

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

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

Date :

Case No. 401

Hearing Dt. 07/10/2011

Shri Dhondiram Kharate

- Applicant

Vs.

T.P.L., Bhiwandi

- Opponent

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri S. D. Madake, 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 D. Kharate –Consumer

C - On behalf of Opponent

- 1) Shri R.P. Chavan, Dy. Ex. Engr.

Preamble :-

Shri Dhondiram Kharate is a single phase residential consumer under service no. 0000011597726 which was released on 5th June 2001 by the utility. The utility failed to feed the new service connection report in the system and hence consumers remain unbilled. In Nov-2009 utility start the billing on average consumption

of 75 units and read the consumer in April-2010 for total units of 14385. The utility issued the bill of ` 1,17,585.28 deducting the credit amount of ` 1,159.60 for average billing. The consumer was unable to pay such high amount and hence file grievance to the IGRC. The IGRC. The IGRC ordered for grant of installment only and no other relief was granted. Aggrieved of this order consumer file the grievance in appeal to this Forum and accordingly the grievance was registered vide case no. 401 and hearing was fixed on 07/10/2011.

Consumer say :-

Shri Dhondiram Kharate, the consumer (herein after will referred as to the Appellant) was present to represent the case, he stated that his electric single phase residential connection was released on 05/06/2001 but first bill was issued on 23/07/2010 i.e. after lapse of eight years. His meter is working properly but the utility staff never read the meter and hence issued him bills as per readings.

He further stated that he had approached utility office number of times and requested verbally for issue of electric bill but no one has taken cognizance and at last on July-2010 utility issued him huge amount bill which he unable to pay.

He also quoted the section 56 (2) of E.A. 2003 and claimed that utility could not ask him to pay the bill for more than 24 months from the first due to bill issued.

He also claim the compensation as per S.O.P. of MERC Regulations 2005 for non reading of meter. He also demanded the compensation of ` 2,000/- for mental agony and harassment by the utility officials.

The Appellant requested in his prayer for six equal installments in the corrected bill for ease of payment.

Utility say :

Shri R.P. Chavan, Dy. Ex. Engineer was present to represent the case (herein after will referred as to the Respondent) he stated that the supply is given on dtd. 05/06/2001. The consumers NSC report mismatched & therefore not feeded to system till Nov-2009.

He further stated that the first bill is issued to consumer in Nov-2009 for 75 units & in the month of April-2010 the bill of 14385 units is issued to consumer as per actual consumption & reading in meter.

The Respondent further stated that the bill is splitted for the period of 2001 to Sept-2010. The adjustment given in Sept-10 for amounting to ` 64,092/- (credit).

The Respondent insisted that consumer has no bill dispute, consumers only demands the installments for payment of balance bill.

Observation :

The matter was heard on 07/11/2011 both the parties were present the documents on record and arguments during the hearing reveals that the consumer connection was released on 05/06/2001 and since then utility neither read the meter nor billed the consumer in the month of July-2010. Utility issued the bill of accumulated consumption of 14385 units for an amount of ` 1,17,585/-. This was the total recorded consumption since the date of connection and was caused due to ignorance of the utility personals. Even such is the case, it was also duty of the consumer to request in writing to the utility for non billing for electric use. The Appellant was aware that he was not getting the bill for its utilization but record shows that the Appellant had kept mum about the unbilling.

It is also observed that utility has splitted the accumulate consumption per the period of June-2001 to Sept-2010 and issued the credit of ` 64,092/-. Considering above, Forum feels that it will be worth to see the provisions in the E.A. 2003 and MERC Regulations regarding the sudden billing of consumer which remain unbilled for long period.

Forum observed that in such circumstances the relevant section is 56(2) of Electricity Act 2003 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 shown continuously as recoverable as arrears of charges for electricity supplied and the licensee shall not cut off the supply of the electricity”.

It will be therefore justified to reverse the bill and correct for the consumption of 24 months from when the consumer was issued first bill. The rest of the billing amount should be squashed.

During the proceedings, the Appellant do not insist upon the compensation. Forum is therefore declined to grant the same.

ORDER

The bill should be revised as mentioned in the forgoing observations calculated on per month consumption basis.

The compliance should be reported within a month on receipt of this order.

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 31/10/2011

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. D. Madake
CHAIRMAN
CGRF, BHANDUP

R.M. CHAVAN
MEMBER SECRETARY
CGRF, BHANDUP