

(A Govt. of Maharashtra Undertaking)

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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. 595

Hearing Dt. 11.08.2015

In the matter excess billing cons. no. 000656500123

Mrs. Rajani S. Patil

- Applicant

Vs.

M.S.E.D.C.L. Koparkharaine 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. Pradip R. Dev. – Consumer
- 2)

C - On behalf of Respondent

- 1) Shri. S. S. Patil, Executive Engineer, Vashi Circle Office.

ORDER (11/08/2015)

1. Above named consumer is having LT Industrial connection under consumer No. 0000656500123 and connected load is 40KW on the said address. In the month of November and December 2012 respondent utility issued bills demanding Rs. 1,08,440/- and Rs.1,56,370/- respectively. On 24.02.2014 the consumer received demand of Rs. 1,88,930/- along with notice of disconnection.

2. Being aggrieved by the said notice and demand bill the consumer approached IGRC Cell and lodged the complaint. The consumer is having three phase LT industrial connection on given address bearing consumer No 656500123 and connected load is 40KW. The date of connection is 9/9/2015. According to consumer he received excess bill for the month of November 2012 and December 2012 for 10611 and 5213 units respectively and total demand of Rs. 2,64,810/- After he lodged this complaint, the Section Officer visited the site and the meter was replaced on 03.12.12. Accordingly the letter was issued on 28.10.12 and confirmation of replacement of old meter was done on 5/12/2012. However consumption of units shown on old meter was shown as recovery on the new- replaced meter. Another fact is that, there is no record maintained by the office and no report was filed about replacement of meter. This is illegal. According to consumer the meter was replaced on 3.12.12. But the replacement was shown and fed in November 2013 when all the bills were already paid by consumer. Consumer has prayed for refund of excess bill wrongly paid by him, along with interest. It is his contention that the utility has done wrong calculations for 32173 units.
3. After filing the said complaint before IGRC notice was issued and the reply filed by utility. Respondent submitted MRI data of old meter no 05279619 for 20.09.2012, 19.11.12 and 21.12.12. MRI data dated 21.12.2012 showed reading 81820 which was recorded as final reading on the old meter and shown in meter replacement report. According to MRI dated 20.09.2012 units shown are 65995 and on 21.12.2012 consumptions is shown 81820. Average monthly consumption for 3 months calculated and before the replacement of old meter, said units are shown as arrears. However on MRI data of new meter no. 00344341 recorded on 22.02.2013, 19.03.2013, 18.5.2013, 20.08.2013, 20.09.2013, 18.10.2013. As per record the reading on 22.02.2013 was 12929 units and on 18.05.2013 it was 24420 units. Even after replacement of meter recorded units were 3830. As meter replacement report

was not fed within time to IT Centre, the consumer was billed on average between January 2013 to October 2013 as 300 units per month for which the utility respondent has given credit of 2300 units in the month of December 2013 and further credit was given 1000 units in the month of January 2014. Accordingly opportunity for the hearing was given to both the parties and after making observation IGRC passed an order directing respondent utility to issue the bill on average units 2851 for the period 21.12.2012 to 22.02.2013 and from 22.02.2013 consumer shall pay bill as per reading on existing meter. IGRC also directed that for the period from 21.12.2012 to 22.02.2013 the average consumption should be calculated on 12 month basis for determination of units, including 3 months prior recording which is shown as 15825 and from the date of change of new meter. As per record 3409 units were calculated as an average consumption as per decision of IGRC Vashi Circle dated 22.07.2015 given in consumer complaint No. 14/15-16 Ref. IGRC/ Vashi Circle /3496 dated 22.07.2015.

4. Being aggrieved by the said order of IGRC consumer filed this complaint before the Forum on the ground of excess bill issued by respondent utility for the month of 28.12.2012 amounting to Rs. 1,56,370/- and 1,06,427/- Consumer has paid the bill under protest on 10/01/2013 and has challenged the bill. Further the consumer has alleged that he was paying late payment fees and penalty because the utility was issuing the bills very late. Also the report of replacement of meter was challenged by consumer as there is no record maintained by office and meter was replaced in absence of consumer. No intimation for the confirmation of bill was sent to consumer. Calculation of monthly unit recorded for the period between 05.12.2012 to 28.10.2013 for 10 months comes to be 3226 units per month. However respondent utility charged for 16060 units at the rate of Rs. 9.10 per unit. Consumer has submitted his calculations and has claimed refund for Rs. 3, 51,000/- with

interest @18% pa. After filing complaint on 05.06.2015 notice was issued to the respondent utility. Consumer filed receipt of payment made under protest for Rs. 1, 50,000/- dated 28.12.2013, and Rs. 5, 27,550/-, letter issued by consumer to respondent utility 28.10.2013 along with receipt for Rs. 1,88,930/- dated 24.02.2015 and other disputed bill copies, IGRC order dated 22.07.2015.

5. Respondent utility appeared and filed para wise reply. It is contention of responded utility that MIR data of old meter no 05279619 for 20.09.2012, 19.11.12 and 21.12.12 was filed before IGRC. MRI data dated 21.12.2012 shown reading of 81820 units which was recorded as final reading on the old meter and shown in meter replacement report. According to MRI dated 20.09.2012 65995 units is shown and on 21.12.12 consumption is shown as 81820 units. On average monthly consumption for 3 months calculated before the replacement of old meter. The said 5275 units are shown as per meter. However MRI of new meter no 344341 was recorded on 22.02.2013, 19.03.2013, 18.5.2013, 20.08.2013, 20.09.2013 and 18.10.2013. The said reading of 12929 units was as per record on 22.02.2013 and on 18.05.2013 it was 24420 units. Monthly average consumption for 3 months even after replacement of meter was recorded as 3830 units. As meter replacement report was not fed within time to IT Centre, the consumer was billed on average period between January 2013 to October 2013 as 300 units per month for which the utility respondent has given credit of 2300 units in the month of December 2013 and further credit was given for 1000 units in the month of January 2014.

6. I have perused complaint and documents filed by consumer along with complaint. I have also perused documents filed by utility on 29.04.2015 and 04.08.2015. I heard contention of consumer and his Representative. I also heard contention of responded utility. The dispute in brief is objection raised

by consumer against charging of excess bill for the period of 4 months. The said period is as per complaint made by consumer falls on 20.10.2012 to 21.12.2012 and 21.12.2012 to 22.02.2013. According to utility after complaint of consumer received to Executive Engineer date 28.10.2013 against demand bill for the month of October 2012 to 22.02.2013 making allegation of charging excess units. As per record available with respondent utility, it was informed to the consumer on 28.4.2013. After old complaint for the meter received by the respondent utility they replaced the meter on 05.12.2012. For the period in between (11 months), the bill which was issued to the consumer was on average. After receiving the report of inspection of meter and MRI of the said meter was taken for the period, actual reading was taken and verified. At the time of inspection reading recorded on 19.11.2012, 20.10.2012, 21.12.12 & 19.11.2012 was 10611 and 5213 units. The reading recorded on new meter from 22.11.2013 was recorded as 38023 units, which was previously 38001 units. On the basis of calculation statement for the consumption of unit (which was recorded as per MRI) and reading of old meter was compared. The respondent utility charged for the consumption of units accordingly.

7. At the time of hearing I gave opportunity to consumer and his Representative, so also to the utility for determination of this issue in right perspective. It is seen from the record that the respondent utility filed calculations of units on the basis of MRI taken on new meter. The period of calculation of 2 months average bill is in dispute. Respondent utility calculated the units and claimed the bill for 38023 units. Average unit bill was issued to consumer between the period from January to September 2013. According to respondent utility entry of new replaced meter was not taken in computer system for sufficiently long period and therefore bill was issued on average consumption. Certainly it is not the fault of consumer. Therefore claiming accumulated arrears of units in

the month of November and December 2013 is objected by consumer. Therefore the dispute rose by consumer seems to be proper.

8. As per regulation of authority 10.05 and 13.5 Rules for the purpose of calculation of average units for the mention and disputed period. I have perused the pattern of consumer, earlier as well as subsequent use, comparison of charge of previous year and subsequent months, and also MRI submitted by responded utility is also perused. The respondent utility of to have confusion consumption of unit per month in accordance with regulation after as average unit calculation as claim by respondent seen to not proper. Therefore considering consumption of unit pattern by this consumer and consumption of load to the premises verification is made. To my view calculation of 2 month consumption of unit for calming difference of arrears. I have calculated per month unit which false about 3823 unit per month therefore the calculation of difference of unit.

9. Accordingly should have been assists. According to utility per month average consumption is 5275 per month which is calculated accordingly at the time of hearing I found consumer is liable to pay monthly consumption of 3400 units per month for the difference of arrears period where the average unit bill was issued as instance accrued at the fault of respondent utility consumer cannot be charge for interest and penalty on the on the difference arrears therefore the calculation of unit for the month and period 22.03.2012, 19.03.2013 & 18.05.2013 should be calculated as per average per month bill 3830. Hence, I am ancient to allow to the consumer complaint and proceed to pass following order.

ORDER

1. Consumer complaint No. 595/2015 is allowed.

2. The consumer shall be liable to pay for as per monthly consumption of 3830 units calculated for the disputed period.
3. The bill already deposited by the consumer shall be adjusted accordingly if excess amount is found recover shall be refunded to the consumer with 15% interest the revised and connected bill for calculated of above unit be issued.

Both the parties be informed accordingly.

Proceeding stayed.

Compliance should be reported within 30 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**