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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. 592

Hearing Dt. 05/8/2015

In the matter of billing

Mrs. G.V.Patil - Applicant

Vs.

M.S.E.D.C.L.,Airoli Sdn. - 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. Suraj Chakraborty – Consumer Representative

C - On behalf of Respondent

- 1) Shri. S. S. Patil, Executive Engineer, Vashi Circle Office.
- 2) Shri. S.S.Mahajan, Addl. Executive Engineer, Airoli sub division

ORDER (19/08/2015)

1. Above named consumer has filed this fresh complaint against respondent utility. This consumer had raised the dispute earlier consumer

No.000150206588 which is registered vide case No. 570; which was decided by this Forum on 19/02/2015.

2. After receiving copy of order, this consumer again raised a dispute about the bill alleging that after passing of the earlier order by this Forum, respondent utility issued notice dated 25.02.2015, demanding bill of Rs. 1,97,591/- for the period 15.01.2015 to 15.02.2015 (Consumer No. 0000150206588, meter No. 06308902, connected load 0.5KW, sanctioned load 1.2 KW, BU- 4641, LT-1 category, total units consumed 37165 for Rs. 5,11,094/-, current reading- 67295, previous reading- 30130, MF-1) to be paid within 15 days; on failure the electricity is liable to be discontinued. The consumer has stated that he is using the said connection for residential purpose. Net arrears shown as Rs. 1,89,400/-. Total amount claimed by the utility was Rs. 708690/-, payable on 17 March 2015.
3. After receiving the said notice and bill the above named consumer filed this complaint stating that verification report dated 21/7/2014 and 15/6/2014 submitted by section Engineer of the respondent utility is false. According to consumer, section in charge verified the meter which is installed in year 2012, which is not shown in the report. The lineman of MSEDCL without any authority and without permission installed the meter, which is false.
4. According to consumer, on 18/6/2013 he had made payment of Rs.13560/- for three phase meter, which is used by consumer from the date of connection i.e. 12/12/2012. However as per MSEDCL bill, it is showing consumption of 22634 units, when the consumer has consumed not more than 400 units.

5. It is contention of consumer that it is a case of old arrears on PD meter and the provisional bill for 13,500 units has been issued without any clarification.
6. It is contended by the consumer that consumption of units amounting to Rs. 1, 50,000/- within a period of 6 months is not possible. Therefore the consumer has prayed for necessary directions to the utility for correction of bill and verification of report dated 21.07.2015 .The consumer filed this dispute on 04/8/2015 before this Forum which is registered as case no 592/2015.
7. Thereafter notice was issued to respondent utility, who filed its reply, stating that the respondent utility has the verification report recorded on 21/7/2014 and 15/6/2014 by section Officer, confirming installation of 3 phase meter (meter no. 06308920) in the premises of consumer on 06/11/2012 and initial meter reading as shown on the meter was 1. Final reading of old single phase meter was recorded 22634 units as also the current reading of new three phase meter for the period November 2012 to July 2014 was recorded 25135 units. Thus the average consumption of this consumer is 1196 units per month and units recorded for 21 months are 25134.
8. It is contention of respondent utility that old single phase meter was already fed in the bill in system. In the month of November 2012 single phase meter was removed and three phase meter was installed as per sanction order. But disconnected report was fed in the bill by the system mistakenly, instead of meter replacement report. Due to this, the consumer remained unbilled for the period from February 2013 to May 2014. Thereafter on 21/7/2014 and 15/6/2014 bills were issued to the consumer as per actual consumption recorded on three phase meter.

9. According to consumer he applied for temporary disconnection of single phase meter on 12/12/2012. But as per sanction order and verification report, the section Officer immediately removed single phase meter and installed this three phase meter. The consumer is taking advantage of mistakes of respondent utility of not billing the consumer between the period of February 2013 to May 2014.
10. The consumer has accepted use of three phase meter and accordingly he paid provisional bill of Rs. 13560/- on 18/6/2013. After June 2013 actual consumption was not fed in the billing system and it was fed in the month of July 2014. This consumer is misguiding the Forum for taking undue advantage of delay in feeding the bill by respondent utility. In fact the consumer used three phase meter for his huge residential Bungalow. As per reading of three phase meter bill dated 10/12/2014 is enclosed. In view of order passed by IGRC Order No.5420 dated 27/11/2014, consumer has paid Rs. 50,000/- on 26.11.2014.
11. Consumer's Representative made application after paying the disputed bill under protest. As per CGRF order in case of 438 dated 17/3/2015 the consumer was billed for 102090 units and bill was issued to the consumer on 05/6/2015. But the consumer delayed payment of the said bill. As per CGRF direction again the consumer was charged for 1008 units per month for a period July 2014 to February 2015, amounting to Rs. 76470/-, which was issued to the consumer on the basis of current meter consumption. The bill issued to consumer on 03/07/2015 was also not paid by the consumer. As per direction of CGRF order one current bill was issued to the consumer for Rs. 34300/- which was also not paid by

consumer. As such the consumer is not paying any bills and only raising the dispute unnecessarily, preventing them from demanding the bill. The consumer is not following orders of this Forum. As such grievance filed this consumer is false. The consumer is misleading the forum by filing false documents. Thus, the consumer is liable to pay compensation of Rs. 1000/- to the respondent utility for its illegal act and harassment and also liable to pay the cost. This consumer dispute is liable to be rejected.

12. After filing this reply, an opportunity for hearing was given on successive dates- 27/5/2015, 26/5/2015 & 05/8/2015. We have heard contention of consumer Shri. G.V.Patil and his Representative Shri.Suraj Chakarborty. The consumer has filed documents along with this complaint which include meter testing report, spot inspection report dated 25.02.2015, disputed bill along with notice under section 56(1) E.A. 2003, earlier report, quotation for sanction order, orders passed by IGRC and this Forum in consumer complaint no 570/2014. Shri Deepak Shinde for the respondent utility was also heard on 05.08.2015

13. It appears that the above said consumer earlier filed the dispute which is already decided by this Forum after giving full opportunity and hearing of both the parties. Therefore raising the dispute against same question does not arise.

14. It is necessary to mention here that earlier this consumer had filed an application against order on the ground of spot inspection report dated 25/2/2015 showing 'defective meter' and findings recorded by S.P.Kolamkar that old meter was taken in to custody for investigation and

new meter installed and supply was restored. It is appears that this report is subsequent to the order of this Forum, which is on 14.02.2015.

15. To our view this issue is already decided by the Forum. Hence there is no reason or a valid ground to consider this review petition. Power of review cannot be exercised in this case. Therefore we hold that this review petition is not tenable. However in the interest of justice, in the dispute which is raised and filed by this consumer, notice was issued to the respondent utility dated 25.02.2015 along with the bill for the period January 2015 to February 2015. Say of respondent utility was called and opportunity of hearing was given.
16. During the fresh hearing it was stated that Rs. 1,02,000/- (as shown in the bill) was claimed after taking into consideration monthly consumption of 1008 units as per oral instructions of this Forum.
17. The amount of Rs. 2,70,000/- was claimed considering the earlier period of February 2013 to January 2014. Recorded unit consumption shown on the meter sr. no.36008902. It is shown PD accumulated arrears in the month of February 2015 The meter was found defective in accu-check and as per meter testing report and spot inspection report subsequently filed by this consumer in column no 12(K). The new meter was installed and consumer was charged as per consumption recorded by respondent utility.
18. According to consumer the respondent utility was not ready to accept the current bill and therefore consumer approached this Forum. As

per direction given to respondent utility, the current bill was issued during the hearing of argument.

19. It is noted that the replaced meter was sent to laboratory (L&T). But report is not received it is mention by consumer not pay the his bill which is issued to consumer in view order pass by IGRC and CGRF in earlier case

20. Therefore we have come to conclusion that to complaint is issued and used to the consumer for residential purpose the order passed by this Forum in consumer complaint No. 570/2015 it is mention by consumer Representative Shri. Suraj Chakraborty and consumer that they are challenging the said order before the Ombudsman and taking steps. However respondent utility informed the Forum that the bill issued as per CGRF order was not paid by the consumer, causing revenue loss.

21. We hereby direct the consumer to deposit the bill under protest in view of earlier order passed by this Forum, failing which no dispute shall be entertained before authority. Secondly oral directions given during the hearing for charging monthly units based on consumption of 1008 units per month shall continue as the meter testing report of L&T Company is awaited.

22. But in this new dispute actual consumption was recorded in the meter and it is consumer's responsibility to pay the bill. Therefore current bill raised for 37150 units is required to be deposited. The dispute raised by this consumer challenging the earlier recording of the units and the mode of payment (3560 per month) cannot be entertained as the reading recorded on the meter is actual use. Thus contention of the consumer is not tenable.

23. Hence we have arrived at a conclusion that the contentions of this consumer raised here are not tenable and the consumer is liable to pay current bill. He should either comply with the earlier order or approach

Ombudsman as per Law. Therefore consumer complaint is liable to be dismissed.

Hence we proceed to pass following order.

ORDER

- 1) Complaint No. 592/2015 stands dismissed.
- 2) Respondent utility is at liberty to take an action for nonpayment of dues as per process of Law.

Proceedings closed.

Both the parties be informed accordingly.

The compliance should be reported within 45 days.

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.

I Agree/Disagree

I Agree/Disagree

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

**ANIL P. BHAVTHANKAR
CHAIRPERSON
CGRF, BHANDUP**

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