

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

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

Date

Case No. 357

Hearing Dt. 12/01/2011

In the matter of wrong billing

Mrs. V.M. Savardekar.

- Appellant

V/s.

MSEDCL Thane, Gadkari Sub division

- Respondent

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri R.M Chavan, Member Secretary, CGRF, Bhandup.
- 2) Mrs. Manik P. Datar, Member, CGRF, Bhandup.

B - On behalf of Appellant

- 1) Shri M.D. Savardekar, Consumer representative.

C - On behalf of Respondent

- 1) Shri S. H. Mane- Dy. E.E. Gadkari Sub division.
- 2) Mrs. S.C. Bhonsale- Asst. Accountant -Gadkari S/Dn.

Preamble: -

Mrs. V.M. Savardekar is a single phase commercial consumer running Beauty Parlour at Ramchandra Nagar no. 3, Ganesh Darshana, Thane, having electric connection under service no. 000015196653 and sanctioned load of 0.1 kw. This connection was released by then MSEB (now MSEDCL) on 30/01/1992.

From the record it is observed, that the consumer was billed on faulty MTCH, Inaccessible, RNA and normal status from Aug.-2005 to June-2009 with the same previous and current reading of 3. From July 2009 onwards utility start billing as per consumption but suddenly in the month of Jan-2010 consumer was billed for 5610 units in one month for the difference of previous and current reading of 175 units and 5785 units respectively.

The electric bill for the month of Jan-2010 was given for an amount of ₹ 43126.01, aggrieved of this the consumer approached to IGRC, Thane and accordingly the order was given vide SC/TUC/IGRC/6561, dtd. 03/11/2010. It was decided by IGRC that to divide the total bill units 5610 for 35 months which comes to 160 units/month and ordered to recover for 24 months as per section 56 (2) of E.A. 2003.

Aggrieved of this order, consumer approached to this Forum on 24/12/2010 which was registered by case no. 357.

Consumer Say:-

On behalf of Mrs. V.M. Savardekar, Shri M.D. Savarkar was present to represent the case (hereinafter referred as the Appellant)

The Appellant brief the matter as follows :

According to him, he is having a single phase commercial electric connection which was released in the year 1992.

His meter was changed in the month of June – 2005 whose initial reading was 1. From August 2005 utility failed to read the meter and start charging him on various status like faulty, RNA, MTCH, Inacc and some times normal. This was continued till 2009. From July 2009, he was getting bills with the reading as per consumption. But he was stunned to see the huge amount of bill amounting to ` 43126.01 in the month of Jan-2010. With this bill, he approached to utility's office but could not get any response hence he approached to IGRC, Thane.

The Appellant further stated that his premise was in regular use partially for residence and partially for commercial. He was paying the bills with commercial tariff.

He also stated that his commercial meter is outside of his premise which was assessable to read.

The IGRC relied upon the utility's argument that before Jan-2007, his premise was not in use which is totally false. He insisted that his premise was in regular use and utility fails to read his meter.

He further stated that the total units in Jan-2010 i.e. 5610 should have been divided over the period of June 2005 to Jan-2010. With this calculations the monthly average consumption should have been 100 units/per month and is chargeable limited to 2 years as stipulated in section 56 (2) of E.A. 2003.

Prayer of the consumer :

- 1) The average consumption should be calculated considering defective billing for 56 months which comes out to be 100 units/month chargeable for 24 months as per section 56 of E.A. 2003.
- 2) All previous payments made should be considered while rectifying the bill. No DPC and interest should be charged.
- 3) Utility had disconnected his electric supply without prior intimation, hence compensation of ₹ 2000/- may be granted.
- 4) S.O.P. should be awarded for non reading of meter.
- 5) Compensation for mental agony and economic loss and wastage of time.

Utility Say :-

Mr. Mane Dy. Ex. Engineer of Gadkari Sub division alongwith Mrs. S.C. Bhonsale, Asstt. Acctn. were present to represent the case (herein after will referred as to the Respondent).

During the hearing the Respondent argued that the meter of this Appellant consumer was inside the premise which was remain closed and hence could not read for the long period.

The Respondent further reiterated that the utility its own shifted the meter outside the premise so as to read for the proper billing. He further added that Appellant's premise was closed and not in use till Jan-2007.

The Respondent insisted that the consumption recorded for 5610 units is utilised by the consumer in tenure of Feb-2007 to Dec-2010 i.e. in 35 months. Which was divided over this period and average monthly consumption comes to 160 units. As per IGRC's order the rectified provisional bill is issued to the consumer which he paid vide receipt no. 4384092, dtd. 18/12/2010 amounting to ` 23710/-.

The Respondent argued that considering the non use of premises before Jan-2007 and in accessibility of meter refrain to read for proper billing, the average consumption of 160 units/month for 24 months is justified and is in accordance with the E.A. 2003. Hence there is no need of any rectification of bill of the Appellant consumer.

Observation :-

The matter was heard on 12/01/2011. Both the parties were present to represent the case. There was no written submission was made from utility side. The documents produced by the Appellant and arguments made by rival parties reveal that utility fails to read the meter for a long period.

As argued by the Respondent initially meter was inside the premise and premises was in lock condition and hence could not read the meter for a long period. To substantiate their say, it fails to produce any documentary evidence. Hence it is very difficult to the Forum to rely upon the closer of the premises.

While going through the consumer personal ledger (CPL) it is observed that the utility had replaced the Appellant's defective meter in the month of June-2005. Utility billed consumer on refundable status of meter change in the month of June 2005 which subsequently refunded in the month of August 2005. It is on record that the Respondent is failed to read the consumer's reading from August 2005 to June 2009 and charged on various different status viz faulty, RNA, MTCH etc. and thereafter with the arbitrary readings and sometimes normal status. In the month of Jan 2010 the Respondent got the actual reading on the meter as 5785 and billed with the difference of $5785 - 175 \text{ units} = 5610 \text{ units}$ in one month.

As stated by the Respondent during the hearing the recorded consumption of 5610 units is divided over 35 months i.e. from Feb-2007 to

Dec-2009 considering the closure of premises before Jan-2007. But from the CPL, Forum observed that if the meter was accessible for reading after Jan-2007, why it continued billing on average basis with the previous reading of '3' till June 2009. Hence Forum could not rely upon utility's argument regarding closure of premise.

Forum therefore has no hesitation to set aside the order passed by IGRC, Thane based on the consideration of closure of premise before Jan-2007.

Perusal of above leads to show that the respondent is failed to read the meter from Aug-2005 and goes on billing on average basis and suddenly got the reading of 5785, in the month of Jan-2010. It is very difficult to rely on the recorded consumption of 5610 in one month. It should be undisputedly agreed that this consumption should be over the period from above August 2005. The fact of the case brings out that the accumulated consumption of $5785 - 3$ (the reading of Aug 2005) = 5782 should be the consumption from the period of August 2005 to Jan 2010. Hence the above total consumption of 5782 should equally divided on monthly basis for the above period which comes out 107 units/month.

As stipulated in 56 (2) of E.A. 2003, the Respondent is entitled to recover the dues for past 24 months. In the present case, the Respondent got the actual reading in the month of Jan 2010 and as regards to the 56 (2) of E.A. 2003, the Respondent can recover the arrears but limited to period of 24 months preceding to date of last meter reading i.e. Jan 2010. The method of

arriving at monthly consumption for this purpose in absence of actual monthly meter readings should be adopted as elaborated above.

While rectifying the above bill no DPC and interest should be levied. The Appellant's payments towards energy charges for the period from August 2005 to Jan 2010 and payment made on 18/12/2010 should be consider while rectifying the bill of Appellant consumer.

As regards to the compensation towards wrong disconnection and towards SOP, the Appellant consumer has raised no agitated during the hearing. Moreover it is also observed from the record of last two years, consumer is irregular in making the payment of energy bills and hence Appellant cannot seek any relief on this account.

The Appellant's prayer for compensation towards mental and physical harassment and loss could not be considered as to Appellant failed to provide any evidence documents or any justification to substantiate the claim. His claim for compensation is therefore liable to be and is hereby rejected.

ORDER

1) The bill of the Appellant consumer should be rectified as elaborated in above foregoing paragraphs.

Compliance should be submitted within a month.

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 January 2011.

Note :

- 1) In absence of Chairperson the order is issued by Member Secretary and Member of the Forum.
- 2) 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.

- 3) 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