

Preamble

Shri Raju S. Motawani is having a single phase commercial connection in the name of M/s. Sidharatha construction Co. at office no. 7, Sidharatha Tower, Luis wadi, Pai road, Kopari, Thane (E) with consumer no. 000030085931. Utility served him a disconnection notice for non-payment of arrears amounting to Rs. 50,020/- vide notice by Dy. E.E/ S/Dn. Thane (E)/ Tech/ 2215 dt. 17/03/2010 followed by another notice vide Dy. E.E. /S.dn./ Thane (E)/Tech/ 0250 dt. 23/07/2010. Accordingly utility had disconnected his power supply on 13/07/2010.

The Applicant therefore rushed to this Forum for interim relief of immediate restoration of his power supply and registered his grievance on 16/09/2010 vide case no 343. Accordingly hearing was fixed on 17/09/2010.

Consumer Say: -

Shri Raju S. Motwani was present to represent the case (herein after will be referred as the Applicant). According to his submission during the period 1998 to 2000, three different meters were replaced by utility. The original meter bearing no. 243549 was defective and bills were charged under faulty status with the average of 400-units/ month.

As per statement of the Applicant on his complaint utility replaced his meter on 19/09/1998 with new meter bearing no. 689046 with the initial reading of 3380 units.

He insisted that the meter provided on 19/09/1998 which was an having a starting reading of 3380 shows that this was old defective meter of some other consumer which was provided to him.

Being this was not a new meter, it was replaced with third meter bearings no. 0341100 and same was again replaced on 20/10/2000 by the fourth meter having serial no. 8003299118 and this meter is recording correct consumption till date.

He further clarified that his grievance is for the period of 19/09/1998 to 20/10/2000. The bills of above period should be observed and verify which were wrongly issued.

Prayer of the Applicant:-

- 1) Bills from 19/09/1998 to 20/10/2000 should be rectified which were issued wrongly on average basis of 400-units/ 2 months.
- 2) To accept the payment for consumption for the period from 27/07/2009 till 25/03/2010 and reconnect the supply.
- 3) Supply should not be disconnect till final order of the Forum.

Utility Say :-

Smt. Gujar Dy. E.E. Kopari sub division, Thane was present to represent the case.

Utility's representative (here in after will referred as to the Opponent) stated as follows.

Consumer's dispute was between the period 19/09/1998 to 20/10/2000.

The Opponent stated that no past record is available with the utility. Only CPL from year 2000 is available.

Considering the fact, and complaint from the consumer, utility requested to the consumer to submit the old records or bills of the disputed period in support with the grievance so that utility could rectify the bills.

It is observed that the bills were issued on average of 140 units/ 2 months with faulty status and such bills were received by the consumer for a long time since 1990. With the same meter the consumer was billed on average of 400 units/ 2 months with faulty status from 11/11/1997 till replacement of meter in the year Sept. 2000.

The meter of above consumer was read between 06/11/1998 to 06/01/1999 i.e. for 2 months with 511 units / 2 moths which comes to an average of 255 units/ month.

The Opponent stated that meter was recording again progressive consumption from March 2000 to July 2000 with 1020/2 months, and 267/2 months, 117 units/ 2 months, which in average comes to 234-units/ month.

Now considering the current consumption of the consumer it is more or less similar with the average consumption charged between disputed period. Hence there is no need of any rectification of bills and consumer should pay the arrears.

The Opponent also stated that the consumer is not regular payer of the bills. From the available records and CPL, it shows that consumer made the payment on 06/04/2000 and after that payment was received on 27/03/2002, 01/10/2002, 07/08/2003. Which shows he was irregular in payments and accordingly he was in arrears of Rs. 50,929/- by the end of April 2010.

The Opponent requested to the consumer for payment or otherwise will disconnect supply vide its letter dt. 17/03/2010 & 23/7/2010.

Observation :-

The matter was heard on 17/09/2010, both the parties were present.

Submission both parties and arguments during the hearing reveal that the consumer is in arrears from long back and utility was used to grant facility of part payment.

The Opponent utility stops this practice of granting the part payments and Applicant also not turned for the payment due to which the bill is raised to an amount of Rs. 50929/- by end of April 2010.

From the available record it is nowhere observed that consumer was regular in follow up for his billing dispute with the utility from the year 2000. However from record it is observed that consumer had wrote to the utility regarding his old bill dispute of 1998 to 2000 on 8/4/2010, followed by 07/08/2010. Even such is the case it is also on record that utility was agreed with the dispute of consumer and allowed consumer for part payment of arrears with the remark that the bill is under dispute.

During the course of hearing, prima-facie and in absence of records, Forum is of opinion that consumer should pay the part of bill amounting to Rs. 15,000/- and utility should restore his supply.

Perusal of record made available by the consumer in the form of his old bills, it is observed that this consumer was billed with the average of 140-units/ 2-month right from 1990 with faulty status till Sept. 1997.

From Nov. 1997, the utility increased the average to 400 units/ 2months with the same status of faulty meter and it was continued till Nov. 1998. After that he received a bill of 511 units for the period of Nov. 1998 to Jan 1999, which was as per recorded consumption.

It is observed that the billing records for period under dispute i.e. 99 to Jan 2000 was neither with utility nor with consumer and hence it is difficult to conclude that the billing done during this period was really exorbitant. However during the course of hearing consumer argued

that in this period it was billed with the faulty status with an average of 400 units/ 2 month Forum observed from the CPL produced by the utility from March 2000 onward that consumer was billed with a progressive reading of 1029 to 2049 i.e. for 1020 units and 2049 to 2316 i.e. 267 units and from 2316 to 2433 i.e. for 117 units/ 2 month for the month March 2000, May 2000 and July 2000 respectively.

It is seen that considering the recorded consumption during above period the monthly consumption comes out to 234 units and is matched with the current average consumption. However as per MERC Regulations 2005 for the rectification of the bills issued due to defective meter on average basis, the past record of working meter consumption has to considered.

In the present case the past record of working meter consumption is not available with both the parties.

From the available record i.e. recorded consumption for period of

- 1) Nov.98 to Jan 2000 =511 units/ 2 month
- 2) Feb 2000 to July 2000= 1404 / 6 month

It reveals that the average consumption of the consumer is more than 200 units/ months and hence consumer billed for 400 units/ 2 months on average basis during the disputed period is not exorbitant as disputed by

the consumer. Forum also observed that the cause of action arisen is the inflicted billed done in year 2000 and consumer approached to this Forum after laps of 10 years and that to with lack of records of disputed period.

Moreover, as explained above Forum feels that there is no merit to substantiate the exorbitant billing during the disputed period.

On these both grounds the prayer of the consumer for rectification of bills for period of Sept. 1998 to Oct 2000 is here by rejected.

O R D E R

There is no need of any rectification of bill and utility is free to recover the arrears as per Rules & Regulations.

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 20th OCT 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

R.M. CHAVAN
MEMBER SECRETARY
CGRF, BHANDUP