



**Consumer Grievance Redressal Forum, Kalyan Zone**  
**Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301**  
**Ph- 2210707, Fax – 2210707, E-mail : cgrfkalyan@mahadiscom.in**

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**IN THE MATTER OF GRIEVANCE NO. K/E/512/608 OF 2011-2012 OF**  
**SHRI ARVIND M. DANDEKAR, DOMBIVALI (WEST) REGISTERED WITH**  
**CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN**  
**ABOUT EXCESSIVE ENERGY BILL.**

Shri Arvind M. Dandekar,  
Hari Niwas, Room No. 23,  
4<sup>th</sup> floor, Din Dayal Road,  
Dombivali (West) : 421 202

} (Here-in-after  
referred  
as Consumer)

Versus

Maharashtra State Electricity Distribution  
Company Limited through its  
Dy. Executive Engineer  
Dombivali (West) Sub-Division - IV

} (Here-in-after  
referred  
as licensee)

- 1) Consumer Grievance Redressal Forum has been established under "Maharashtra Electricity Regulatory Commission (Consumer Grievance

Redressal Forum & Ombudsman) Regulation 2006” 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 a L.T. consumer of the licensee. The Consumer is billed as per residential tariff. Consumer registered grievance with the Forum on 16/06/2011 for Excessive Energy Bill.

The details are as follows :

Name of the consumer :- Shri Arvind M. Dandekar

Address: - As given in the title

Consumer No :- 020011772154

Reason of dispute : Excessive Energy Bill.

- 3) The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/375 dated 16/06/2011 to Nodal Officer of licensee. The licensee filed reply vide letter No. DYEE/Domb.West/Sub-Dn.IV/Billing/866, dated 25/07/2011.
- 4) Hearing was held on 11/07/2011 @ 16.00 hrs. and on 25/07/2011 @ 15.00 hrs. The Members of the Forum heard both the parties in the meeting hall of the Forum's office. Shri Dandekar, consumer & Shri Rathod Nodal Officer, Shri S. S. Singh, Dy. Ex. Engr., Shri Verghese Jacob, Asstt. Engr., Mrs. A. A. Duduskar, Asstt. Acctt. And Shri Jeevan S. Kharat, L.D.Clerk representatives of the licensee attended hearing. Minutes of the hearing including the submissions made by the parties are recorded and the same are kept in the record. Submissions made by each party in respect of each

grievance shall be referred while deciding each of the grievances to avoid repetition.

- 5) The consumer has taken electricity connection to his premises from the licensee in the year 1985. It is contended that consumer was and is paying the energy bills regularly. In the month of April / May 2006 officials of the licensee approached the consumer and told that his meter number has been wrongly entered in the record as 999338975 instead of 9018552857 and accordingly corrected the same in the record and showing consumed units 9070 issued bill of Rs. 24,320/-. It is averred this was so happened due to utter negligence on the part of the officials of the licensee. There after immediately on 22/05/2006 licensee issued bill of arrears for Rs. 1,02,475.60 whereby consumer was shocked therefore he moved the licensee where he was assured that excessive bill will be corrected and to pay electricity charges. According to consumer his monthly consumption since beginning is about 80 to 90 units, however he was receiving bills of high consumption i.e. 150 units and for this he used to attend the office of licensee to pay the bill under dispute, however in the month of March 2011 he was given bill of Rs. 18,570/- after adjustment under B – 80 proposal. It is contended when consumer was paying the bill regularly issuance of this bill was obviously incorrect however, with assurance that the bill will be corrected consumer deposited Rs. 6,000/-. It is the contention of the consumer that due to negligence his meter number was wrongly entered and based on that he was receiving incorrect and excessive bills which were not as per his actual consumption and that for payment of excessive bill licensee issued notice for disconnection for which he suffered mental

agony and financial loss and as such he is not liable to pay excessive bill and that it is hit by limitation of two years and for harassment and mental torture licensee is liable to pay him compensation. By letters dated 18/05/2011, 24/05/2011 consumer requested the licensee to revise the bill and to pay compensation but did not pay heed therefore he moved the I.G.R. Cell but in vain as usual. Therefore consumer lodged this grievance with payer to direct the licensee to revise the bill and to pay compensation for harassment and not to disconnect supply on the pretext of arrears.

- 6) Licensee filed reply dated 25/07/2011 contending that as per records till April 1997 bills were issued with remark "Faulty / RNA / Meter Changed", however on 22/01/2006 Meter Reader pointed out that meter number of the consumer was wrongly mentioned in the record and on perusing the entire record correct number of the consumer's meter was recorded and there after adjusting the earlier amounts deposited by the consumer finally vide B – 80 proposal bill of Rs. 18,570/- was issued to the consumer in the month of March 2011. It is averred consumer disputing the bill avoided to make the payment therefore notice for disconnection of supply for arrears was issued. It is contended bill as above correctly prepared as per actual consumption and consumer is liable to pay the same and from this point of view grievance being devoid of substance be dismissed.
- 7) According to the consumer he was and is paying the energy charges regularly and despite this due to utter negligence officials of the licensee issued him bills of high amount. His average monthly consumption was about 80 to 90 units whereas he was receiving bills of 150 units. He used to complain to that effect and eventually in the year 2006 licensee noticed

that bills were issued on wrong meter. Consumer's meter number installed in the year 1985 was 9018552887 however, bills were issued of the meter number 9000338975. On adjusting the entire amount deposited by the consumer licensee vide B – 80 proposal deducting the amount of Rs. 80,143=77 from the total arrears Rs. 98,166=78 issued bill of the remaining amount Rs. 18,023=01. This amount shown as arrears since consumer was paying electricity charges regularly as per actual consumption is incorrect and therefore it is the contention of consumer that he is not liable to pay any amount claimed as it also hit by limitation of two years vide Clause 56 (2) of Electricity Act 2003.

- 8) On going through the voluminous records produced by the licensee it is seen due to mistake wrong number of the consumer's meter was entered in the record and accordingly wrong bills were issued and on noticing the same in the year 2006 amount deposited by the consumer was adjusted. This process of adjustment appears to have done right from the year of installation of meter i.e. 1985. Licensee nowhere specifically pointed out as to how the amount claimed in the bill under dispute for the month of March 2011 is due against the consumer who was paying the charges of electricity regularly. It is seen consumer deposited Rs. 6,000/- on 14/09/2006 vide receipt No. 2034933. When licensee did not point out as to how the amount mentioned in the bill was justified licensee is under obligation to show this amount as credit in as much as vide Section 56 (2) of the Electricity Act 2003 licensee cannot recover any amount beyond the period of limitation of two years. Their Lordship of Hon. High Court in case Awadesh S. Pandey V/S. Tata Power Co. Ltd. & others reported in A.I.R.

2007 Bombay page 52 and recently His Lordship of Bombay High Court in case Maharashtra State Electricity Distribution Company Ltd. V/S Venco Breeding Farms Pvt. Ltd. & others in W.P. No. 6783 of 2009 ruled that if at all any recovery of arrears is made under Section 56 (2) of Electricity Act of 2003 then the limitation of two years for recovery of such arrears is binding. Consequently bill under dispute apt to be quashed directing the licensee to show the deposited amount Rs. 6,000/- as credit.

- 9) As seen from the letters of Superintending Engineer Kalyan Circle – I dated 28/09/2010 and Junior Manager Kalyan Zone dated 14/12/2010, due to negligence on the part of concerned officials wrong meter number of the consumer was entered in record and bills were issued accordingly. It is the contention of consumer that due to issuance of wrong bills he suffered mental trouble, harassment and monetary loss. It is seen from the record this mistake of recording wrong meter number of consumer occurred since the time of installation i.e. 1985 and eventually it was noticed in the year 2006 thereby for about 21 years process of issuing wrong bills and to face consequences to that effect continued. During this period as recited in the applications placed on record consumer must have suffered mental trouble and harassment too for which justice demands to compensate in terms of money. Sub Clause (c) and (e) of Clause 8.2 of Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 empower the Forum to pay such amount as may be awarded by it as compensation to the consumer for any loss or damage suffered by him as deemed appropriate in the facts and circumstances of the case. On going through the period, advance age

of the consumer and extenuating circumstances discussed supra, in the interest of public confidence we feel proper to direct the licensee to pay compensation of Rs. 10,000/- to the consumer.

- 10) Matter does not rest here, as mentioned herein above there was utter negligence on the part of officials of the licensee in issuing wrong bills entering wrong number of consumer's meter. It is high time in the interest of public confidence to take stern action against the wrongdoers. On the premise licensee can be directed to enquire and take appropriate action against the concerned erring officials and to report in detail. In view of this the grievance application will have to be allowed and hence the order :

**O-R-D-E-R**

- 1) Grievance application is allowed.
- 2) Energy Bill raised and issued by the licensee under dispute for the month of March 2011 is quashed and hereby set aside.
- 3) Licensee is directed to issue a fresh bill showing already deposited amount Rs. 6,000/- as credit as per actual consumption vide meter installed in the premises of the consumer.
- 4) Licensee to pay compensation of Rs. 10,000/- (Rs. Ten Thousand only) to the consumer vide Sub-Clause (c) and (e) of Clause 8.2 of Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006.

- 5) Licensee is directed to enquire and take appropriate action against the concerned erring officials and to report.
- 6) The Consumer can file representation against this decision with the Hon. Electricity Ombudsman within 60 days from the date of this order at the following address.

*“Office of the Electricity Ombudsman, Maharashtra Electricity Regulatory Commission, 606/608, Keshav Bldg, Bandra Kurla Complex, Mumbai 51”.*

- 7) Consumer, as per section 142 of the Electricity Act, 2003, can approach Hon. Maharashtra Electricity Regulatory Commission 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” at the following address:-

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

Date : 18/08/2011

(Mrs. S.A. Jamdar)  
Member  
CGRF Kalyan

(R.V. Shivdas)  
Member Secretary  
CGRF Kalyan

(S.N. Saundankar)  
Chairperson  
CGRF Kalyan