

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

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

Date :

Case No. 426

Hearing Dt. 31/01/2012

Aghadi Nagar Co.Op. HSG. Ltd.

- Applicant

Vs.

MSEDCL, Pannalal S/Dn.

- Opponent

Present during the hearing

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 Applicant

- 1) Shri A.S. Khan, Consumer representative.

C] - On behalf of Opponent

- 1) Shri P.H. Shirke, Dy. Ex. Engr., Pannalal S/Dn.

ORDER

Shri A.S. Khan representing to the Aghadi nagar co-operative society Ltd. put forth the facts as under :

The said society is registered co-op HSG. Society taking care of the society affairs since its inception they are in receipt of letter dtd. 22/07/2011 enclosed with one verification report dtd. 16/07/2011 and bill

of ₹ 2,41,500/- their statement to utility's letter verification report and bill is as follows.

They deny the consumer no. 000050235114 & meter no. 994910 is on society name because society has never applied for the said meter.

He further stated that they never received any electric bill on the said consumer no./meter no. since formation of society.

He further narrated that the society is regularly paying its usage charges to MSEDCL regularly on all meters installed by them.

MSEDCL has never sent any letter correspondence on the said consumer no. till 16/07/2011.

He further said that the allegation made in utility's letter for utilizing three phase connections for lift operations is not true.

The so called panchnama (verification) is not witness by any society officials. Under the circumstances society request MSEDCL authorities to withdraw the allegation made on society.

Shri P.H. Shirke, Dy. Executive Engineer of Utility proceeded as :

The connection of meter no. 994910, cons. no. 000050235114 found unbilled since Feb-1998. The consumer was using supply for lift. As per verification report dtd. 16/07/2011 by Dy. E.E., Pannalal it is noticed that the consumer was remained unbilled since Feb-98 i.e. date of connection.

Reading checked as on 16/07/2011 is 57096. Therefore, actual consumed unit is 57096 for 162 months, average per month 353. Therefore, the bill prepared as per consumption unit per month 353 for

162 months as per reading & served to the consumer amount to ` 2,41,500/-.

The consumer submitted letter dtd. 08/08/2011 to Dy. Ex. Engr., Mahavir Universe Compound, Bhandup (W) whereas consumer is billed under Pannalal S/Dn. The consumer made grievance to Pannalal S/Dn. Inward no. 230 dtd. 23/01/2012. The recovery bill of ` 2,41,694/- for 162 months from Feb-98 to July -11 is transferred on consumer no. 000060173427 to recover arrears from the consumer as the electricity used by this consumer. As the supply of consumer no. 000050235114 of Aghadi is made PD due to non payment of ` 2,41,000/-. Though consumer started to use supply from consumer no. 000060173427 which is against I.E. Act 2003.

The matter was heard on 31st Jan-2012 both the parties were present, perusal of record and arguments during the hearing reveals that the 3 phase energy meter bearing no. 994910 under service no. 000050235114 was remained unbilled for a long period of 162 months i.e. from the date of connection Feb-1998. This is gross negligence of the utility officials. The fact should have brought to the notice by the meter reader. The utility was entitled to recover the total arrears if not made P.D. (permanent disconnection). However, the utility has made connection P.D. and loaded the arrears to another 3 phase meter of the society. It is worth to referred the relevant provisions laid down by the Electricity Act 2003 under Section 56 (2) which reads as :

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 shows continuously as recoverable as arrears of charges for electricity supplied and the licensee shall not cut off the supply of the electricity.

This reveals that the utility can recovered only for last 2 years from the date of detection of this unbilled consumer. Hence utility therefore directed to recovered only last 24 months bill without charging interest from the unbilled consumer.

No order as to the cost

Both the parties 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 31/03/2012.

Note : 1) If Consumer is not satisfied with the decision, he may have representation 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 writ 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