

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

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

Case No. 327

Hearing Dt. 24/05/2010

**In the matter of bill dispute**

M/s. HDFC Bank Ltd.      -      Appellant

Vs.

MSEDCL (Thane Div-I)      -      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.

**B - On behalf of Appellant**

- 1) Shri S.R. Patil – Consumer representative

**C - On behalf of Respondent**

- 1) Shri S.M. Ghaytadak Dy. E.E. Gadkari sub division

### Preamble

M/s. HDFC Bank Ltd, Thane is a 3 phase commercial consumer in the name M/s. Nawkar Container having sanctioned load of 45 KW with contract demand of 36 KVA this connection was sanctioned on 16/09/2004. The Utility have billed this consumer as per reading and consumption till June 2007 but after that it has billed on average consumption with the INASS. Status and suddenly in the month of OCT 2009, the Utility serve the bill for an amount of Rs. 1493645.52/- for accumulated consumption of 145516 units which was for 26 months. The consumer approached to ICGRC, Thane registered his grievance on 21/01/2010 but no cognizance was taken and hence file his appeal to this Forum which was registered vide case no. 327 and hearing was fixed on 24/05/2010.

### **Consumer Say: -**

Mr. S.R. Patil was present to represent the case on the behalf of M/s. HDFC Bank Ltd, (here in after referred as to the Appellant). The Appellant states that the utility officials do not observed there duties to note down the reading in the well descried schedule and hence for the fault of utility, consumer should not be held responsible and suffer with the huge mount imposed. He also referred the Regulation no 15 of MREC (Electricity Supply Code and other conditions of supply) Regulations 2005 which

clarify about the “intervals for billing and presentation of bill”. As per this Regulation, the maximum interval for billing is allowed for two months. But utility officials failed to observe the Regulations and hence SOP should be awarded and the bill under dispute shall be set aside.

The Appellant further stated that before Oct 2009 when consumer approach to the Utility officials for non-receipt of bill, they got the reply that this consumer is in credit and hence bills are not issued.

The Appellant stated that on 12/11/2009 he got a bill for an amount of Rs. 10,37,220.00 against which he paid Rs. 7,00,000/- under protest vide receipt no 67776127 dt 30/11/2009 which he produced before the Forum. Even after this payment the Utility officials were harassing for payment of the balance bill and ignore the dispute raised by him for sending such accumulated consumption bill at once.

The Appellant reiterated that on the 20<sup>th</sup> Jan 2010 the utility official's of the rank to Jr. Engineer came to the premises insisting for payment of bill and threatened for disconnected of supply. The Appellant produced the copy of compliant to officials of utility but even then the utility official disconnected his power supply on 29/1/2010. This was without service of any preintimation or notice as stipulated in E.A. 2003. and coused discredibility infront of their consumer/ customer for which the Appellant demanded compensation of Rs. 5,00,000/- The Appellant further added that due to this sudden disconnection of

power supply his server, ATM shut down & valuable data is deleted which should be compensated in terms of this demand of Rs. 5,00,000/-

**Utility Say :-**

On the behalf of Utility Shri S. M. Ghaytadak the Dy. Ex. Engineer was present to represent the case, (here in after will be referred as to the Respondent). As per the Respondent statement this consumer was fall in another processing Cycle and route, and hence, the meter reader agency could not trace this consumer which leads to billing on average consumption of inaccessible states. In the month of Oct-09, the utility created new processing cycle numbered as 'O' for all 3 phase commercial consumer and accordingly this consumer was transferred in correct P.C. and route and meter reader brought reading.

The Respondent further stated that till May 09 the consumer was paying bill regularly which were charged on average of 3770 units but in May 09 the total amount paid towards to average units are refunded to the consumer for an amount of 529586.41 and hence consumer was appeared in the credit.

The respondent further added that after receipt of consumer reading in month Oct 09 the bill for total accumulated units of 145516 for an amount of Rs. 1493645.52 was generated and was issued to the Appellant consumer.

The said bill was for a period of Aug 2007 to Oct 2009 i.e. for 26 months. Being there is a single tariff applicable to those consumers having sanctioned load of above 20 kw, the slab benefit is not applicable to this consumer.

The Respondent further reiterated that the Appellant's meter no. 24000040 was tested by accucheck machine on dt 2/12/2010 and was found working within permissible limit of tolerance. The Respondent insisted upon the energy bill served is only for the units consumed by the consumer and is not imaginary, hence the claim of energy bill is correct and that should be pay by the Appellant consumer.

**Observation :-**

The matter was heard on 24/05/2010, both the parties were present, the documents on record and arguments during the hearing reveals that the Respondent has not taken reading and also has not taken due care for billing such important consumer as per his consumption for long duration of 26 months.

It is also on record that Respondent never server notice to the consumer under the provision of MERC (Electricity Supply code and other conditions of supply) Regulations 2005 there in Regulation 15.3.2 which states

*If the meter remains inaccessible after two consecutive efforts to effect a meter reading, then in addition to any remedy available to the Distribution Licensee under section 163 of the Act, the consumer shall be served not less than seven clear working days notice to keep open the premises for taking the meter reading on the days stated in the notice.*

*Provided that the notice shall also indicate the times at which Authorized Representative shall remain present to read the meter.*

It is also observed that the appellant consumer renown Bank and if such notice were issued to the Appellant consumer he could come forward to make the meter assesible or other corrective action in transferring the consumer in proper P.C. could be possible at very early. For the inconvenience caused to the consumer the Respondent Utility should pay the compensation toward failure in performing duties as per standard of performance as mentioned in MERC (Electricity Supply code and other conditions of supply) Regulations 2005 there in Regulation 9 in Appendix-A 7(i) at the rate of Rs.100/- for first month and at the rate of 200 per month for the rest of 23 months.

It is also on record that the power supply of the consumer was disconnected on 29/1/2010 for non-payment of arrears. On query by the Forum whether 15 days notice was issued to the consumer, which is

mandatory as per E.A. 2003 section 56(i). The respondent replied in negative.

Forum feels that it should be compensated by the Respondent Utility but the demand of the Appellant towards disconnection of power supply is unreasonable. Forum in its capacity is therefore directed to the Respondent Utility to pay Rs.5000/- (Rs. Five Thousand only) as compensation for inconvenience caused due to disconnection of power supply without issuing notice mandatory as per section 56(i) of E.A. 2003.

During the course of hearing the Appellant requested for another testing of meter in his presence in the laboratory, which is granted, and Forum therefore directed to the Respondent to test the meter under dispute in the presence of the Appellant and that too with the pre intimation to the Appellant consumer and according to the test report, bills of the Appellant should be corrected in accordance with MERC (Electricity Supply Code and other conditions to supply) Regulations 2005 there in Regulation 15.4.1. At the instant it is fact that the bill raised by the Respondent utility is as per recorded consumption and is accumulated consumption of 26 months.

As per provision given in the section 56(2) of Electricity Act 2003 no dues are recoverable beyond 2 years if the arrears are not shown in bill continuously. The section 56(2) of E.A. 2003 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 arrear of charges for electricity supplied and the licensee shall not cut off the supply of the electricity.*

Forums therefore find no other alternative than to limit the period of demand to 24 months preceding the date of last meter read. Hence Respondent Utility should squash the early two-month bill i.e. for the month of Aug 2007 & Sept 2007 for the total units of 145516 units ÷ 26 months = 5597 X 2 = 11194 units.

The credit of these units should be passed in the ensuing bill of the Appellant.

### ORDER

As mentioned in the forgoing paragraphs in the above observations the Respondent Utility should award compensation to the Appellant consumer and bill should be corrected.

The compliance should be reported to this Forum within 30 days.

The case is disposed off in term of above order.

No orders as to 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 31May 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.

**S.L. KULKARNI**  
**CHAIRMAN**  
**CGRF, BHANDUP**

**R.M. CHAVAN**  
**MEMBER SECRETARY**  
**CGRF, BHANDUP**