



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/229/254 OF 2009-2010 OF MRS. LEENA R. SWAIN, BADLAPUR (WEST) REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT EXCESSIVE BILLING.

Mrs. Leena R.Swain
Shree Haridham Building,
'B' Wing,Ground Floor,
Room No.1, Opp.Mount Plaza
Ganesh Nagar, Badlapur (West)
Dist.Thane.

} (Here-in-after
referred
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its
Asstt.Engineer, MSEDCL
Badlapur (West) Sub-Dn.
Badlapur, Dist. Thane.

} (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 residential consumer of the licensee. The Consumer is billed as per residential tariff. Consumer registered grievance with the Forum on 22/04/2009 for Excessive PD Energy Bill. The details are as follows: -

Name of the consumer :- Mrs. Leena R.Swain

Address: - As given in the title

Consumer No : - 021540335220

Reason of dispute: Excessive PD Energy Bill.

3). The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/360 dated 22/04/2009 to Nodal Officer of licensee. The licensee through Assistant Engineer, MSEDCL Badlapur (W) Sub Dvn. filed reply vide letter No. AE/BDL/(W)/Tech.249 dt. 18.5.09.

4) The consumer has raised these grievances before the concerned Engineer at Badlapur, on 19.01.09(vide licensee's inward No.131). The said Internal Redressal Cell did not give any hearing to the consumer & also did not send any reply resolving the said grievances to the consumer. Therefore, the consumer has registered the present grievance before this forum on 22/04/2009.

5). The forum heard both the parties on 13/05/2009 @ 15.00 Hrs. in the meeting hall of the Forum's office. Mrs. Leena R.Swain the

consumer with her husband, Shri A.P.Mhaske, Assistant Engineer, Shri S.S.Nalke, D.A(R), 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 and the same are not reproduced to avoid repetition.

- 6). The applicant consumer claims that she has paid the bill for Rs.1101/- in Nov.04. Thereafter the connection at the house of applicant consumer was permanently disconnected and thereafter the officers of the licensee took away the meter in her absence. The said meter was taken away as it was faulty one. She gave an application to the Asstt.Engineer, Badlapur (W) for giving PD Bill on 11.8.08. Thereafter she received bill for four months for Rs.63,840/- . The said bill is for excessive amount. She again made application dated 20.8.08 to the concerned officer requesting for reducing the amount of said PD bill and for reconnecting the supply. However, the concerned officer of licensee did not do so. Therefore, the applicant consumer made an application to concerned Engineer, MSEDCL at Badlapur for the same relief. However, the said Engineer did not reduce the said PD bill and did not reconnect the electric supply to the applicant consumer. Therefore, she registered the present grievance application with this forum on 22.4.09.
- 7). The licensee through Asstt. Engineer, MSEDCL Badlapur (W) Sub Division claims that the applicant consumer has made the last payment of Rs.1110/- on 11.8.04 against energy bill. Due

to non payment of energy bill upto March 05, connection was disconnected permanently on 16.3.05. As per the said PD report, the meter was O.K. and final reading was 10320. It further claims that as per the consumer's request, PD final bill was issued to the consumer with following details.

- i). Arrears Rs.38104.88
- ii). P.D.interest Rs.25633.43 (from PD date to Feb.09)
- iii). Deduction of B.80 of wrong reading in Nov.03 to Jan.04 - Rs.1458.39
- iv). Net bill to be paid – Rs.62380/-

8). Considering the above contentions of the parties, the main point which is to be decided that whether the PD bill dt.18.2.09 issued by the licensee to the applicant consumer is for excessive amount and if so to what extent.?

9). The applicant consumer claims that she has lastly paid an amount of Rs.1101/- till Nov.04 and there after the supply was permanently disconnected by the licensee. The CPL shows that the net bill for the month of Sept.04 was Rs.1111.71 and on receipt of said bill, the applicant consumer paid Rs.1110/- on 8.11.04. CPL for further period shows that the applicant consumer has not paid any amount of the subsequent bills. It is clear from PD report that the said supply has been permanently disconnected on 20.3.05. Apart from the fact that this forum can not go into the correctness of the bills prior to May 05 since the period of more than two years has been passed since then, it is clear from the CPL that in most of the bills from the date of connection in Jan.03 to Nov.04, the consumption, is not shown

correctly as per meter readings and therefore a bill for consumption for 9219 units for the month of Jan.05 came to be issued. The credit of Rs.13,017/- has been given to the applicant consumer in the CPL for June 06 and the same appears to have been given on account of bills for excess amount issued in Mar 05 and May 05. Therefore there appears no apparent mistake in the account of balance amount towards to applicant consumer in the CPL. The CPL which has been maintained up to Oct.08 shows total amount of Rs.38104.88 outstanding against the applicant/consumer. The PD bill issued by the licensee on the application made by the applicant/consumer also shows the same amount of Rs.38104.88 as total arrears. Therefore the applicant/consumer will have to pay the said amount if she wants that the licensee should install meter and reconnect the supply to her.

- 10). However, as far as the demand of interest of Rs.25,720.20 on the above referred amount of arrears from the date of PD till Feb.09 made by the licensee is concerned, the licensee has not filed any suit for recovery of the amount of arrears during last about four years i.e. since the date of PD i.e. 20.3.05, and thus even the limitation for the recovery of the main arrears is over and the licensee will not be able to now recover the said amount of arrears by filing suit. Moreover the CPL shows that the applicant consumer could not pay the heavy amount of the bill for the month of Jan.05 since the said bill was almost for the consumption during the period of two years during which bills were prepared properly as per the actual meter readings as observed above, and

therefore non payment of the said bill by the applicant/ consumer resulted in the permanent disconnection. Therefore we feel that the demand of such heavy amount of interest by the licensee is unjustified and improper and hence we reject the same.

- 11). The amount of Rs.13.23 of the bill adjustment claimed by the licensee in the said PD bill is the amount of the interest on the arrears prior to PD date and therefore we hold that the applicant/consumer is liable to pay the same to the licensee.
- 12). In view of above discussion, the forum unanimously holds that the PD bill in question is for excessive amount of Rs.25720.20 of the interest from PD date and hence the above point is answered accordingly and the applicant/consumer is entitle for reinstallation of meter and resumption of electric supply by the licensee on payment of Rs.38118.11 i.e. the amount of arrears on the PD date and hence pass the following order.

O-R-D-E-R

- 1) The application/grievance is partly allowed.
- 2) The PD bill dated 18.02.09 is quashed and set aside to the extent of interest of Rs.25,720.20.
- 3) The applicant/consumer to pay the amount of Rs.38,118.11 out of the total amount of the PD bill dated 18.2.09 and it is after payment of such amount that the licensee to give fresh electric connection to the applicant/consumer on her filing application for the same following the usual procedure.
- 4) The licensee to report compliance after doing needful.

- 5) The Consumer can file representation against this decision with the Ombudsman at the following address.

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

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

- 6). Consumer, as per section 142 of the Electricity Act, 003, 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 : 04/06/2009

(Sau V. V. Kelkar)
Member
CGRF Kalyan

(R.V.Shivdas)
Member Secretary
CGRF Kalyan

(M.N.Patale)
Chairman
CGRF Kalyan