

**Consumer Grievance Redressal Forum
Maharashtra State Electricity Distribution Co. Ltd.
Bhandup Urban Zone, Bhandup**

Ref. No. Member Secretary/MSEDCL/CGRF/BNDUZ/

Date :

Case No. 471

Hearing Dt. 04/12/2012

In the matter of accumulated consumption demand for excess period.

Shri Radha Kishin Mansani - Applicant

Vs.

M.S.E.D.C.L. Gadkari S/Dn. - Respondent

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri S. K. Choudhari, Chairman, CGRF Bhandup.
- 2) Shri R.M Chavan, Member Secretary, CGRF, Bhandup.
- 2) Dr. Smt. Sabnis, Member, CGRF, Bhandup.

B - On behalf of Appellant
Shri Radha Kishin Mansani

C - On behalf of Respondent

- 1) Shri J.R. Reddy, Dy. Ex. Engr., Gadkari S/Dn., Thane.
- 2) Shri N.K. Kadam, U.D.C., Gadkari S/Dn., Thane

The complainant being aggrieved the order of IGRC dated 20/10/2012, has approached this Forum.

Facts in brief of this complaint are as follows :

The consumer shri Radha Kishin Manshani residing at Shreeji Ville, A/701, Nitin Co., Panchapakhadi, Thane (W)-400 602, having consumer no. 000030132688 and meter no. 02605452 was receiving bills from the utility till

Jan-2010. In Jan-2010, the said meter was changed and replaced by new meter bearing no. 09299125.

But this change was not reflected as the replacement report was not updated by the utility.

Thus, the consumer was getting bills on average basis for 266 units per month.

Thereafter, the replacement report of meter no. 09233125 was updated and the consumer received a bill of this meter in July 2012.

The consumer received a bill of ₹ 1,37,726.87 on 04/07/2012 towards the consumption of 11,888 units.

After following up with the matter and lodging a complaint with the Executive Engineer, this bill was reduced to ₹ 29,730/- by the utility.

Due to verbal threat of disconnection of supply from the utility the consumer paid ₹ 14,000/- on 17/08/2012 under protest. The consumer has challenged the decision of IGRC, on the basis that utility cannot collect the bills for more than 24 months.

The Respondent utility has stated that the accumulated units for the period from July-2010 to July-2012 has been split up in 31 months alongwith slab benefit. Therefore, the consumer is liable to pay the same.

Now the question before us is whether the complaint can be allowed?

We answer this question affirmatively for the reasons below :

After going through the documents on record and CPL, it is noted that though the utility has claimed before IGRC that they have billed the consumer since July-2010, in the factum, the consumer has been billed since January – 2010.

Section 56 (2) of the Electricity Act 2003 states as follows :

“ 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

became first due unless such sum has been shown continuously as recoverable as arrears of charges for electricity supplied and the licensee shall not cut off the supply of the electricity"

In the present case, the demand raised for the supplementary bill by the Respondent is not continuously shown. Moreover, this demand is for 31 months and hence Forum observed that the Section 56 (2) of E.A. 2003 is applicable in this case.

Hence, we hold that the present bill of the consumer which is for more than 24 months should be withdrawn and he should be given a fresh bill for 24 months only, dating back from the date of dispute i.e. July-2012.

The consumer though has challenged the bill on the basis that it is for more than 24 months, the total number of units consumed (11888 units) are not disputed. Therefore taking these 11888 units and 31 months, the period for which the consumer has been billed, we hold that the consumer should be bill for 9204 units (calculated as $11888/31 \times 24 + 9204$ units) only.

We thus pass the following order

ORDER

- 1) Complaint no. 471 is partly allowed.
- 2) Disputed bill of the consumer stands withdrawn.
- 3) Utility is ordered to give a fresh bill of 9204 units alongwith slab wise benefit to the consumer.
- 4) Parties to bear their own cost

No order as cost.

Both the parties should be informed accordingly.

Compliance should be reported within month period.

The order is issued under the seal of Consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 26th of December 2012.

Note :

1) If Consumer is not satisfied with the decision, he may go in appeal 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 go in appeal before the Hon. High Court within 60 days from receipt of the order.

DR. ARCHANA SABNIS
MEMBER
CGRF, BHANDUP

S. K. CHOUDHARY
CHAIRMAN
CGRF, BHANDUP

R.M. CHAVAN
MEMBER SECRETARY
CGRF, BHANDUP