

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

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

Case No. 481

Hearing Dt. 12/02/2013 & 18/04/2013

In the matter of recovery of arrears from the unbilled consumer

Shri Mahendra D. Yadav - 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.
- 3) Dr. Smt. Sabnis, Member, CGRF, Bhandup.

B - On behalf of Applicant

- 1) Shri Rupesh, Consumer Representative.

C - On behalf of Respondent No. 1

- 1) Shri J.R. Reddy, Dy. Ex. Engr., Gadkari. S/Dn., Thane.

C - On behalf of Respondent No. 2 (Society Member)

- 1) Radhakrishna Nair.
- 2) S.N. Pitalia.

The consumer Shri Mahendra Dukhharan Yadav has approached this complaint before us, as he has received a notice of disconnection from the utility, dated 28/01/2013.

Facts in brief of the complaint are as follows:

1) The consumer Shri Mahendra Dukhharan Yadav is residing at Gagangiri Avenue Society, Near Samata Nagar, Panchpakhadi, Thane West, where he is holding three flats with the following connections:

Flat no.	Meter no.	Consumer no.	Name
103		000027278199	Smt Rita Yadav
104	9003103772	000027218181	Shri Dukhharan Yadav
105	7801972850	000027218172	M/sTrimacMachinery Manufacturing Pvt Ltd

2) The consumer Shri Mahendra Dukhharan Yadav used to pay the bills towards the meter which belongs to the society (consumer number 000027218172) by mistake.

3) The actual meter number 00003103775 of the consumer remained unbilled since July 1995 for 12072 units.

4) This arrears of ₹ 73,282.17 for unbilled consumer is loaded/transfer on consumer no. 000027218181.

5) The utility served a notice for disconnection dated 28/01/2013 for consumer number 000027218181 for ₹. 73282.17, thus this complaint.

It is submitted by the complainant that

- Since beginning the utility issued the bills for flat no 105 in the name of Gagangiri Avenue Society, which the society used to pass on to the complainant and the complainant used to pay the same.
- Utility used to give bill for the flat no 104 in the name of Shri Dataram Yadav, instead of Shri Dukhharan Yadav.
- In the month of October 2012, the utility issued a false, hand written bill for flat no 105 in the name of Smt. Rita Yadav, for ₹. 70710/-.
- Thereafter on 05/11/2012, the utility issued illegal letter to M/s Trimac Machinery Manufacturing Pvt. Ltd that the bill amount of ₹. 70710/- has been transferred on the flat no 104, meter no. 9003103772, consumer no. 000027218181.
- In the month of November 2012, the utility issued a bill of ₹. 76680/- to flat no 104.

- On 23/11/2012 disconnection threat was given to the consumer for the unpaid bill of ₹. 5522.17 for the flat no 104; which the consumer paid immediately.

The utility has stated that since dues on the consumer no 000027218181 was unpaid, they have served the disconnection notice rightly. They have also submitted that actual meter no 3103775 remained unbilled since 3rd July 1995. The consumer has consumed 12072 units from the said meter.

Now the questions before us are

1] whether the consumer can be granted relief

2] if so, what relief

We answer the question no 1 affirmatively.

We have gone through the documents placed on record before us and also heard the oral arguments advanced by both the parties.

There is no doubt that the consumer has paid the bills, though of the different meter which indicates that he had no intention to keep the bills unpaid.

We also directed the complainant to amend the complaint and implead the society as a necessary party to the complaint. This direction was given because the complainant had submitted before us that the society is ready to pay the bills for unbilled meter. But the representatives of the society who appeared before us categorically denied to pay the bills, as they are not using any electricity through that unbilled meter.

Now the fact remains that the bill of meter no 00003103775, through which he had consumed the electricity (12072 units) has remained unpaid. From the notice of the utility dated 05/11/2012 it is seen that the billing for the said meter had not started by the utility till November 2012.

As per the EA 2003, the utility cannot ask for the bills beyond the period of 2 years (except for the proviso, which is not applicable in the present case).

Thus, we have arrived at the conclusion that

The consumer is not entitled to get any credit/adjustment for the bill which he has paid mistakenly.

The utility cannot demand any bill for the period beyond 2 years as per section 56(2) of EA 2003.

We therefore pass the following order

ORDER

- 1) Complaint no. 481 is partly allowed.
- 2) Utility is directed to give revised bill for past 2 years from the detection of unbilled meter no. 3103775 to the consumer along with his regular monthly bills.
- 3) Utility is directed to give three installments for the payment of the arrears.
- 4) No order as to cost.

Both the parties should be informed accordingly.

The time limit cannot be observed as the society members has to made a party for fair justice and resolving the grievance.

The order is issued under the seal of Consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 8th of May 2013.

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**