

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

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

Date :

**INTERIM ORDER**

Case No.509

Hearing Dt. 31/10/2013

**In the matter of unbilled consumers recovery**

Shri. Bharat M.Malhotra - Applicant

Vs.

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

Present on behalf

A - On behalf of CGRF, Bhandup

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

B - On behalf of Appellant

- 1) Shri. Sanjay Shukla –
- 2) Shri. J.V. Kamat – Consumer Representative

C - On behalf of Respondent

- 1) Shri. S.H.Mane Dy. Ex. Engineer Pachrasta, Sub Division.
- 2) Shri. B.R. Sankpal - Artizen 'C'

Shri. Bharat Malhotra is a commercial consumer of MSEDCL under Sr. No. 000090277987 at Indira Colony, B.R. Road, Mulund (W).

On dt. 08/03/2013 the Respondent utility sent a supplementary bill to the consumer for an amount of Rs. 4,58,380/- . On query it was explained that consumer was remain unbilled from December 2002 and bill was raised against the consumption of electrical energy for an units of 73077. This is the consumption of 123 months which

was not charged since its reconnection of electric supply in December 2002. However consumer claimed that as per section 56(2) of Electricity Act 2003, the Respondent utility could not recover the energy charges beyond 2 years from the date when it becomes a first due.

In the present case representative submitted that the demand of supplementary bill is raised on 07/03/2013 and hence respondent can demand the charges for last 2 year from this date of demand.

During the proceeding, respondent produced the copy of order passed in the similar case by the Consumer Disputes Redressal Commission Maharashtra State in first Appeal No. 702/2008 dt. 05/06/2008 in which it was held that the section 56(2) of Electricity Act 2003 was came in force in year 2004 and if the recovery of consumed electricity is of the period earlier to 2004, the section 56(2) of Electricity Act 2003 can not be made applicable and the issue should be governed by the Indian Electricity Act 1910. This argument at present ca not be considered for the reasons given below:-

The attention of this Forum is brought towards the W.P.No. 10764 of 2011 incase of MSEDCL vs S.D.O.,BSNL Deogad, Sindhurg dt. 24/01/2012 where in the Hon'ble Single Judge Bench Observed the conflict between two cases decided by this Hon'ble High Court i.e. case of Awadhesh S. Pande (W.P.221 of 2006) and M/s. Rotatex Polyester (supra) regarding interpretation of section 56(2) of Electricity Act 2003.

In view of the fact that Hon'ble single Beach of Bombay High Court requested to Hon'ble Chief Justice to refereed the matter to the larger Bench for clarification and interpretation of section 56(2) of Electricity Act 2003. This Forum after having discussion, came to the conclusion to stay the further proceedings of this case as the similar issue is to be decided in this case, till the decision of Hob'ble large Beach of Hon'ble Bombay High Court .

### **ORDER**

However, the Respondent is the directed to collect the current bills from the consumer and the balance supplementary bill should be kept in abeyance till the final disposal of this case.

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 31st 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**

**S. K. CHOUDHARY**  
**CHAIRMAN**  
**CGRF, BHANDUP**

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