

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

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

Date :

Case No. 274

Hearing Dt. 24/06/2009

**In the matte of average billing
Interim & final order**

Shri Shailesh L. Kotak - Applicant

Vs.

MSEDCL, Mulund Division - Opponent

Present during the hearing

A - On behalf of CGRF, Bhandup

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

B - On behalf of Applicant

- 1) Shri Shailesh L. Kotak, Consumer.

C - On behalf of Respondent

- 1) Shri P.H. Shirke, Dy. Ex. Engr., Mulund.

Preamble

Consumer registered his grievance for interim order on 23rd June 2009 as he received disconnection notice on dtd. 12/06/2009 for arrears of Rs. 1,13,171,51. Accordingly hearing was fixed on 24/06/2009.

Consumer say :

Shri Shailesh L. Kotak is having residential connection in the name of builder M/s. Rachana Engg. and Developers at Prime Rose, flat no. 1605, G.G. Singh Road, Mulund from April 2005. Shri Shailesh L. Kotak represented the case on behalf of applicant. In his plea he stated that his meter was replaced in the month of June 2005 and he was getting the bills on average basis for 329 units from June 2005 to Jan 2008 and for 37 units from Feb 2008 to Feb 2009. In the month of Feb-09 he got the accumulated bill for 27235 units amounting to Rs. 1,62,600/-.

He also stated that he wrote a letter to utility complaining for non-receipt of the bill and average billing. He was paying all the bills, which he was getting on average basis. He again sent a E-mail to opponent asking for the bill details which he received in the month of March 2009. He sent many E-mail to utility but utility did not take any cognizance of his E-mails.

Finally after checking the meter, utility replaced his meter in May 2009.

Applicant stated that in the month of May 2009, his meter was replaced and the final reading of the meter was 29543. but he is billed for reading of 29834.

Utility Say:

Shri Shirke represented the case on behalf of opponent. He stated that the bills were issued on average basis to the consumer from June 2005 to Feb 2009.

When they received the E-mail from the consumer in Jan 2009, they accucheck the meter in Feb-09 and final reading was taken, which was 27245 units. Utility sent a bill for the above units amounting to Rs. 1,62,600/- for accumulated consumption. Consumer's meter was replaced in June 2005 and report of meter replacement was not feeded to the computer. Hence bills were issued on average basis.

In the month of Jan 2008, the reading was taken for 1168 units and consumer was billed for $1168-3 = 1165$ units and credit was given for amounting to Rs. 37867.32 and consumer was in credit till Jan 2009.

He also stated the meter of the consumer was replaced in the month of May 2009, as the meter was not functioning properly i.e. it was dragging reverse. Hence the dispute raised by the Applicant about correction of the final reading of the meter will be rectified.

Observation :

The matter was heard on 24/06/2009; Forum observed from the deliberation of both the parties and facts of the case reveals that the utility fails to update the details of replaced meter in their computer record which cause for average billing from June 2005 to Feb 2009 i.e. for 44 months. Forum also observed that consumer approached for bill correction in the month of Jan 2009. Accordingly utility checked the meter in the month of Feb 2009 and rectified the bill and bifurcate it in 44 months giving slab wise benefit.

Forum feels that the rectification of bill is not in accordance with the E.A. 2003 under section 56 (2), 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.”

From the above it is clear that the utility is entitled to recover the energy charges for maximum period of two years only.

In the present case utility had billed the consumer for 27238 units in 44 months, which comes to 619 units/month.

As per E.A. 2003, under section 56 (2), utility can billed consumer for 24 months considering 619 units/month without charging DPC and interest as there was no fault of consumer.

During the course of hearing the representative and consumer were agreed to final reading of Feb 2009 which was 27335 units and utility will rectify the same while billing.

ORDER

- 1) Utility should charge the bills taking 619 units/month for 24 months.
- 2) DPC and interest should be waived, if any.
- 3) Utility should issue final bill immediately and if consumer fails to pay the rectified bill utility is free to take action as per regulations.

No orders as to cost.

Both parties should inform accordingly.

Compliance should be reported to the Forum within a month from date of receipt of this order

The order is issued under the seal of consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 24th June 2009.

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
AND I/C CHAIRMAN
CGRF, BHANDUP