



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/070/0080 OF 06-07 OF
SHRI M. D. RAUT REGISTERED WITH CONSUMER GRIEVANCE
REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT THE
REFUND OF AMOUNT PAID FOR SUPPLEMENTARY BILL.

Shri M.D. Raut

(Here in after

C/o. Smt Shashikala M. Raut

referred to

Mahesh Bhavan

as consumer)

3rd floor, Phule Road, Dombivli (W) 421202

Versus

Maharashtra State Electricity Distribution
Company Limited through its Deputy
Executive Engineer Dombivli Sub-Dn. III

(Here in after
referred to
as licensee)

1) Consumer Grievance Redressal Forum has been established under regulation of "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 conformed 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 connected to their 415-volt network. Consumer is billed as per residential tariff. The consumer Shri M. D. Raut is since deceased, his wife Smt Shashikala Raut registered grievance with the forum on dated 27/12/2006.

The details are as follows: -

Name of the consumer: Shri M.D. Raut

Address: - As above

Consumer No: - 020011074147

Reason of dispute:- Supplementary bill No 89 dated 20/2/06 of 49 months preceding February 2006 amounting to Rs 112230/- of 22438 units and refund of amount deposited under protest against disputed supplementary bill.

3) The batch of papers containing above grievance was sent by forum vide letter No.0760 dated 27/12/2006 to Nodal Officer of licensee. The letter, however, remained unreplied.

4) All three members of the forum heard both the parties on 18/01/2007. Shri Umesh Raut, Smt Shashikala M. Raut consumer's

representatives and Shri N.L.H. Rao Nodal Officer, Shri B. B. Jethe Deputy Executive Engineer, Shri L. B. Koli Divisional Accountant Shri V. N. Mandle Assistant Accountant representatives of the licensee attended hearing.

- 5) Smt Shashikala Raut mentioned in her application that her husband Shri Mahadev D. Raut is since deceased, she is filing this grievance with the forum. The grievance is about supplementary bill charged by the licensee for the period of 49 months for the consumption of 22438 units amounting to Rs.1, 12,230/-.
- 6) She mentioned that she received a bill of consumer number belonging to her 020011074147 but in respect of meter number 9100600836 through which she was never supplied electrical energy. She mentioned that she was receiving electrical supply for a continuous period of 15 years through meter number 9100594545, which is evident from the electricity bill. The last such bill was on dated 18/1/2006 for the period 12/12/2005 to 13/1/2006 amounting to Rs.210/-.
- 7) She also mentioned in her application that she protested the payment of disputed bill vide her letter 3/3/06 addressed to licensee and demanded to check the meter and/or to replace this meter. In response to this letter the licensee replaced the meter with new meter number 9100358657 on 14/4/2006 with the starting reading of 00002.
- 8) She also mentioned in her application that presuming the licensee has replaced the old meter no 9100594545 with new meter 9100600836, without informing the consumer, under the pretext that the said meter was faulty since May 1996 then as per provision of law

it is the licensee who are disputing the correctness of meter reading. The licensee, therefore, cannot estimate the electricity consumed during the period meter number 9100600836 was in service at the consumer's premises. She also stated in her application that the licensee had replaced meter without the knowledge of the consumer & without informing the consumer about replacement of the meter.

- 9) Being aggrieved of the above mentioned facts she approached licensee for redressal of grievance on 23rd August 2006 but failed to get her grievance redressed.
- 10) In the month of November she again approached licensee but to her surprise she got a letter from licensee to pay Rs.92,390/ without giving any hearing to her. She was running from pillar to post from 2/12/2006 for getting her grievance redressed as she was under constant threat of disconnection of her electricity supply by the licensee. The licensee approached on 21/12/2006 for disconnecting her electrical supply when she objected on the ground that dispute is already pending with the licensee. But she was directed to deposit the amount forthwith, failing which supply would be disconnected on 26/12/2006.
- 11) She further mentioned that she ultimately lost all hopes and to avoid disconnection of electricity supply she deposited under protest the amount of Rs.92,410/- with the licensee on 26/12/2006.
- 12) She has sought following relief from the forum.
 - i) The disputed bill number 89 dated 20. 2. 2006 of 22438 units amounting to Rs.1,12,230/- should be set aside being illegal and licensee should be restrained permanently from recovery of

this amount or any part thereof as claimed in the said bill of the period of 49 months in respect of meter through which the electric supply was never supplied.

- j) Till final decision from the forum the licensee be restrained from disconnecting the supply of electrical energy from meter number 9100358657.
 - k) The licensee be directed to recover actual consumption from month to month till final decision.
 - l) Proper decision and compensation be awarded to the consumer.
 - m) The entire proceeding before licensee be called in respect of consumer.
 - n) Any other order deemed fit by the forum.
- 13) Nodal Officer could not give any convincing reply for raising supplementary bill No. 89 dated 20/02/2006 amounting to Rs. 1,12,230/- of 49 months preceding February 2006 for the consumption of 22438 units.
- 14) On being pointing out the provisions of section 56 of Electricity Act, 2003, about the method of claiming arrears from consumer, Nodal Officer agreed that it is a mistake on their part for not following the provision of section 56 of Electricity Act, 2003 about claiming of arrears.
- 15) Nodal Officer also made submission that he will abide by the decision given by the forum.
- 16) It is seen from internal correspondence of letters dated 10/1/07 & 17/1/07 of licensee (copy of letters endorsed to forum) that meter

number 9100594545 was replaced by meter number 9100600836 in the month of January 2002 without intimation to consumer.

17) The feeding of this change of meter was not fed to computer till February 2006 as can be seen from consumer's personal ledger (CPL). The consumer was charged on random average basis from January 2002 to January 2006 showing faulty status of meter. This meter number 9100600836 was also replaced by licensee by meter number 9100358657 on 14/4/2006. The reading of meter number 9100600836 on 14/4/2006 was 23044 as can be seen from meter replacement report. It clearly establishes that meter number 9100600836 was in service at consumer's installation from January 2002 to 14/4/2006. A bill of 22438 units amounting to Rs 1,12,230 claiming arrears of 49 months from January 2002 to January 2006 was sent to consumer for the month of February 2006. Thereafter the arrears were included in subsequent bills.

18) We now take up the matter to decide whether the action of the licensee to claim the sum due from consumer vide bill No 89 dated 20/02/2006 for a period of 49 months from January 2002 to January 2006 is correct or otherwise. The licensee has claimed Rs 1,12,230/- as recovery. For this purpose we take a look to section 56 (2) of Electricity Act, 2003. The section reads as follows: -

"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 in the billing month of February 2006 vide bill 89 on 20/02/2006. The following lapses & negligence on the part of licensee i.e.

(i) Of not informing consumer about replacement of meter in January 2002 &

(ii) Of not feeding data of replacement of meter in time to computer resulting in arrears claim

does not negate & nullify the fact that the meter number 9100600836 was in service at consumer's installation from January 2002 to 14/4/2006. The licensee in view of this fact & provision of section 56 of Electricity Act, 2003 can claim arrears of two years prior to February 2006 as it was first shown due in the month of February 2006. The meter reading, from the records, in the month of March 2004 & on 14/4/2006 was 12440 & 23044 respectively. The licensee can charge $(23044-12440)= 10604$ units less units already charged during this period on random average basis.

19) After taking the stock of entire situation and position explained in preceding paras, we are inclined to pass the following order.

O-R-D-E-R

1. The supplementary bill of the month of February 2006 bearing number 89 dated 20/2/06 of Rupees One lakh twelve thousand two hundred thirty (Rs.1,12,230/-) only & subsequent bills of March 2006 & April 2006 claiming arrears are, hereby, set aside and quashed.

2. The licensee should prepare a bill of (23044-12440)= 10604 units less units already charged during the period from March 2004 to 14/4/2006 on random average basis. No interest & delayed payment charges be levied. A credit of amount paid by consumer against set aside & quashed bills mentioned in Para 1 above should be given while preparing above said bill. This said bill should be prepared & sent to consumer on or before next two billing cycles.
3. Action taken against concerned meter reader for lapse of duties for not taking readings of meter installed at consumer's premises from January 2002 to January 2006 & also action taken against concerned person for not feeding data in computer of meter replaced in January 2002 till January 06, which resulted in arrears & hardship to consumer, should be intimated to the forum within 60 days.
4. Consumer can file appeal against this decision with the Ombudsman at the following address.

Maharashtra Electricity Regulatory Commission, 606/608,
Keshav Building, Bandra Kurla Complex, Mumbai 51

Appeal can be filed within 60 days from the date of this order.

5. Consumer, as per section 142 of Indian Electricity Act 2003, can approach Maharashtra Electricity Regulatory Commission at the following address.

Maharashtra Electricity Regulatory Commission,
13th floor, World Trade Centre, Cuffe Parade, Colaba, 400005.

for non-compliance, part compliance or delay in compliance of this decision issued under "Maharashtra Electricity Regulatory

Commission (Consumer Grievance Redressed Forum & Ombudsman) Regulation 2006”

Date: - 25/01/2007

(Sau.V.V.Kelkar)

Member

CGRF, Kalyan

(I.Q.Najam)

Chair person

CGRF, Kalyan

(D. B. Nitnaware)

Member Secretary

CGRF, Kalyan