

5(A Govt. of Maharashtra Undertaking)
CIN : U40109MH2005SGC153645

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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. 612

Hearing Dt. 21.10.2015

In the matter of dispute recovery of PD arrears bill

Mr. Dinesh H. Patil

- Applicant

Vs.

M.S.E.D.C.L., Shil, 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. Dinesh H. Patil , Consumer

C - On behalf of Respondent No. 1

- 1) Shri. J.U.Mahajan, Assistant Accountant, Shil Sub Division.

ORDER (passed on 26.10.2015)

1. Above named consumer has filed this complaint against the respondent utility. He is a consumer of respondent utility since 2008, having Consumer No. 461055818, at 5/ Vithal Housing Society, Periera Wadi, Saki Naka, Mumbai. According to consumer, in the year 2010 respondent utility not recorded his consumption as actual units, though as per actual reading it was 347 but charge to the consumer for 450 unit. This fact was brought to the notice to the Officer Mumbra, division Shri. Sayad. The consumer

deposited Rs. 1000/- towards this bill through the bill was issued for Rs. 1300/-.

2. In the year 2013 respondent utility issued bill to the consumer for Rs. 34,000/- which was inclusive of arrears since March 2010 till 08/04/2015.
3. It is contention of the consumer that he had informed the respondent utility by letter to remove the meter and temporarily disconnect his connection as his room was in depilated condition since 2010 even then on 08.04.2015. The respondent utility has charged arrears of Rs. 34,000/-. The consumer requested to revise the bill for the disputed month as per actual reading of 347 units dated 17.01.2010.
4. After receiving said bill consumer filed complaint before IGRC and also issued letter on 22.10.2013 and 08.04.2015. The consumer has also filed his letter date 22.03.2010 along with bill no 7309 dtd. 08.1.2010 and receipt dated 22.03.2010 for Rs.1000/-.
5. The dispute was raised before IGRC in case No. 13/2010 to which respondent utility filed reply. Utility has stated that consumer No. 461055813 stands in the name of consumer Shri. Dinesh H. Patil which is used for residential purpose. According to utility:
 - i] it was disconnected on 08.07.2013.
 - ii] Assistant Engineer, Diva II Section carried out inspection and found final reading was recorded as 1130 units for the period March 2010 to July 2013.
 - iii] Therefore bill amounting Rs.15,487/- was issued on 25.03.2015
 - iv] As the consumer has utilized 1130 units as per record, he is liable to pay the arrears of bill.

v] Only the after payment of bill new service connection if necessary will be given.

6. Accordingly, the dispute was heard by IGRC. It was decided on 08.09.2015, directing consumer to pay the arrears of Rs.15,487/- against consumer No. 461055813.

7. Being aggrieved by the said order consumer filed this complaint before the Forum on 08.09.2015 and requested to withdraw the bill (as premises was not in use) and give new connection.

8. After service of notice to the respondent utility, reply was filed by utility on 20.10.2015. It is contention of utility that above named consumer was in arrears for consumption of 1130 units on 23.03.2010. There was arrears of Rs. 640/- along with interest and other charges (Rs. 1453/-). After deduction of Rs.1000/- already deposited by the consumer, remaining bill of Rs. 455/- is required to be paid by consumer. Accordingly after payment of bill application for new connection proposal required to be filed by consumer as per procedure.

9. After perusing contentions of both the parties. following points arise for consideration:

- a. Whether respondent utility is entitled to recover Rs. 455/-
- b. What ordered?

We have considered the dispute raised before IGRC and also perused documents supplied by consumer, i.e. letter dated 22.03.2010, demand bill issued by utility arrears record.

- 10) It appears that consumer had already informed the utility about removal of meter as his room is in depilated condition, but it appears that no action was taken on his application and the supply was not disconnected.
- 11) We gave opportunity to the consumer Shri. Dinesh Patil in person and Nodal Officer of respondent utility. It appears that action of disconnection of supply was not taken immediately. According to record submitted by utility, CPL disclosed that the date of permanent disconnection is in August 2013. The respondent utility is demanding Rs. 15,487/- as PD arrears. Also during the inspection, meter status was not available. Therefore question of calculation of 1137 units of respondent utility is seriously under challenge.
- 12) It is submitted that as per CPL average unit was calculated as 1137. According of the forum, calculation of units as per CPL is not permitted as the bill in July 2013 was not in existence. Therefore action of issuing of bill on 25.03.2015 and demanding PD arrases without any details (Rs.15, 487/-) is illegal.
- 13) The consumer agrees that the last bill paid by him was in the month of February 2010 and thereafter no bills were paid. Therefore arrears of one month bill 640/- was payable. Admittedly the said bill dated 22/3/2010 was not received by the consumer as consumer has already informed the utility vide his application dated 22.03.2010. as such, the consumer is liable to pay the bill dated 22.03.2010 only.

14) It also appears that SD amounting to Rs. 1000/- is not refunded to the consumer till date. Even interest on the SD amount was not paid to the consumer. Therefore consumer is liable to pay amount of Rs. 640/- out of which he already paid amount of 455/-. The procedure of refund of SD not followed by respondent utility. Thus the claim of arrears of bill for 6 months towards fix charges cannot be recovered as consumer had already informed the utility for disconnection of supply and removal of meter. Therefore for the fault of respondent utility consumer cannot be made to pay. According to us recovery of arrears of bill amounting Rs. 34,000/- is liable to be set aside. Thus we are passing following order.

ORDER

- 1) The consumer complaint No. 612 /2015 is allowed.
 - 2) The consumer already deposited arrears of bill Rs. 455/-. Thus now there is no recovery.
 - 3) The respondent utility shall refund SD amounting of Rs.1000/- with interest.
 - 4) The responded utility shall pay compensation and cost of Rs. 5000/- to consumer.
 - 5) The bill towards arrears issued by utility is quashed and set aside.
 - 6) The consumer is at liberty to file application for new connection as per Rule.
 - 7) No order as to the cost
- Both the parties be informed accordingly.

Proceedings closed.

The order is issued under the seal of Consumer Grievance Redressed Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, and 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**