

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

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

Case No. 300

Hearing Dt. 02/01/2010

**In the matter of P.D. arrears**

**Mrs. Sushila Hari Jamdar** - Appellant

Vs.

**MSEDCL, Vikas S/Divn., Thane** - 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) Shri Hari Appa Jamdar, Consumer's representative
- 2) Mrs. Pramila P. Sail, Consumer's representative

**C - On behalf of Respondent**

- 1) Shri S.D. Gaikwad, Dy. Ex. Engr., Vikas S/Divn.
- 2) Shri K.B. Rane, Asstt. Accttn., Vikas S/Divn.

**Preamble**

Mrs. Shushila Hari Jamdar was consumer of MSEDCL had single phase residential connection under consumer no. 000022125176 at room no. 5, Azad Nagar, Agra Road. Thane (W). She received a huge arrears bill amounting to Rs. 92845.11 against her old connection arrears. Hence she approached to ICGRC on 18/04/2009, but no cognizance was taken by ICGRC,. Therefore she approached this Forum in appeal on 18/12/2009 and accordingly this Forum registered her grievance vide case no. 300 and hearing was fixed on 02/01/2010.

**Consumer's say :**

On behalf of consumer Shri Hari Appa Jamadar and Mrs. Pramila P. Sail were present to plead the case. As stated by the Appellant, in March 2003, the old construction was demolished to construct a new building under SRA scheme. The residential electric connection of the old construction bearing consumer no. 000022125176 was made P.D. by utility officials on 02/04/2003. The same record is also available with utility. The final reading of meter at the time of P.D. was 1910 units, which was recorded by utility officials while disconnecting the said connection. From then there was no power supply or meter at site.

When she approached utility officials for new connection in her newly constructed building under SRA scheme, the utility officials denied to issue the new connection on the reason huge outstanding arrears is due

for payment in the name of Mrs. Sushila Hari Jamadar against the old consumer no. 000022125176.

In the early month of 2009, she received P.D. arrears bill amounting to Rs. 92845.11. She also stated that she never received any bill from date of disconnection of her supply. With this bill she approached ICGRC on 18/04/2009 for redressal of her grievance. But no response was given by ICGRC. Hence approached this Forum.

**Prayer:-**

To squash the P.D. arrears of Rs. 92845.11 as the meter was removed and made P.D. in April 2003.

**Utility Say :**

A) Consumer Mrs. Sushila Hari Jamdar, consumer no. 000022125176 P.C.-7, at room no. 5, Azad nagar, Thane. was made P.D. on 02/04/2003 and meter no. 622102 at F.R. 1910 was removed as per P.D. report (enclosed). On verification of consumer C.P.L. meter no. 622102 was recorded reading 3584 & 9013 kwh in August 2004 & October 2004, there after bills were issued under 'NOMTR' status from Feb-2005 to May-2006 on average of 2966 units for bi-monthly & 1193 for monthly. The said 'No meter' status is refundable and hence amount Rs. 102772.85 refunded which is shown in June-2006, but system not credit effect. As per record P.D. fed in June 2006 as P.D. date 15/04/2003 (CPL from April-03 to October 2006). Also part payment of bill of date is 26/11/2002 under B.U. 3553.

- The arrears bifurcation upto Jan-2006 as under :
- A) Principal arrears Rs. 138846.43
  - B) Interest Rs. 17812.07  
Rs. 156658.50
  - c) Fictitious arrears Rs. 102772.85

Thereafter interest will be charged @ 18% P.A.

In line of above consumer meter no. 622102 was used in August 2004 to Oct 2004.

**Observation :**

The matter was heard on 2<sup>nd</sup> of Jan 2010. Both the parties were present during the hearing. Facts of the case and proceedings during the hearing reveals that the old construction of Mrs. Sushila H. Jamdar was demolished in April 2003 for construction under S.R.A. scheme. From the P.D. record of utility shows that 42 nos. of connection in the vicinity were made permanently disconnected by the utility including the above mentioned connection. Final reading of meter no. 622102 of the said connection on dtd. 15/04/2003 was 1910 units. The said P.D. report was acknowledged by Janmitra, Sectional Officer and Assistant Engineer of the utility.

During the course of hearing the utility officials admitted that the above P.D. report was received to sub-division office in the month of June 2006, which was immediately feed to the computer and effect, was observed in the same month. From the C.P.L. Forum observed that the said connection was in use with progressive reading till April 2003 and onwards the bills

were issued on average basis with the same readings till June 2004. Suddenly in the month of August and October 2004 the huge consumption of 1674 and 5429 respectively were shown with progressive readings.

In the month of October 2004, the meter was read for final reading of 9013 units, which was continued with no meter status till May 2006.

From the above, Forum observed that the utility's meter reader had mischievously fed the fictitious reading in the month of August and October 2004 which leads to confusion among the billing staff.

From the P.D. record of utility, Forum observed that the outstanding arrears of the consumer in the month of April 2003 was Rs. 79.48 which utility could have recover in due time but utility failed to recover it.

The provision of Section 56 (2) of E.A. 2003 applicable in this case is narrates as follows:

*(2) Notwithstanding anything contained in any other Law for the time being in force, no some due from any consumer, under this Section shall be recoverable after the period of two years from the date when such some became first due unless such some has been shown continuously as recoverable as arrear of changes per electricity supplied.*

The recovery was first due in April 2003, however the utility demanded the dues of Rs. 79.84 in 2009. Obviously the utility is not entitled to recover the dues from the consumer as it was not shown continuously in the bill.

Considering the facts on record Forum has no hesitation to ask the utility to squash the fictitious billing from June 2003 onwards.

### ORDER

The utility cannot demand any outstanding dues against the P.D. arrears as per section 56 (2) of E.A. Act 2003 from the Appellant consumer no. 000022125176 and hence the bill for Rs. 92845.11 should be squashed.

Compliance should be reported with this Forum within a month.

No orders as to cost.

As 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 25<sup>th</sup> of Jan-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**