

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

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

Case No. 301

Hearing Dt. 02/01/2010

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

**Shri Hari Appa 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.
- 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**

Shri Hari Appa Jamdar was consumer of MSEDCL had single phase residential connection under consumer no. 000022125168 at room no. 6, Azad Nagar, Agra Road. Thane (W) he received a huge arrears bill amounting to Rs. 48220/- against his old connection arrears. Hence he approached to ICGRC on 18/04/2009, but no cognizance was taken by ICGRC, Hence he approached this Forum in appeal on 18/12/2009 and according this Forum registered his grievance vide case no. 301 and hearing was fixed on 02/01/2010.

**Consumer's say :**

The 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 connection was demolished to construct a new building under SRA scheme. The residential electric connection of the old construction bearing consumer no. 000022125168 was made P.D. by utility officials on 02/04/2003, but the utility is not agreed with this. The final reading of meter at the time of P.D. was 6683 units, which was recorded by utility officials while disconnecting the said connection. From then this was no electrical supply or meter at site.

When he approached utility officials for new connection in his newly constructed building under SRA scheme, utility officials refused to issue the new connection on the ground of huge outstanding arrears due for payment in the name of Shri Hari Appa Jamadar against the old consumer no. 000022125168.

On 08/03/2009 he received P.D. arrears bill amounting to Rs. 48220/-. He also stated that he never received any bill from date of disconnection of his supply. With this bill he approached ICGRC on 18/04/2009 for redressal of his grievance. But no response was given by ICGRC. Hence he approached this Forum.

**Prayer:-**

To squash the P.D. arrears of Rs. 48220/- as the meter was removed and made P.D. in April 2003.

**Utility Say :**

The consumer Shri Hari Appa Jamdar, consumer no. 000022125168/P.C. 7, Azad Nagar, supply was P.D. on 18/04/2005 by meter 87906 and fed to system in Aug 2005 at F.R. 3110 kwh. As per C.P.L. the bills were issued under 'NOMTR' status on average 120 units from June 2004 to Oct 2004 and thereafter as per reading 7761 kwh and 8743 kwh in Dec-2004 & Feb-04. Further in April 2005 meter was overflow from 8743 kwh to 2602 kwh and in June 2005 3110 kwh, so consumption bill were issued for 3859 units and 308 units (CPL attached). It might be assumed that consumer using the supply during Dec-2004 to June 2005.

The brief arrears are as under :

A)	Principal arrears	Rs. 27675.85
B)	Interest	<u>Rs. 60762.00</u>
		Rs. 28283.47

Interest @ 18% P.M. levied from Aug-05 thereon.

**Observation :**

The matter was heard on 2<sup>nd</sup> of Jan 2010. Both the parties were present during the hearings. Documents on record and proceedings during the hearing reveals that the old construction of shri Hari Appa Jamdar was demolished in April 2003 for construction under SRA 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. 187906 of the said connection should be 6683 units in the month of April-03. The P.D. report produced before the Forum was acknowledged by Janmitra, Sectional Officer and Assistant Engineer of the utility. In the P.D. report only meter number is mentioned and in the column of date of replacement P.D. from long back remark is given. The report was prepared on 18/04/2005 and no final reading, date of disconnection are recorded which are prime details.

Hence Forum feels that this connection should have made P.D. in the month of April 2003 when the construction in premises is demolished and the progressive reading feed by the meter reader as can be seen from C.P.L. are all fictitious.

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 2005, which was immediately feed to the computer and effect, was observed in the month of August 2005. From the C.P.L.,

Forum observed that the same connection was in use with progressive reading till April 2003 and onwards the bills were issued with the same readings till April 2004. From June 2004 to Oct-2004 the bills were issued on Nometer status with the average of 120 and 132 units per month. Suddenly in the month of Dec-04 to June-05 the bills were issued with huge consumption and were shown with progressive readings.

From the above, Forum observed that the utility's meter reader had mischievously fed the fictitious reading in the month of Dec-04 to June-05 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. 87.33 which utility could have recover in due time. But on utility failed to recover it.

The provision of Section 56 (2) of E.A. 2003 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 charges per electricity supplied.*

The recovery was due in April 2003, however the utility demanded the dues of Rs. 48220/- in 2009. Obviously the utility is not entitled to recover the dues of

Rs. 48220/- 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.

## O R D E R

The utility cannot demand any outstanding dues against the P.D arrears as per Section 56 (2) of E.A. 2003 from Appellant consumer and hence the bill for Rs. 48220/- should be squashed.

Compliance should be reported to 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**