

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

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

Case No. 308 Hearing Dt. 22/02/2010&
2/03/2010

In the matter of old Arrears

Thane Municipal corporation - Appellant
Vs.

MSEDCL, (kalwa Sub./DN) - Respondent

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri S.L. Kulkarni, Chairman, CGRF, Bhandup
- 2) Shri R.M Chavan, Member Secretary, CGRF, Bhandup.
- 3) Mrs. Manik P. Datar, Member, CGRF, Bhandup..

B - On behalf of Appellant

- 1) Mr. Ashish Gupte – Dy. E. TMC.
- 2) Mr. Vinodkumar Gupta – Dy. Engr. TMC.

C - On behalf of Respondent

- 1) Mr. R.K. Badole - Dy. E.E. Kalwa Sub division
- 2) Mr.G.V. Vishe. Asstt Accountant Kalwa S/Divn.

Preamble

Thane Municipal Corporation is three-phase commercial consumer under consumer No. 00090256211. The said connection was used at vitawa Jakat Naka (Octroi Post). In the year 1983 this connection was released as a single-phase commercial connection, which later in July 2000, converted into three- phase commercial connection. In the year Nov 2000 Utility (i.e. then MSEB) draw the recovery towards unbilled consumption of single-phase meter for an amount of Rs.300188.78. against which TMC paid Rs. 1,93,241.00 on dt. 5/12/2000 and the balance amount Rs 106947/- was kept unpaid for the reason of wrong arrears shown since then TMC was pursuing for the working of for correct arrears but could not get relevant details from the Utility.

In the absence of any response from the Utility, the TMC approached the ICGRC of the Utility on 3/11/2009. Accordingly the matter was heard and the request of TMC was rejected under the reason the case is time barred.

Aggrieved of this order passed by ICGRC vide letter SE/ TUC/ ICGRC/ 139 dt. 06/01/2010, TMC approached to this Forum on 03/12/2010 and was registered vide case No. 308.

The matter was heard on 22/02/2010 & 2/3/2010 where both the parities were present.

Consumer say

Mr. Gupta Mr. Gupte were present to represent the TMC case.

Thane Municipal Corporation is having electric supply connection at Vitawa Jakat Naka having consumer no. 000090256211. MSEB has issued first bill in Nov. 2000 wherein bills as per meter reading was given and arrears of RS. 1,00,089.00 was shown. This arrears was ambiguous and therefore immediately vide letter dt. 23/11/2000, they had intimated to MSEB Kalwa for rectification and deletion of this ambiguous arrears but no action was taken by MSEB. Meanwhile current bills as per meter reading were paid.

Further again vide TMC's letter no. 173 dt. 06/08/2002, we have again requested MSEB to delete the false arrears Rs. 1,00,089.00, MSEB had mentioned regarding dispute of arrears in bill for month of June 2004

Again vide TMC letter no. 757 dt. 23/05/2006 they had requested MSEB to settle the arrears along with interest on arrears since arrears were not incorrect but neither any action taken by MSEB nor they have intimates TMC regarding this issue. Under this circumstance TMC was under impression that issue of arrears is being settle by MSEB.

For settlement of incorrect arrears TMC had made many correspondences vide letter dt.11/12/07,

dt.27/06/08, dt. 25/03/08. dt. 23/09/08, dt. 02/03/09 &dt. 24/03/09.

MSECDL vide their letter dt. 16/02/2009 informed Thane Municipal Corporation that arrears for this connection are correct. But MSEDCL had not given TMC any supportive documents for their say, since matter was not sorted by MSEDCL Kalwa, Thane Municipal Corporation has approached to Internal Grievance redressal cell of MSEDCL on 28/04/09. The cell has given hearing on 23/11/09. During the hearing Internal Grievance redressal cell has asked to produced correspondence made by TMC to MSEDCL. In reply to this TMC vide letter dtd. 15/12/09 had submitted previous correspondences to the Internal Grievance redressal cell. However Internal Grievance redressal cell rejected their appeal vide order dt. 06/01/2010 without conducting second hearing and intimated TMC about the same. The order was received by Thane Municipal Corporation on 20/01/2010.

Prayer of Consumer:-

It is requested to waive the incorrect arrears along with interest on arrears.

Utility Say :

On behalf of Utility Shri R.K. Badole- Dy. E.E. Kalwas Sub division and Mr. G.V. Vishe Asstt. Accountant Kalwa sub division were present to represent the case. (Here after referred as to the Respondent).

As per their submission and the arguments made during the hearing that there was single phase connection since 1983 which was built on commercial basis TMC took up the work of expansion of Vitawa Jakat Naka and hence they found a need of three phase connection in the year 2000. Accordingly Utility granted three phase connection under the conversion with same consumer number. During the survey, Utility officials observed that a single-phase connection was in use before conversion. The bills were issued on RNA and no meter status with the zero consumption from 1995 to Jan 2000. In the month of May 2000 a single-phase meter was replaced by three phase with new meter no. 85574.

In the month of Nov. 2000, the appellant was billed for an accumulated consumption of new meter for the consumed units of 34463 for an amount of Rs. 2,22,996.78. Moreover the Appellant was billed for unrecorded units which was determine from the final reading of old single phase meter which was amounting to 77191.50.

Utility admitted that TMC had paid Rs. 1,92,914/- on 05/12/2000 against the total bill of Rs. 3,00,188.28/- and the balance amount of Rs. 107274.28 was a remain unpaid by TMC for non-payment of these arrears, the Interest and DPC is levied as per and procedure which reaches to Rs. 4,19,962.87 by the end of Jan 2010.

They further added that TMC is being public service organization they were allowed to pay the current bill and arrears were kept aside. However continuous follow up

for recovery of the arrears was made from the concern office. Moreover it was informed to TMC vide office letter dt. 16/02/2009 that the arrears charged by Utility are correct and requested to pay the same as earliest.

Observation :

Having heard both the parties and the documents on record it reveals that a single phase connection was replaced by three phase connection in May 2000 at Vitawa Jakat Naka.

As argued by the Appellant there was no use of electricity from 1997 till the conversion of single phase to three phase and after conversion the supply was used according to the recorded consumption, the Appellant was paid Rs. 1,93,241/- on dt. 05/12/2000. It is also observed from the letter written by the Appellant to the Respondent dt. 23/11/2000 which is received by Kalwa sub division on 24/11/2000 it was requested to Utility to clarify the arrears of Rs. 1,00,089/- which were shown as on arrears in appellant's bill similar kind letter's were written by TMC on 06/08/2002, 01/03/2006, 23/05/2006, 11/12/2007, 27/06/2008, 25/03/2008, 27/06/2008, 23/09/2008. The clarification about the arrears of Rs. 1,00,089/- but from the record Forum observed that the Respondent had not taken any cognizance for clarification of the arrears charged. This shows a gross negligence and apathy towards consumer service by the Respondent.

During the course of hearing the Respondent could not put forth any justification and no supportive documents can produce which can established the arrears charged and are of real consumed energy.

In the present matter, Forum have given ample time to the Respondent to produce documentary evidence to the justify the arrears charged, but even after a ample time they were enable to produce the same.

On going through the CPL, it is observed that from April 1997 till the conversion of single phase to three phase connection of Vitawa Jakat Naka was billed with no meter and RNA status for zero consumption which indicates that there was no use of electricity for recording the consumption which supports the arguments made by the Appellant for non use of supply. On the contrary the claim of the Respondent that these arrears are in respect of recording of old single-phase meter cannot be substantiate

As per the ICGRC's decision the case was rejected on the ground of time limit. In the light of justice Forum feels that there was rigorous and continuous follow up from the Appellant but the Respondent is failed to take care of it.

It is also observed that if the Respondent did not kept aside the arrears and allow the Appellant to pay the current bill, Appellant could have registered his grievance well within the stipulated period of time after formation of Forums

Considering inability of Respondent in clarification of the arrears in response to the ample correspondence from the Appellant side allowing the Appellant to pay the current bill, Forum is constrained to consider the time period and set aside the order passed by the ICGRC on the ground of time limit.

Forum therefore feels that the unexplained arrears shown in the bill of Nov. 2000 should be withdrawn along with DPC and interest levied thereon.

Forum also feels that as consumer was converted from single phase to three phase connection with same consumer number. The Utility is entitled to recover the minimum charges till the date of conversion. From the CPL, Forum observed that in the month of Sept, 2000, the outstanding amount towards the minimum charges was Rs. 7446.90 which should be recovered from the Appellant with DPC and Interest thereon.

O R D E R

Utility should withdraw the unexplained arrears shown in the bill of Nov. 2000 with DPC and interest levied thereon.

Minimum charges should be recovered from the consumer with DPC and Interest thereon.

Compliance should be reported to this Forum within one month.

No orders as to 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 1st April 2010.

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.

MRS. M.P. DATAR
MEMBER
CGRF, BHANDUP

S.L. KULKARNI
CHAIRMAN
CGRF, BHANDUP

R.M. CHAVAN
MEMBER SECRETARY
CGRF, BHANDUP