



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/085/095 OF 07-08 OF SMT  
MEENA MOHAN GOHIL REGISTERED WITH CONSUMER  
GRIEVANCE REDRESSAL FORUM KALYAN ZONE KALYAN ABOUT  
EXCESS BILLING.**

Smt Meena Mohan Gohil

(Here in after

R. No. 6, Bramhdev Nagar No 1

referred to

Manvelpada Village Virar (E), 401303

as consumer)

**Versus**

Maharashtra State Electricity Distribution  
Company Limited through its Deputy  
Executive Engineer, O & M Sub Division  
Virar East

(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. Consumer registered grievance with the Forum on dated 02/04/2007.  
The details are as follows: -  
*Name of the consumer: - Smt Meena Mohan Gohil*  
*Address: - As above*  
*Consumer No: - 001521749829*  
*Reason of dispute: -Exorbitant billing of 7520 units in the billing month of August 2006 against her normal pattern of consumption.*
- 3) The batch of papers containing above grievance was sent by Forum vide letter No.0899 dated 02/04/2007 to Nodal Officer of licensee. The letter, however, remained unreplied. Deputy Executive Engineer O & M Sub Division Virar submitted reply on 8/10/07 during hearing.
- 4) Chairperson & Member Secretary of Forum heard both the parties on 08/10/2007 & all three members of the Forum heard both the parties on 22/10/2007. Smt Meena Gohil consumer & Shri Pillai Deputy Executive Engineer of licensee attended hearing on 08/10/07. Smt Meena Gohil consumer with her representative Shri N. W. Kamble & Shri Pillai with his LDC Shri Patil attended hearing on 22/10/07.

5) The study of consumer's grievance application dated 30/03/2007 registered on 02/04/2007 revealed that the consumer was without supply. In order to give immediate relief to consumer it was necessary to restore power supply. Before issuing order of reconnection of power supply it was felt necessary to hear licensee's view. A hearing was held on 11/04/07 in Forum's office. Smt Meena Gohil along consumer with her representative Shri N. W. Kamble & licensee's representatives Shri R. P. Ingole Nodal Officer, Shri V. B. Jagtap Executive Engineer, Shri Pillai Deputy Executive Engineer attended hearing. Smt Gohil made submission that she received exorbitant bill of Rs 42470/- of the billing month of August 2006. After follow up with licensee, her bill was reduced to Rs 36640/- She also made submission that her electric supply was disconnected on 16/10/06 without any notice of disconnection served to her. She prayed for restoration of supply. Shri Jagtap of licensee agreed that the supply of consumer was disconnected on 16/10/06 without serving any notice or intimation to consumer for non-payment of arrears of Rs 36640/-. Smt Gohil during hearing agreed to make part payment of Rs 5000/- till final disposal of grievance by Forum. Forum then issued Interim Order on 26/04/2007 directing licensee to reconnect supply of consumer within two working days after receipt of payment of Rs 5000/- from consumer. Forum in the said order also directed consumer & licensee to report to Forum immediately after reconnection of supply to enable Forum to take up grievance of consumer for final disposal. Licensee informed Forum vide letter dated 02/07/07 that consumer paid Rs 5000/- on 27/06/07 after issue of revised arrears bill of Rs 31536/- & her supply was restored on 29/06/07. Confirmation of restoration of supply was also given by

consumer telephonically. Consumer vide letter dated 13/09/07 again approached Forum for final disposal of her grievance application registered on 02/04/07.

- 6) The summary of chain of events of the case is given below.
  - a) As per licensee's record, date of connection supply is 15/12/02 when meter No 6384395 was installed at consumer's premises with initial reading 00002.
  - b) Consumer was not getting regular bills & she complained to licensee but there was no improvement.
  - c) Consumer in her application stated that she locked the premises in July 06 & went to her uncle's place for residing.
  - d) Consumer received bill on 12/09/06 of the billing month of August 2006 for 7520 units amounting to Rs 42470/-. She vide her letter dated 18/10/06 then approached licensee's office at Vasai & head office at Bandra. The said bill was then reduced to Rs 36181/-
  
- 7) Internal Grievance Redressal Cell (IGRC) of licensee in the above matter heard consumer on 19/12/06 & passed order on 20/01/07. IGRC did not give any relief to consumer as regards excess billing & reconnection of her supply. IGRC accepted that the bills were not distributed properly & ordered proper revision of bill as per tariff. IGRC also fined Rs 1000/- on the person responsible for not revising the bill before disconnection. Being aggrieved with the decision passed by IGRC, consumer filed grievance with this Forum.
  
- 8) Consumer Personal Ledger (CPL) shows that bill issued in the billing month of August 2006 for 7520 units was of two months consumption. By any stretch of imagination it cannot be accepted that the

consumption of two months of such a small consumer can be to the tune of 7520 units. Shri Pillai during hearing on 8/10/07 stated that the bill issued in August 2006 was as per meter reading. He said the meter No 6384395 installed at consumer's premises was in working order & the bill of 7520 units issued was accumulated bill as meter readings were not taken by meter readers in earlier months & bills were issued on random basis. Shri Pillai requested Forum to order consumer to pay this bill for the energy consumed by her as per meter reading. Forum asked Shri Pillai to submit licensee's reply whether they are prepared to take action of revising bill as per Section 56 of Electricity Act, 2003. He agreed to examine the case & to submit reply before next hearing but there was no response from licensee.

9) Admitting the claim of licensee that the meter is in working order, question arises whether accumulated 7520 units can be claimed as arrears as claimed by the licensee belatedly in August 2006. The answer is certainly in negative in view of provision contained in Section 56 of the Electricity Act, 2003 (EA, 2003).

10) We examine the present case in the light of the Section 56 (2) of the EA, 2003, which came into force from 10th June 2003. Section 56 (2), which deal with recovery of past arrears, reads as under.

*“Section 56(2):- Disconnection of supply in default of payment: 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.”*

Careful reading of the above sub section reveals that no sum due from any consumer shall be recovered after the period of two years from the date when such sum becomes first due unless such sum has been shown continuously as recoverable as arrears as charges of electricity supplied and the licensee shall not cut off the supply of electricity. The argument of the licensee that it should not be deprived to claim and recover the arrears, as it is their legitimate claim, has to be examined and evaluated in the light of the above sub section. Electricity was supplied and consumed in the relevant months against which the correct bills were expected to be issued. Such sum against the consumption recorded was necessarily due at the end of each month or billing cycle as the case may be. Licensee failed to generate correct bills, may be due to non-availability of meter readings. But, it cannot mean that the correct bills were never due at that point of time and become due only when they were raised in August, 2006. If, it is so interpreted, the bills would never become due unless they are physically and actually issued. It is not the intention of the EA, 2003 to allow the licensee unfair liberty to raise the bills without any time limit. Section 56(2) has put a definite restriction on recovery of old arrears. This has given a sense of protection to the consumers so that they cannot be exposed to sudden recovery shocks by getting the bills raised by the licensee after lapse of stipulated period of 2 years.

- 11) The issue of the bill belatedly by the licensee and that too because of their own mistake cannot be approved to provide additional leverage to the distribution licensee against the consumer protection in the light of the provisions under Electricity Act, 2003. It should also be understood that Section 56(2) balances the interest of both the licensee and the

consumer. On one hand, it empowers the licensee to disconnect supply of electricity in case of neglect to pay. On the other hand, the responsibility is cast upon the licensee to claim and recover the arrears within two years from the date when such sum becomes first due. Two years is quite an adequate period available to the licensee to raise the bill towards the arrears if remained unclaimed for any reason, which in this case, was due to non availability of meter readings. In such a situation, it would be unreasonable to interpret the provision of Section 56 (2) in a manner to give a blanket authorization to the licensee without any time limit to claim the old arrears, if any. In view of the provision of Section 56 (2) of the Electricity Act, 2003, we have no hesitation to conclude that the licensee is free to recover the arrears upon correction of the bills on availability of correct meter reading but limited to only two years past as provided in the Section 56 (2) of the Act. In the present case, the licensee has raised the bills in August 2006. It would, therefore, perfectly be in order to claim the arrears which became first due two years prior to August 2006 onwards and not before.

- 12) Since the meter readings during the period from 15/12/02 to August 2006 were not taken regularly & properly, it is necessary to estimate the quantum of energy used by consumer during the period of two years prior to August 2006. The meter No 6384395 was installed at consumer's premises on 15/12/2002 with initial reading 00002 & the meter reading on 30/08/2006 as per bill of billing month of August was 12035. Thus  $(12035 - 00002) = 12033$  units were consumed during the period of 44.5 months from 15/12/2002 to 30/08/2006. This works out to be 270 units per month average. The consumption of two years (24 months) prior to August 2006 on the basis of this average of 270 units

per month works out to be 6480 units. Licensee had already billed 480 units during the period prior to August 06. Meter reading on 30/08/06 was 12035 & in August 2004 it was 4135. In 24 months,  $(12035-4035) = 8000$  units less 7520 units billed in August 2006, 480 units were billed. Deducting this 480 billed units from the estimated 6480 units, the units now to be billed in the billing month of August 2006 spread over 24 months works out to be 6000 units. Licensee should modify bill of billing month of August 2006 & charge consumer 6000 units as arrears of 24 months as against 7520 units charged for two months.

- 13) We now proceed to decide compensation for disconnection of supply without notice. National Consumer Dispute Redressal Commission New Delhi in Revision Petition No 604 of 2003 dated 29/09/03 in a petition of Chandrakant Mahadeo Kadam against Assistant Engineer MSEB Atpadi & others has held that compensation need to be given to consumer for disconnecting electric supply for no reason. In the present case consumer's electric connection was disconnected on 16/10/2006 without serving notice of disconnection. The consumer remained without supply till the Interim Order dated 26/04/2007 of Forum. Licensee as per Forum's said Interim Order reconnected supply of consumer on 29/06/07 after payment of Rs 5000/-. Action to reconnect the supply of consumer was initiated only after issue of Interim Order of Forum. There was gross deficiency in service in disconnecting supply of consumer without giving 15 days notice as per provision of Section 56 of the EA 2003. The negligent staff is accountable for this act. We take serious view of the default committed by the officers of licensee. It is certainly not a good situation. We can put ourselves in the position of a consumer & realise as to how she might have suffered. In our view



there is clear mis-carriage of justice and we grant the compensation of Rs 3000/- to consumer.

14) After carefully taking the stock of entire situation, we are inclined to pass the following order.

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

1. The licensee should pay Rs 3000/- (Rupees three thousand) only to consumer as compensation within 90 days from the date of this order.
2. Licensee's claim of 7520 units as consumption of two months in the billing month of August 2006 is, hereby, set aside & quashed. Licensee can claim 6000 units as arrears spread over for a maximum period of 24 months prior to date of billing i. e. August 2006.
3. A credit of interest & delayed payment charges, if charged any, for non payment of arrears should be given to consumer in her bill. Similarly credit of amount paid till date against arrears should also be given in the bill.
4. The bill prepared on the basis of Para 2 & 3 above should be sent to consumer on or before next two billing cycles.
5. Consumer can file appeal against this decision with the Electricity 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.

6. Consumer, as per section 142 of Indian Electricity Act 2003, can approach Maharashtra Electricity Regulatory Commission at:-

Maharashtra Electricity Regulatory Commission,

13<sup>th</sup> 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: - 30/10/07**

**(Sau V. V. Kelkar)**

**Member**

**CGRF Kalyan**

**(I. Q. Najam)**

**Chair person**

**CGRF Kalyan**

**(D. B. Nitnaware)**

**Member Secretary**

**CGRF Kalyan**