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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.438

Hearing Dt. 26/02/2015

In the matter of wrong billing

Shri. S.D.Pargaonkar - Applicant

Vs.

M.S.E.D.C.Ltd., Kalwa Sub Division - 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 Appellant

- 1) Shri. Bhushan J. Karekar - Consumer
- 2) Shri. Milind Pawaskar

C - On behalf of Respondent

- 1) Shri. Ambadas S. Rathod, *Addl. Executive Engineer, Kalwa sub division*

ORDER (Passed on 09/03/2015)

1. Above said consumer complaint was already decided by this Forum against which respondent MSEDCL filed writ petition before Hon'ble High Court bearing No. 8538/2013 in view of judgment and order High court on this writ petition before Hon'ble, dtd. 24/06/2014. This office received copy of the said the

Judgment and order through Assistant Register High Court on 19/01/2015, After receiving the said order and advance copy submitted by consumer and in view of direction, we have called open both the parties to appear before this Forum. Thereafter we have given opportunity to consumer and representative who appeared before this Forum on 09/01/2015. Respondent representative appeared and filed his say. Without produced to the members reflected in the earlier judgment. We have called upon both the parties to submit documents or copy of judgment if any. Accordingly respondent was directed to submit fresh copy of CPL for this connection. Reply filed by consumer disclosed that for the month of December 2008 electricity bill was deposited for consumer No. 000023053926/2. It is informed that due to oracle billing system introduced PC No. of consumer could not bill recovery therefore. From January 2009 to 04/10/2011 the bill was stopped. Therefore at the time of the visit made by Addl. Executive Engineer, Kalwa on the site he noticed that meter No. 6300223832 was in existence and reading of 21831 units till December 2008 was recorded and 100150 units in the month of August 2011. After calculating earlier reading on 05/08/2011 which was recorded as 100150, difference of units calculated was 78319 for 34 months and was charged after dividing it in 34 months. Thus a bill for Rs. 6,42,730/- was issued to the consumer.

2. Consumer No. 000023053900 was issued bill for the month of March 2008 to December 2008 for 19350 units. The said bill is deposited on 05/08/2011 reading was available on the meter in the month of August 2011 current reading was 83221. Difference of reading is 63871 was Rs.516061/- divided in 34 month and the consumer was billed for Rs. 516061/- in the month of September 2011, consumer obtained new meter, number being 760063699, the bill is drawn by considering initially reading is one but the meter is not change but in the month of October 2011 but after coding the meter reading difference between 19350 to 83221 the diffeance of 63871 for 34 month for a amounting

Rs. 516061/- was dividend and bill was issued to the consumer. He paid the bill of December 2008 for 19350 units as per reply is filed by respondent.

3. The main issue raised by the consumer was that he did not receive opportunity to represent before corrigendum was done by the Forum. It is contended that there was some variation noted in the order. order which was found some Variation was found one took proper care to avoid earlier complication and obtain in writing his representation and submission thoroughly place this Forum open consider the said issue consumer. S.D. Paragaonkar was present with representative of the Shri. Rathod and Gosavi from utility company before the Forum on 09/01/2015. We have done fresh calculation for difference of units actually found after recording in the meter and calculated the amount. We have given fresh direction to respondent for calculation of tariff available for the relevant time as per tariff unit recorded on the meter and the amount of interest was calculated was separated as per our calculation separately recorded for our perusal for the period January 2009 to October 2011 for month unit which was calculated as per the date of stopping of actual billing Rs. 516061/- was calculated as per the unit calculate 63871 for the other meter on January 2009 to October 2011 was calculated for 78319 unit divided on 34 month. During the course of argument it is pointed out that as per the current status of the reading available the consumer utilized the average units from December 2011 to December 2014 maximum unit was calculated 2547 units and minimum utilized by the consumer calculated of 1700 unit where as earlier the direction was given to calculate the unit 1500 for month for 34 months which was calculated as 51000 units. After considering present status and the period of dispute January 2009 to October 2011 maximum unit consumed was 1400 in the month of July 2007. Therefore we have calculated the units of the consumer with reasonable and proper understanding without prejudice to earlier calculation, the Forum has come to conclusion that unit required to be charged to the consumer for disputed period were 1500 unit and 1000 unit per month for 34

months, where as the direction was given to recalculate and assess the consumption of units. We have considered connecting load of the consumer available on both meters, sanctioned load 10 KW connected load 10KW LT-I, 3 phase, the tariff available at that relevant time and also calculated for value of he said unit where as the calculation was made available to this Forum by respondent.

4. We have in fairness to give opportunity to the consumer to assess the unit and give the schedule from January 2008 to March 2008 from earlier record and from March 2008 to 31st April 2008 and also given the proper calculation from 1 January 2009 to August 2011 the said calculation was verified by this Forum with reasonable understanding of net arrears which is required to be recorded. For the purpose of consideration respondent utility submitted arrears in month wise statement from September 2009 to December 2010 for 24 month which is given in the table below

Consumer chart

Old Consumer No. 000023053926

New Consumer No. 000020642114 Per Month average 1500 units per month energy charges for 32 months as under.

<u>TOTAL AMOUNT FOR 32 MONTHS (1000 UNITS PER MONTH)</u>		
FIX CHARGES		3200.00
ENERGY CHARGES		273184.50
DUTY		39669.96
FCA		12184.80
OTHER CHARGES		12150.00
TOTAL		340389.26
		-
Paid		225000.00
To Pay		115389.26

Old Consumer No. 000023053900

New Consumer No. 000020642092 Per Month average 1000 units per month energy charges for 32 months as under.

TOTAL AMOUNT FOR 32 MONTHS (1000 UNITS PER MONTH)

FIX CHARGES		3200.00
ENERGY CHARGES		182123.00
DUTY		26896.63
FCA		8839.80
OTHER CHARGES		8100.00
TOTAL		229159.43
Paid		200000.00
To Pay		29159.43

5. It is contention of the respondent utility that actual consumption and energy is utilized by consumer complainant for the months from June 2009 to August 2011. The actual units consumed by the complainant is more than 1500 unit per month as per the record of meter no 53926. The respondent utility also submitted actual consumption of units by consumer. As per calculation 1000 unit per month for the period 24 month starting from the month of September 2009 to December 2010 and January 2011 to August 2011. As such the total amount claimed under the bill is Rs. 7,59,510/-.
6. Complainant consumer also submitted his calculation as per the direction and gave his calculation, recording consumption of unit which is 1500 units per month for the month January 2009 to December 2010 and for further period of January 2011 to August 2011. The total amount calculated is as mentioned in the table given below

Utility Table

TOTAL AMOUNT FOR 24 MONTHS

FIX CHARGES - 2400.00
ENERGY CHAGES - 140428.00
DUTY - 16899.14
FCA - 6360.20
OTHER CHARGES - 8100.00

Total – 174187.34

TOTAL AMOUNT FOR 32 MONTHS

FIX CHARGES - 3200.00
ENERGY CHAGES - 182123.00
DUTY - 26895.83
FCA - 8840.60
OTHER CHARGES - 8100.00
TOTAL - 229159.43

TOTAL AMOUNT FOR 24 MONTHS

FIX CHARGES - 2400.00
ENERGY CHAGES - 226212.00
DUTY - 36031.95
FCA - 10663.00
OTHER CHARGES- 12150
TOTAL - 287456.95

TOTAL AMOUNT FOR 32 MONTHS

FIX CHARGES - 3200.00
ENERGY CHAGES - 292172.00
DUTY - 47844.27
OTHER CHARGES - 12150.00
TOTAL - 369749.27

7. It is also informed that complainant consumer gave the details of amount paid during the said period against the bill meter no 360775 and 309962 total amount which is paid by cheque 31 August 2011 cheque No.120151 Rs. 75000/- on 23 October 2011 cheque No. 133138 Rs. 1,50,000 /- and total amount is paid 2,25,000/- and for another meter on 31 August 2011 amount cheque No. 97900 Rs. 75000/- and on 23rd November 2011 cheque No. 133139 Rs. 1,25,000/- Total amount paid was Rs. 2 Lacs. Therefore actual recovery which is entitled is the amount of be received from consumer complainant and payable to the respondent utility as such the total amount which is as per the provision of 56(2) Electricity Act is for 24 months. But hearing the case total amount which was calculated in the dispute was payable and the consumer objected that the demanded bill under the section 56(2) will not be applicable.

ORDER

- 1) Review in the consumer complaint 438 is allowed.
- 2) The respondent utility shall recover the amount of bill for the period January 2009 to December 2010 and for further period January 2011 to August 2011 of 32 month at the rate 1500 unit per month.
- 3) The respondent utility shall recover the amount of bill in arrears calculation of 1000 unit per month for dispute period of 32 month January 2009 to December 2010 and January 2011 to August 2011 the amount which is already paid by consumer shall be deducted form the demand bill.
- 4) The respondent shall not be entitled to calculate the interest of DPC from the consumer complainant in the said circumstance.

No order as to cost.

Both the parties should be informed accordingly.

The utility shall make compliance of order within 45 days and report the same.

The compliant and the review proceeding his finally dispose of accordingly. The order is issued under the seal of Consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup.

Note:

1) If Consumer is not satisfied with the decision, he may file representation within 60 days from the 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