

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

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

Date :

Case No. 462

Hearing Dt. 02/08/2012  
& 09/08/2012

*In the matter of Recovery of P.D. arrears*

Shri Dayanand Malhari Misalkar - Applicant

Vs.

Vikas S/Dn., Thane - 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 Prakash S. Sardar - Consumer Representative

C - On behalf of Opponent

- 1) Shri V.M. Shinde, Dy. Ex. Engr., Vikas S/Dn. MSEDCL

The consumer Shri Dayananad Malhari Misalkar has filed this representation before Forum against the order of IGRC dated 18/06/2012.

Facts in brief-

The complainant purchased a Row-house at Flower Valley complex (being no 2) in December 2007.

At the time of taking possession, i.e. in August 2008; there was no electricity supply.

Thereafter, the complainant obtained supply from MSEDCL in the month of October 2011, consumer number being 0020618124.

Though the meter was accessible, in the month of October 2011 consumer was billed on average of 500 units under the status - 'inaccessible meter'.

In the month of November 2011, the consumer was billed for 30,000 units amounting to ₹ 3,05,780/-

After making correspondence with the utility, it was discovered that the said bill was on account of unbilled units for the period from October 2006 to September 2011 against old consumer number 000036013958/5 (for 62 months).

It is stated by the consumer that the old, disputed meter was installed at a common place; and there is no evidence that this consumer was ever given supply from this meter. In spite of there being no supply from the said meter, this consumer is billed for 30,000 units for the month of November 2011.

It is further stated by the consumer that since the arrears of the said meter are not shown continuously, as per section 56(2) of the Electricity Act 2003, the consumer is not liable to pay the same and the supply should not be disconnected.-

- a. The inspection report was exparte.
- b. The evidence of unbilled consumption was not recorded in the form of Panchnama.
- c. There is no evidence of supply to this consumer from the disputed meter.
- d. Vikas Complex subdivision has no jurisdiction as regards consumer no. 0000360395/5. Where as the actual No. is. 00003601395/5
- e. Dy. G.M, IT Centre Thane has confirmed that consumer no 000036013958 does not exists on the record of IT Centre, Thane.

The consumer has also raised an objection to the report of Jr. Engineer, Kolbad on the following ground

The utility has mentioned in its written say that-

1. Since October 2006 consumer no. 000036013958/5 remained unbilled.

2. 30,000 units were assessed as per JE's spot inspection report dated 04/10/2011 for consumer number 0000360395/5 the accumulated consumption was split from October 2006 to November 2011. Supply to Shri. Misalkar was through the same meter number; i.e. 0033001087/108012 is used for new connection and New consumer number was generated in the name of Shri. Misalkar on 04/10/2011.

3. Bill under the dispute was revised and split over the period October 2006 to November 2011 as per application of the consumer.

4. As per IGRC decision, the bill was again revised for the period from March 2008 to November 2011, amounting to ₹ 53,785.18/-  
The consumer has prayed for the following reliefs-

1. To set aside the order of IGRC dated 18/06/2012.

2. To quash the bill of 30,000 units amounting to ₹ 1,20,604/-.

3. Credit ₹. 15,000/- paid under protest.

The utility has filed its say before Forum. It is submitted by the utility that since the consumer has undertaken on affidavit to pay the arrears if any, he is liable to pay the same as per MSEDCL rules.

The utility has relied heavily upon JE's spot inspection report dated 04/10/2011. As per this report, new consumer number (000020618124) was generated in the name of Mr. D.M. Misalkar on 04/10/2011 and the bill for ₹ 3,05,780/- for 30,000 units was generated and severed to the consumer in the month of November 2011.

The utility has also submitted that details of consumer no 000036013958/5 is not available in the office.

It is contention of the utility that since the order of IGRC is already complied with by the utility by way revising the bill and since the arrears were on the premises, this consumer is liable to pay the same.

However, the respondent failed to substantiate that the old connection under service no.00003601395 with the meter no. 33001087 was used to supply the electricity to this premises. Moreover there was no any record available like meter movement entry; meter allocation register or meter issued to consumer through testing lab etc. Even; IT section has also refuted the existence of old consumer number in the jurisdiction of vikas complex sub division.

The Forum has gone through all the documents placed on record and also heard oral arguments advanced by both the parties.

Despite giving sufficient time to the Utility, it did not take any efforts to produce any document/ evidence to prove that the above mentioned arrears belong to this complainant, hence, the arrears raised for consumption of 30000 units amount to ₹ 3,05,780/- which is corrected to ₹ 53,785.18 should be squashed and corrected bill should be issued to consumer.

Compliance should be reported within month period.

No order as 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 10<sup>th</sup> September 2012.

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**