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Consumer Grievance Redressal Forum  
"Vidyut Bhavan", Gr. Floor,  
L.B.S.Marg,Bhandup (W),  
Mumbai – 400078.

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

Date

Case No. 590

Hearing Dt. 26/05/2015

**In the matter of accumulated arrears of bill excess to permissible period**

**Mr. Mukul R. Maskai - Applicant**

Vs.

**M.S.E.D.C.L., Pachrasta 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.
- 3) Dr. Smt. Sabnis, Member, CGRF, Bhandup.

B - On behalf of Applicant

- 1) Shri. Mr. Mukul R. Maskai - Consumer

C - On behalf of Respondent No. 1

- 1) Shri. DR.N. Gawande ,Addl. Executive Engineer, Pachrasta Sub division.

**Order (passed on 04/06/2015)**

1. Above named consumer complaint filed this complainant against the respondent utility alleging that he is regular consumer of respondent utility obtain connection on 13/09/1997 under the category of 01 LT 1 Res III Phase connected load 6 KW sanction load 6KW the above said connection is used for residential purpose. Consumer was regularly paying the bill to the utility in the month of January 2015. Consumer received accumulated

demand of electricity bill charging use of 20524 additional unit alleged to be used by bill in earlier period along with current bill the consumer was demanded accumulated arrears of electricity bill amount Rs. 2,88,450/-.

2. According to consumer he also reclaimed notice of threat of this connection under section 56(1) of Indian Electricity Act 2003 on dated 27/03/2015 issued by respondent utility through legal advisor or payment of electricity bill within 15 days Rs. 2,85,711.72/-.
3. Being aggrieved by the said notice dated 27/03/2015 under section 51(6) of E.A. 2003. Consumer filed this complaint in Forum on dated 03/03/2015 after filing this complaint notice was issued to respondent utility.
4. After service of notice respondent utility appeared and filed reply to the said complaint. It is alleged that in the month of February 2015 201 nos consumer of Pachrasta sub division found adopted method of meter photo reading edited by adobe photo software and change the image of meter reading in vicinity of premises the said act of consumer of sub division Panchrasta was indirectly regulated in theft of energy approximated arrears 1.5 crores. The contract of meter reading was given to the agency of Vision Infotech and Raturaj Enterprises due to act of employee of this agency with collusion of consumer loss of revenue sustain of Rs. 1.5 crores to the respondent utility.
5. Against which authorized Officer filed FIR in Mulund West Police Station vide NCR No. 93/2015 on 24/02/2015 otherwise register against the person under section 420,465,467,468,470,34, by read with section 135 1 (b) Electricity Act 2003. The complaint is filed this consumer on 07/04/2015

for reasoning grievance of demand of accumulated bill also one of the consumer who involved in editing of photo Image scan of involved in theft of energy in the month of the premises this consumer hearing consumer no 0091279002 under the Mr. Mukul R. Maskai was billed alleging consumption of unit 20524. The amount of Rs. 280105.73 was claimed due payable by him for earlier pervious month as per CPL of 11/02/2015. The alleged unit 40428 reading was recorded against on 21/04/2015 when inspection was made in the unit reading shows 41433. The said consumer used the unit for 69 day 1005 unit per day consumption was calculated 4156 unit monthly consumption was calculated 437 unit.

6. Thereafter on 20/02/2015 MRI was taken for recording month the consumption which is found record for last five month was reproduced in following table

01.01.15. to 1.2.15 = 332.65units,	actually billed 181 units	due to photo editing
01.12.14. to 1.1.15 = 364.96units,	actually billed 218 units	due to photo editing
01.11.14. to 1.12.14 = 649.23units,	actually billed 253 units	due to photo editing
01.10.14. to 1.11.14 = 859.61units,	actually billed 247 units	due to photo editing
01.09.14. to 1.10.14 = 387.48units,	actually billed 196 units	due to photo editing

7. The difference was accumulated unit since long back the method of editing photo image of meter act was Forum continually by the consumers.
8. It is submitted by utility this consumer involved in theft case often section 56(1) 2003 therefore the case required to be dismiss on dated 25/05/2015. Respondent utility filed additional reply informing that the consumer is involved in criminal case Complaint lodged against him. Therefore his

complaint should not be entertain as per list of consumer involved in criminal case which is filed on record.

9. I have perused complaint of consumer and document filed by him. I also perused reply given by utility and the document at the first site. It is necessary mention whether this complaint is tenable and can be entertain by this Forum? Answer Yes.

### **Reasons**

10. I appear for the record respondent utility issued and demand of accumulated arrears of bill charging unit 20415 for the month January 2015 and February 2015 as meter reading display for the month January and February the notice under section 56(1) of E.A. 2003 issued by legal advisor dated. 27/03/2015 is clear threat of disconnected on the dace of record notice under 56(1) dated 27/03/2015 did not mention anything about theft case or evolvment of consumer in theft case nor there is any mention in the said notice therefore disconnection section 56(1) or demand of amount Rs. 2,85711.72/- to the consumer No. 912790002 revised to the paid within 15 days from the date of receipt of this notice.
11. Being aggrieved by the said notice fear of thereafter of disconnection as section 42(6) of consumer grievance Rules and Regulation this consumer can filed his complaint to the Forum.
12. Being aggrieved by bill calming excessive accumulated arrears of recovery of the bill arrears shown undefined previous month is challenge in the complaint. Therefore this Forum has jurisdiction and also can entertain this complaint of consumer.

13. After filing the document by both side on dated 26/05/2015. I have given opportunity to consumer and his representative and executive Engineer, Nodal Officer who appears and argue point which is in involved in the case. It is contention of consumer alleged used consumption of unit which is demand in the bill shown arrears in the month January 2015 and February 2015 unit consumption 20524 is absolutely not possible considering as per connected load and sanction load it is even beyond of capacity of meter therefore alleging used of consumption of claim bill unit in 2 month of consumer is illegal. The load which is connected to the meter was inspected by authority of MSEDCL and they have recorded consumption of load connecting to the meter. And reported
14. It is contention of consumer MRI shows 500 & 598 unit on month consumption is recorded. If monthly consumption as 598 per month unit is calculated for 5 month the unit which is multiply by 598 comes to 12441 which is payable by the consumer the demand of 20524 if divided and calculated per month average consumption of unit as per CPL. It is not more than 500 unit per month. It is multiply by demand of 20524 units. it is separate period is more than 24 month in this case alleged editing of photo meter by agency employee using false image with help of computer photo shop software cannot be define period and therefore demand of such excessive bill and alleged consumption of unit such bill is illegal.
15. It is contention of utility the consumer caused loss of revenue un recoverable bill and the bill it is charge as per CPL if is considered as per the record of charges unit is less. After detected of editing of photo meter of reading recorded in the inspection by authorized officer was match and meter was replace even MRI of the said meter was recorded as per unit of

meter of within 5 months was record and the average consumption of unit which is calculated in following method which is divided for use of as per connected load 1KW if used for 24 hours which is multiplied by 24 months the consumption of unit as per the details consumption of unit table given by utility.

16. I have perused the detail consumption to which consumer raised objection it is contention of consumer as per Rules 15.4 arrears of recovery of details meter unit recovered period is 3 months and calculation of consumption of unit on the basis of 3 month calculation which is required to be recover from consumer.
17. I disagree with the argument of consumer as in this case there is no technical fault found in the meter. Therefore procedure and rules and regulation of calculation of meter average of 3 months for claim for arrears of 6 months will not be applicable.
18. In this case for result of Police compliant and case can proceed separately against the consumer. Accordance with law the consumer was ready to pay the average arrears by reasonable installments.
19. In view of permissible period for recovery of accumulated arrears of bill the which recovery is permissible as per the rule of limitation 24 months is permissible. It is contention of consumer he is liable to pay the arrears from the date of disconnection of charge of edit false photo image i.e. date inspection as to my view MRI recorded of reading of meter for 5 month should be calculated for average consumption of monthly units which comes to monthly consume of 598 if unit which is recorded in the month of

20524 is to required to be divided to the as recorded in 24 months which comes to 855 unit per month utility authorized officers submitted that as per sanction load and connected load and actual use monthly consumption of unit comes about 1080 unit per months should be recovered. The consumer already payed bill for the unit remains additionally remain unchanged as utility calming the additional use of claiming by 44 consumer as per MRI record of unit for 5 months. Therefore I found in the case respondent utility can legally entails to claim consumption of monthly unit 855 as record of MRI. Admittedly there is no fault in meter is reported alleged. Therefore consumer is required to pay for additional unit 855 which is recorded as per MRI monthly unit of 598 which is multiply by 24 months which is permissible period arrears of recovery bill entitled by utility. Hence, consumer complaint is partly allowed. I proceed to pass following order.

### **ORDER**

1. The consumer complaint No. 590 of 2015 is partly allowed.
2. The respondent utility to recover additional unit used by consumer on calculation of monthly recorded unit 855 unit per month should be calculated for 24 months and total unit of 24 month amount shall be calculated with interest and DPC liable to pay by consumer.
3. The consumer is permitted to pay the said arrears of bill payable within six months equal installments and other payable cost and charges along with current bill. The utility is at liberty to take appropriate action against the consumer in theft case.
4. No order as to cost.

Both the parties be informed accordingly.

Proceedings closed.

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 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**

**RAVINDRA .S.AVHAD**  
**MEMBER SECRETARY**  
**CGRF, BHANDUP**