

PHONE NO. : 25664314/25664316  
FAX NO. 26470953  
Email: [cgrfbhandupz@mahadiscom.in](mailto:cgrfbhandupz@mahadiscom.in)  
Website: [www.mahadiscom.in](http://www.mahadiscom.in)

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.589

Hearing Dt.23/7/2015

**In the matter of recovery and accumulated bill in faulty meter**

M/s. Bhanu Co-op.Hsg.Society Ltd., - Applicant

Vs.

M.S.E.D.C.Ltd., Vikas Complex, Sub Division - Respondent

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri. Anil P. Bhavthankar, Chairperson, CGRF, Bhandup.
- 2) Shri.Ravindra S. Avhad, Member Secretary, CGRF, Bhandup.
- 3) Dr. Smt. Sabnis, Member, CGRF, Bhandup.

B - On behalf of Appellant

- 1) Shri, R.V. More Consumer

C - On behalf of Respondent

- 1) Shri.V.M.Shinde, Addl. Executive Engineer, Vikas Complex sub division
- 2) Mrs. Maya Patil.AE (O), Vikas Complex Sub Division.
- 3) Mr. K.R. Mahtre,A.A.Vikas Complex Sub division.

**ORDER (Passed on 24/07/2015)**

1. Above name consumer has obtained connection from utility to this society to consumer NO. 000015237244 new meter No. 5487573. This connection is obtain 01/LT I Res 1-phase from 1<sup>st</sup> January 1987 sanction load 0.50KW, connected Load 0.50KW. The said connection he used by consumer for water

Pump Electricity to the society premises is contention of consumer. He use to receive electricity bill issued by respondent utility every month and was paying properly up to of 16<sup>th</sup> February 2005. He received bill for the month of January 2015 to 12 February 2015 for accumulated used of electricity units used earlier for amounting Rs. 3,03440/- which is required to be pay consumer has before 9<sup>th</sup> March 2015. On dated 21/02/2015 respondent utility issued notice of disconnection of power supply was under section 56 of Electricity Act and demand the bill of accumulated reading display on meter valued Rs. 3,03440/- as the said amount required to the paid within 15 days on failure, power supply of connection is liable to be disconnect by said notice. Consumer filed complaint before IGRC and raised the dispute that he made complaint above the said meter and after inspection on dated 14/7/2012 his old meter was replace as per report of the said meter the unit which was shown to be used by the said consumer as per CPL for charged to be paid by consumer is accumulated bill for 29 months. It is contention of consumer the respondent utility cannot demand the bill for accumulated period for 29 months as per provision of under section 56(2) E.A.2003 and required to the demanded only for 24 months the demand made to consumer if illegal and the bill is required to be corrected and proper bill to be issued to the consumer, as the consumer is unnecessary harassed disconnection notice issued to him.

2. Respondent utility submitted that the supply of electricity is used for staircase and pumping of the house situated in Bhanu CHS since 1/1/1987 grievance under section 56(2) E.A. is not tenable on the ground the consumer receive average bill for use of 58 unit per month. The meter was replace on 14/7/2012 in the month of November 2014 the consumer meter record unit 29815 which is recorded on new meter till November 2014. The period of 28 months charge to the consumer from July 2012 to November 2012 for 28 months only 58 unit average bill was wrongly issued. Therefore as per actual reading the unit

consumed by the consumer recorded for 28 months unit 1006 per month required to the record as per actual reading recorded on the meter which is actually use by consumer. Therefore average bill of 58 units and difference of 1006 unit actual unit required to be paid by consumer.

3. It is submitted by utility the consumer cannot take benefit of 56(2) of E.A. 2003 as he actually used the units during the said period and the liable to pay.
4. After hearing of both sides IGRC decided the said case and directed consumer to pay difference of actual used unit 29815 which is calculated for Rs. 303440/- is proper. It is also directed by the IGRC the liability of issuing correct bill arrears. Officer in the report generating. The bill therefore concern Officer committed loss of revenue therefore also required to be taken.
5. After the decision given but the IGRC open hearing 29/4/2014. The judgment is pronounced on 16/5/2015 in case of 65/2015.
6. As per submission the consumer being not satisfied with the said judgment and IGRC so filed before CGRF Forum on 23/3/2015. According to complaint is register vide case No. 589/2015.
7. After filing this complaint, the Forum issued notice to the respondent utility and called upon say para wise reply from the utility and document according on 9/6/2015. Respondent utility denied the all allegation made by consumer and stated the provision of 56(2) is not applicable in this case as the demanding continually shown recoverable arrears and supply was not disconnected. Therefore benefit of section for 56(2) cannot be taken by consumer. The said matter is pending before Hon'ble High Court.

8. It is also contention of utility faulty meter of the consumer was replace on 14/7/2012 and new meter no. 5487573 was installed, at that time meter replacement report was not available as the consumer issued average bill was issued for 58 unit per month which was paid by consumer. He did not raised any complaint at that time in the month of November actual consumption which was recorded on the new meter for the unit 29815 from July 2012 to November 2012 which is calculated unit 1064 per months against which average unit bill 58 per month was already paid which was adjusted the different of unit which is recorded on new meter 298150 required to the paid by consumer. The claim recovery of arrears and difference is not time barred and not illegal.
9. The respondent utility also given opportunity to the consumer for filing document if any. According the complaint filed receipt of earlier payment made by him and copy of disputed bill enclosed by him.
10. On dated 09/4/2015 I have give opportunity of consumer and his Representative for hearing and also his Respondent Executive Engineer, Account Officer of respondent utility appeared and hearing was made before this Forum.
11. I have perused document filed by respondent utility. The date of contention of said connection 01/01/1987 is not disputed connected load and sanction load which is shown on the bill also not disputed the issued raised during the hearing when consumer is prompt and careful in payment of electricity bill to the actual consumption of units recorded on the meter.
12. It is observed by the Forum that the consumer was filing happy when the received average bill of consumption of 58 unit. When the meter was replace and new meter was installed on 14/7/2012. According to utility the report was

not available but the actual used by the consumer. Therefore the contention of utility. Since of be proper about liability of payment by the consumer for used of actual unit as consumption is made by him. The table of calculation of unit recorded per month 1064 out of which per 58 unit the average bill was already issued and paid by consumer therefore deduction of 58 unit form the liability of payment is proper. Therefore the consumer is required to pay for the unit 1006 per month for difference of actual monthly unit already consumed by the complaint consumer.

13. Now the issue whatever demand made by utility for accumulation of 28 month bill in the month of 16<sup>th</sup> February 2015 as shown in the demand bill was proper or not.

14. The Forum observed that no earlier demand of accumulated bill was shown due payable by consumer at earlier point of time.

15. One the **construal** respondent utility admitted that average consumption of 58 unit bill which was issued by utility was wrong.

16. It is appear from documents of bills that earlier no demand of actual consumption bill is neither shown nor demand on earlier bill. It is for time accumulated bill for consumption of bill shown 29815 was demanded and It is not in accordance with provisions of 56(2) E.A. which is read as under 56(2) *Notwithstanding anything contained in any other law for the time being in force, no sum due from any consumer, under this section shall be recoverable after the period of two years from the date when such sum become first due unless such sum has been shown continuously as recoverable as arrear of charges for electricity supplied*

*and the licensee shall not cut off the supply of the electricity.*

17. Therefore It is objected by consumer. according to provision 56(2). The respondent utility can demand the arrears of payment of dues of difference of unit should have been calculated only for 24 months. Therefore from the date of replacement of old meter the respondent utility can go behind 24 month. Therefore excess demand of 4 months difference of unit consumption bill liability can be shifted on consumer. Therefore I am of the opinion on there is substance in the complaint on consumer as respondent utility has to follow procedure and Rules and provision 56(2) of E.A. As the matter is pending in the court this ground cannot be justified available from respondent utility till the matter is final settled in court of law to my view the consumer must be give benefit for charging liability to pay difference of average bill only for 24 months against of the 4 months payment of average bill and amount should be separately calculated and Indemnity Bond of undertaking can be take for consumer by utility as provided under the statute.
18. During the course of hearing it is pointed out that the consumer already paid 28 month due bill with respondent utility. Therefore the question of against payment by the consumer does not arise.
19. It is brought to the notice by utility if the actual consumption of unit 24 months required to be calculated it comes to 29000 unit to be charged and amount difference 1065 is required to be refunded to consumer on this ground. It is submitted by utility the benefit of slab calculation for 28 months and benefit was already given to the consumer in this circumstances there is question of refund still appeared to be calculated separately.

20. Therefore to my view as there is no mistake on part of consumer and arrears average bill was issued by respondent utility at their fault consumer cannot be act to concern Officer of utility. There is loss of revenue therefore respondent utility, Higher Officer is at liberty to take appropriate action against responsible that consumer was unnecessary received threat and harassment for demand of average accumulated bill and once his supply was disconnected. Therefore respondent utility is liable to be pay cost of Rs. 1000/- payable to consumer.
21. I found there is substance in complaint made by the consumer for contravention of 56(2) E.A. contravention of provision of 56(2) I.E.A. I also found the matter is subjudised the before hearing Hon'ble High Court. The recovery of additional 4 month difference of average bill should be avid by utility as it is liability of consumer.

In view if the fact and circumstance. I ancient to pass following order.

### **ORDER**

- 1) Consumer compliant 589 is allowed.
- 2) The respondent utility directed calculated difference of average bill and actual consumption of unit 1006 per month only of 24 months and consumer is liable to pay of charges of meter backwards.
- 3) The respondent utility shall calculated the payment of bill amount nonentity and refund amount payable to the consume with interest of 12% from the date of deposit till payment is made.
- 4) The respondent utility shall issue the revised correct bill and show all the calculation of unit and detail amount without charging of any interest, penalty or DPC as cannot recoverable from consumer.
- 5) The respondent utility shall pay cost of Rs. 1000 to consume.

- 6) The should execute indemnity bond for amount which is equal to difference of calculation of bill of four months amount subject to final decision of pending litigation before Hon'ble High Court.
- 7) The respondent to comply with the said order and file compliance report within 30 days for receiving of this order.

Both the parties should be informed accordingly.

Proceeding close.

The compliance should be reported within 45 days.

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.

**(I Agree/Disagree)**

**(I Agree/Disagree)**

**DR. ARCHANA SABNIS  
MEMBER  
CGRF, BHANDUP**

**SHRI. ANIL P. BHATHANKAR  
CHAIRPERSON  
CGRF, BHANDUP**

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