



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
Ph.- 2210707 & 2328283 Ext:- 122

IN THE MATTER OF GRIEVANCE NO.K/E/034/0039 OF 05-06
OF SHRI SHEKHAR NANDU SHETTY REGISTERED WITH
CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN
ZONE, KALYAN ABOUT ASSESSMENT AS PER
SUPLIMENTARY BILL DATED 26/05/2005.

Shri Shekhar N. Shetty, (Here in after

Hotel Tara Palace; Shop No. 6/8, referred to
Geet-Govind Apartment , Dombivli.

as consumer

Versus

Maharashtra State Electricity Distribution Co. Here in after

Ltd. through its Assistant Engineer, referred to
O & M Sub-Division, Dombivli (E). as

licensee

1) Consumer Grievance Redressal Forum has been
established under regulation of "Maharashtra Electricity

Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2003” to redress the grievances of consumers. This regulation has been made by the Maharashtra Electricity Regulatory Commission vide powers conferred on it by section 181 read with sub-section 5 to 7 of section 42 of The Electricity Act, 2003. (36 of 2003).

- 2) The consumer is L.T. consumer of the licensee connected to their 415-volt network. The consumer registered grievance with forum on 24/10/2005. The details are as follows.

Name of consumer: - Shri Shekhar Nandu Shetty.

Address: - Same as above

Consumer No.:- 020012506300.

The consumer made the following prayer in his grievance application.

The forum be pleased to quash and set aside the impugned demand made by licensee vide bill dated 26/05/2005.

- 3) The batch of papers containing above grievances was sent by forum vide letter No. 347 dated 24/10/2005 to Nodal Officer of licensee. The letter, however, remained unreplied.
- 4) All three members of the forum heard both the parties on 18/11/2005. Shri Shekhar Shetty, represented consumer. Shri P.S.Ghewade Assistant Engineer represented licensee.

- 5) The consumer made the following submission via his letter dated 21/10/2005 address to the forum.
- a) Licensee served bill dated 26/05/2005 calling upon the consumer to pay some of Rs. 1,20,296/- towards alleged recovery for the period from April 99 to August 99 on the basis of trend noted after replacement of meter in the month of February 2000.
 - b) Consumer had regularly paid the consumption bill and there are no arrears. Hence question of making any recovery does not arise.
 - c) Replacement of meter is not reason to recover additional charges
 - d) Alleged recovery is hopelessly time barred.
 - e) Amount claimed as recovery is not legally due and payable by the consumer to licensee.
 - f) Demand is illegal, baseless.
- 6) The forum observed following remark on the bill of Rs. 1,20,296/- sent to consumer by licensee on 26/05/2005. "The consumer's meter was changed in February 2000 and as per trend of consumption of new meter the recovery of April 99 to August 99 has been proposed in the bill of Rs.1,20,296/-. The forum also observed that this assessment has not been fed to the computer and computerize bill sent to the consumer does not indicate this assessment.

- 7) Maharashtra Electricity Regulatory Commission in case No.19 of 2004, (In the matter of “Amendment” / “Supplementary” Bills.) has issued clear orders that amendment/supplementary bills, issued by licensees to consumers often after several years later on the basis of observed variation in consumption after replacement of meter, should be withdrawn, if meter testing had not been done with results intimated to consumer. In the instant case the supplementary bill of Rs 1,20,296/- has been sent by licensee to the consumer on the basis of trend of consumption observed after replacement of meter and not on testing result of meter and hence need to be withdrawn.
- 8) We now take up the matter to decide whether the action of the licensee to claim the sum due from consumer vide bill dated 26/05/2005 on account of trend of consumption of new meter is correct or otherwise. The licensee has claimed Rs 1,20,296/- as recovery for the period from April 99 to August 99. For this purpose we take a look to section 56 (2) of Electricity Act, 2003. The section reads as follows:
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- “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 arrear of charges for electricity supplied and the licensee shall not cut off the supply of the electricity.”

It is seen that licensee has prepared the first bill of sum due from the consumer on 26/05/2005. The licensee can only recover the sum for last two years preceding May 2005. This claim is from April 99 to August 99 and as such is not recoverable from consumer.

- 9) After taking the stock of entire situation and position explained in preceding two paras, we are inclined to pass the following unanimously.

O-R-D-E-R

- 2) The supplementary bill of Rupees One lakh twenty thousand two hundred ninety six (Rs.1,20,296/-) only dated 26/05/2005 issued by licensee to consumer is, hereby, set aside and quashed.
- 3) Consumer, as per section 142 of the Electricity Act, 2003, can approach Maharashtra Electricity Regulatory Commission at the following address.

Maharashtra Electricity Regulatory Commission, 13th floor,
World Trade Center, Cuffe Parade, Colaba,
Mumbai 05

for non-compliance, part compliance or delay in compliance of this decision issued under “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2003”.

Date: - 01/12/2005 Cosnumer

(Sau.V.V.Kelkar)

(I.Q.Najam)

Member

person

Chair

CGRF, Kalyan

CGRF, Kalyan

(J.P. Soni)

Member Secretary

CGRF, Kalyan