

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

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

Date :

Case No.508

Hearing Dt. 16/09/2013.

**In the matter of recovery of arrears of unbilled consumer**

Shri. Rakesh G. Shirodkar - Applicant

Vs.

M.S.E.D.C.Ltd., Mulund - Respondent

Present on behalf

A - On behalf of CGRF, Bhandup

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

B - On behalf of Appellant

- 1) Shri. Govind Shirodkar –
- 2) Shri. Yogesh Katira – Consumer Representative

C - On behalf of Respondent

- 1) Shri. Suhas Bedagkar Dy. Ex. Engineer, Saravoday, Sub Division.

Shri Rakesh Ganpat Shirodkar is a single phase Residential consumer under service No. 000095022880 residing at T.G. 32/5 Hanumanpada, near Anil Parmar House, Mulund (West).

From the record it is observed that connection was released on 20<sup>th</sup> August 2003. The consumer electric supply was disconnected in September 2006 for an arrears of ₹ 9380/-. On Payment of arrears this consumer was practically made live but on record remained permanently disconnected. However the facts came in light in the month of February 2013.

As per the reading of the meter this consumer has used 22925 units from September 2006 to February 2013 and accordingly the bill for ₹ 2696121/- was issued to the consumer, which again rectified to an amount of ₹ 139100/- by awarding the slab benefit over the period of 74 months.

Inadvertently, this consumer remained unbilled from September 2006. Consumer never came forward to reveal this fact which was his prime duty. However, it is also true that during every month cycle the other consumers in the same building were read by the agency of the Respondent but never brought to the notice for this unbilled consumer.

In the Representation, the consumer has denied to pay the supplementary bill raised for 74 months. He showed willingness to pay the bill only for last 24 months from the date of detection of unbilled consumer and insuport he referred, section 56(2) of Electricity Act 2003.

The consumer filed his Grievance to the IGRC, Thane Circle but got no relief and hence approached to this Forum.

Shri. Yogesh D. Katira was present to Represent the consumer. The Representative in his submission contended that in the above premises only his aged mother is residing and use very less Electricity.

He insisted that it is duty of utility as mentioned in the Regulation 15 of MERC Regulations 2005 which clearly states that unless the consumer receives prepaid service, it is the duty of service provider to send the bills at regular intervals, which may be one, two or three months and even if the meter is not accessible the Distribution Licensee should send the estimated bill. Moreover he also referred the section 163 of Electricity Act 2003, which gives the freedom to the personnel from Distribution Licensee to enter at any reasonable time in any premises having meter.

On behalf of utility Shri. Suhas Bedagkar was present (here in after referred as to the Respondent). He conceded that it inadvertently remained to update the status of consumer, In the billing system and hence consumer was remain unbilled. He clarified that the supplementary bill is only for the utilization of electricity, and no delayed payment or interest is charged. He further mentioned the Regulation 15.5.2 of MERC Regulations 2005 which reads as

*15.5.2 - In case the consumer does not receive the bill, has lost the bill, he shall, before the receipt of the next bill, report the same to the officer designated by the Distribution Licensee to address such cases.*

He further added that though the consumer remained unbilled due to some technical mistake, it was the prime duty of consumer as mentioned above to collect the bill from the concerned area office.

The matter was heard on 16<sup>th</sup> September 2013, both the parties were present, documents on record and arguments during the hearing reveals that, the consumer remained unbilled from September 2006 though consumer was live and using the electricity. Forum feels that in such case the consumer should have approached to the utility and should have brought it to the notice, about the non- receipt of bills, but consumer did not follow his duty in the right spirit.

The bare perusal of the documents reveals that consumer remained unbilled for 74 months and in the duration he consumed 22925 units of energy. However the arrears amount shown in the supplementary bill did not reflect in the bill continuously being consumer remain unbilled. Thus hence the section 56(2) of Electricity Act 2003 do not permit recovery of the arrears beyond of 24 months from the date when it becomes first due.

The 56(2) of Electricity Act 2003 speaks as

*56(2) - 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 become first due unless such sum has been shown continuously as recoverable as arrear of charges for electricity supplied and the licensee shall not cut off the supply of the electricity.*

It is true that consumer has availed the electricity for over 74 months but considering the provision of Electricity Act 2003 quoted above this Forum has no alternative than to direct the Respondent to raise the supplementary bill form only 24 months i.e. from March 2011 to February 2013 calculating per month consumption by dividing 22925 units with 74 months.

### **ORDER**

The Respondent should revise the supplementary bill limited to 24 months as per section 56(2) of Electricity Act 2003 as elaborated above.

The Applicant consumer should pay the revise bill without any delay.

In absence of Chairperson the two members have heard the matter and passed an order.

The compliance should be reported within the 30 days from the receipt of this order.

No order as to cost.

Both the parties should be informed accordingly.

The order is issued under the seal of Consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 9<sup>th</sup> October 2013.

Note :

1) If Consumer is not satisfied with the decision, he may file representative 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.

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

**R.M. CHAVAN  
MEMBER SECRETARY  
CGRF, BHANDUP**