relief against disconnection of supply during pendency of this dispute.

After filing this compliant notice was issued to the respondent. Respondent appeared and submitted there say. Respondent objected the contention of consumer. It was stated that the said bill was issued for actually used units by the consumer. The said consumer was not issued proper bills and average consumption units were shown on the meter. However respondent charged the consumer for average units as there was compliant. After receiving the said bill by the consumer, he requested to check the meter as the meter he thought was fast. But the respondent did not take proper action within time and a bill for 100 units as average was issued to the consumer. After the said meter was checked it was found during inspection report the consumer use actual unit which was recorded on meter. Therefore the bill is properly charged to the consumer as actual unit used by the consumer between the period of dispute 2009 to 2012 and future from May 2011 to 2013 when the connection was found with abnormal status. Actual reading which was calculated till December 2013 is 41225, amounting Rs. 500640/- from January 2014 to October 2014 as per display shown on the meter.

The consumer is getting reading as per normal meter. It is not paid therefore consumer is liable to pay the charges of actual units used by consumer during the said period and as per MERC Regulation 15.5.2,3,4. It is responsibility of consumer to contact to the distribution Licensee if he doesn't receive a bill and get a correct bill from Licensee. In spite of this, the consumer remained silent as he was getting bill only for 100 units. Therefore consumer is not entitled to any relief and is required to pay entire bill of Rs.6,48,210/- within stipulated time. Respondent prayed for dismissal of compliant.

After perusing rival contentions of consumer and the respondent utility and carefully going through the documents filed by consumer and CPL record filed by respondent utility from the date of connection for entire disputed period, it appears that consumer remained silent for considerably long time and did not raise objection that he received less bill. It is pertaining to note that the consumer not charged for the units he was actually using. The unit which was calculated for the period of 6 month from regular reading of the meter of subsequent period December 2013 to Oct 2014 which comes to calculation of minimum to maximum average unit actually use by consumer.

It is also pertaining to note that after consumer made compliant about the slow meter, Junior Engineer made spot inspection on 23/12/2013 and spot inspection report and actual meter was filed.

It is reported in spot inspection by JE that Sr. No of the meter 1164483 which was showing actual reading of 41526 and the said unit was charged

between the period May 2011 to December 2013 the verification in the meter reading was found during spot inspection but when the consumer was knowing that the actual use of unit is more, still he continued to pay the bill for 100 units only. The complaint was filed on 27/10/2014, and the meter was cut on 11/11/2014. Therefore till the supply was restored on 02/08/2014 the credit in the bill amounting to Rs. 6639/- is already given. He is also given payment for last month February 2013. As such the dispute which was raised within the knowledge of consumer, he remained silent and did not inform the utility respondent as is mentioned in the Rule. Therefore the consumer is liable to pay bill for the disputed period only.

Therefore we have called upon respondent to make actual calculation at time of passing Interim order which was calculated on the basis of meter replacement change report from the date which was for the period from December 2011 to November 2013. The average units used by consumer is in between 41621980. Therefore on the basis of monthly consumption is calculated and therefore starting the meter for zero unit to 1000 unit which was charged and paid for 29 month as such the contention of actual unit used by consumer and it is not the first time demanding arrears from the consumer. Therefore claiming of arrears against the bill which was previously erroneously claimed for 100 units only required to be reassessed and curtailed. Therefore Section 56(2) in this case is not applicable and the respondent utility to claim the bill is restricted only for 24 months as interpretation of section 56(2). It was brought to our notice that in the case of BrotoTex Mill the respondent can claim arrears for more than 24 months when the said bill is already issued and is shown as continuous arrears, and the difference of actual unit consumption can be recovered from the consumer considering. As per the said view, we found total bill which was claimed by the respondent include the interest part also. Therefore the actual bill was unpaid by consumer required to be reassessed.

Therefore respondent utility was ordered to calculate actual units for 24 months of actual consumption. In our view the interest cannot be recovered from the consumer when he is not at fault. The bill which was issued entitled arrears for 24 months only. Therefore average actual consumption which was calculated could be recovered from the consumer. The respondent is required to reissue current bill to the consumer for 24 months which is permissible recovery from the date of fault found in recording of units. Therefore for the period of dispute interest period cannot be recovered.

Therefore we are allowing the compliant partly and proceed to pass following order.

ORDER

- 1) Compliant No. 560 is allowed. The respondent utility is here by directed to re-issue current bill and calculate for 24 month from the date of notice of the faulty meter backwards of consumption actual unit and tariff value as per the actual unit used by the consumer. No DPC or interest shall be recovered from the consumer,
- 2) No order as to the cost.
- 3) Both the parties be informed accordingly.

Proceedings closed.

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.

DR. ARCHANA SABNIS **ANIL P. BHAVTHANKAR**
MEMBER **CHAIRPERSON**
CGRF, BHANDUP **CGRF, BHANDUP**

S.B.BHALSHANKAR
MEMBER SECRETARY
CGRF, BHANDUP