

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

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

Date:

Case No. 513

Hearing Dt. 14.11.2013  
06.12.2013.

**In the matter of accumulated billing**

**Shri. Ambalal Gami** - Applicant

Vs.

**M.S.E.D.C.L. Vashi** - Respondent

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri. S.K. Choudhary, 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. Suraj Chakraborty - Consumer Representative.

C - On behalf of Respondent No. 1

- 1) Shri. Deshmukh , Dy. Executive Engineer, Vashi Sub Division.

Shri. Ambalal Bhanji Gami is a 3 phase Commercial consumer under Sr. No. 000481201659 at Shop No. C-10/F-7 Sector 10 Vashi, Navi Mumbai. The electric connection was released on 04/04/1986. In November 2006 the consumer has enhanced the load.

As stated by the consumer Representative Shri. Suraj Chakraborty, the premises of the consumer was in non-use condition since last two years.

On 19<sup>th</sup> September 2013, the Jr. Engineer of utility had visited the premises and replaced the meter under the reason that old meter was faulty. Earlier in October 2012 and thereafter in July 2013 the meter was replaced with the same reason of 'faulty status'.

The Representative further also raised an objection that how consumption of 33451 units in 1 month can be recorded on such faulty meter, as is claimed by the utility.

He further added that there were no activity to consume such a heavy electricity of 33451 units in a months period; He denied the use of huge electricity and suspected the preciseness of meter working. He further requested for laboratory testing of the meter.

He also claimed that premises were in 'non-use' condition since last 2 years and submitted shop establishment certificate and agreement of old tenant in support.

He admitted that the premises is now being utilized as a sweat mart from October 2013. Therefore there was no electricity consumption from last 2 years and the bill raised for the consumption of 33451 units is fictitious and with malafied intention.

He further referred the MERC Regulations 2005 clause 15-4, which states that in case of faulty meter the utility can raise the supplementary bill on average consumption for 3 months only.

On the behalf of utility Shri. Deshmukh, Dy. Executive Engineer, Vashi, Sub Division was present; He narrated that the consumption was remained unread for 22 months from January 2012 to October 2013 which was split over the period and issued the bill with slab benefits to the consumer.

He further explained that meter is not faulty and the same is confirmed; He also produced the copy of electric bill showing the details viz-meter serial number and progressive reading noted on 08/09/2013 on 163741 and on 08/10/2013 as 167942;, can be seen on photo of meter on the bill.

He further reiterated that as meter is not faulty the MERC Regulation 15.4 can not be made applicable. However he referred the section 56 Sub Section -2 of Electricity Act 2003 which allow to recover the arrears for the period of last 2 years which are not shown as continuous arrears in the bill

The matter was heard on 14<sup>th</sup> November 2012, and subsequently on 6<sup>th</sup> December 2012, however the Representative of consumer was absent on 6<sup>th</sup> December 2012.

The perusal of record and arguments during the hearing reveals that the consumer was not billed as per reading for the period of 22 months. It is also true that meter was showing progressive reading and was not faulty. In such case, it is the duty of utility to take the readings by the Authorized Representative at least once in every three months in the case of agricultural consumers, and at least once in every two months in the case of all other consumers, unless otherwise specifically approved by the commission for any consumer or class of consumers. Also on the part of consumer, no efforts are seen to protest average bill given by the utility.

Forum observed that the MERC Regulation 15.4 of Regulations 2005 as referred by the consumer can not be applied as the meter is in working condition.

There is nothing on record to support the claim of the consumer that the said premise was closed for but 2 years. The utility was never informed by the consumer about such 'non-use'.

Forum also observed that there is the request application of consumer dated of 25<sup>th</sup> November 2013 to the Respondent utility to allow him to pay the bill in four installments.

It, shows that the consumer had agreed that the bill raised was against the utilized energy. But the Forum is of the opinion that the consumer should be allowed to pay the bill in installments, as the bill was raised all of a sudden.

Forum also observed that consumer Representative has provided false information that the consumer has paid Rs.100000/- (One Lakh) under protest, through he had applied for the same.

It is also observed that even after intimation to the consumer Representative to remain present for hearing on 6<sup>th</sup> of December 2012, he did not take cognizance and remained absent. This clearly shows his inertness towards his grievance.

The Forum with all above observations found nothing to intervene in the matter; being bill raised is only for the utilized energy and do not find any substance to restrain the Respondent in its recovery.

However the Respondent should consider the request of consumer for providing a facility of installments.

### **ORDER**

- I) There is nothing on record to declared the supplementary bill raised for 22 months for the consumption of 3345 units and hence the is deserved to be and herby rejected.
- II) It is directed to the Respondent to consider the request of consumer to award the installment as per utility's own circular of Director Operation in this regard for easy payment of supplementary bill

No order as to cost.

Both the parties should be informed accordingly.

Compliance should be reported within 60 days.

The order is issued under the seal of Consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 30<sup>th</sup> December 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**