

MAHARASTRA STATE ELECTRICITY DISTRIBUTION CO. LTD.
KONKAN ZONE RATNAGIRI
Consumer Grievances Redressal Forum Ratnagiri

Consumer case No – 79/2011

Date :- 07.04.2011

**Padel Mobile Tower
Sub Divisional Officer,
BSNL - Devgad
Dist – Sindhudurg.**



Complainant

V/S

**Executive Engineer,
Maharashtra State Elec.Dist.Co.Ltd.
O&M Division Kankawali**



Opposite Party

Quorum of the Forum



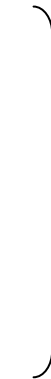
- 1) Mr. D. S. Jamkhedkar
Chairman**
- 2) Mr. V.B.Jagtap.
Secretary Member**
- 3) Mr. N. A. Kulkarni
Member**

On behalf of consumer

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**Mr.Candrakant Gajanan Jadhav.
S.D.O. ,BSNL -Devgad**

On behalf of opposite party



- 1) Mr.Magan Kisan Vale
Assistant Engineer
Kankawali Division**
- 2) Mr.Dhaku R. Bodekar (A. A.)
Kankawali Division**
- 3) Mr.Kiran G.Vesanekar (A.A.)
Sub Division Devgad**

Maharashtra State Electricity Regulatory Commission Consumer Grievance Redressal Forum and Ombudsman Regulation 2003 Vide Clause No.8.2

The Consumer Sub Divisional Officer, BSNL Devgad, Tal-Devgad, Dist-Sindhudurg having Consumer No.232570008038 and under the category of Three Phase Industrial connection filed its grievances with this Forum on 7th April 2011 along with all the particulars. Consequent upon this, a letter was served bearing no.899, dated 13.04.2011 to Executive Engineer, Kankavli Division, Kankavli and called for the explanation. This they could file vide letter no.2308, dated 03.05.2011 and in terms of rules & regulation hearing is posted on 18.05.2011 vide notice dated 4th May 2011. The case is heard on 18th May, for which both the parties attended and the consumer BSNL, Devgad filed a letter with a request for adjournment upto 1st of June for which Mahavitaran also consented. The case once again heard on 1st of June. Both the parties present advanced their argument and further filed the written submission.

The grievances of the consumer are under the jurisdiction of S.D.O., BSNL Devgad, the Mobile Tower of Padel Exchange is operated however for the period of 2 years, no meter reading was taken and bills were issued on average basis. Mahavitaran subsequently realized that bills are not issued correctly and on the basis of reading bill is issued during the month of January 2011 for a total period of 2 years commencing from Feb 2009 for a total amount of Rs.245280/- and requested to pay the same latest by February 2011. Mahavitaran failed to issue correct bills for a total consumption and abruptly they demanded huge amount which is not in accordance with the law and for the earlier year, period is illegal. BSNL Devgad requested to issue a fresh bill duly corrected and stay may please be granted for disconnection if applies latter on. That the disputed amount of the said bill is deposited by check on 19th March under protest along with the grievances filled with IGRU, Kudal on 21.03.2011 for seeking the appropriate relief in this regard.

During the course of hearing on 1st of June both the parties are heard and consumer further explained the billing pattern issued by Mahavitaran. It was also argued that, the total consumed units are divided into 24 month and accordingly bill is raised. This is not the correct procedure and they violated the provision of law and also rules and regulation of MERC. There are provisions in the law and rules are framed as to issue of bills and recovery and more particularly at reasonable intervals. Mahavitaran could not follow the procedural parts and suddenly on average basis bill is issued running into lacks of rupees. Mahavitaran be directed not to recover arrears

for the period exceeding 2 years. The bills needs to be corrected on the basis of consumption of electricity is accepted by them. Once the consumption is acceptable the question of dispute does not arise at all. Mahavitaran accepted their lapses for not conducting meter reading and upon meter reading total bill is divided into 22 months. It is the established fact that according to check reading on 28.01.2011, the total reading were worked for which consumer never disputed nor any grievances are filled. It was further explained that the classification of the consumer upto November 2010 was commercial and its with effect from December 2010, bills were issued accordingly to Industrial classification. The modified bills issued under computerized system and excess if any will be adjusted during the next cycle of the bills. To support the overall contentions Mahavitaran also filed the copy of Writ Petition No.7015 of 2008 that is the judgment delivered by The Hon'ble High Court of Judicature at Bombay Civil Appellate Jurisdiction, dated 20th August 2009. The Reliance is placed on this Judgment and Mahavitaran pray the relief should be granted on this basis.

In view of the facts of the case, submission filed, and argument advanced by both the parties, Forum is of the view that Mahavitaran is entitled to recover the bills issued on the basis of reading taken subsequently. As far as procedural part is concerned Mahavitaran is under obligation to carry out the meter reading and to issue the bills periodically in terms of the electricity consumption. The exception is provided under critical circumstances only. However the rules and regulations are strictly complied. In this case in the absence of meter reading, bills were issued on average basis and subsequently when the authority came to know that the bills are not issued correctly, immediate steps were initiated meter reading is conducted and for the period under reference balance bills are issued divided by 22 months. The act on the part of Mahavitaran for the period from 2009 to 2011 is well within the period covered under the provisions of S.56 of the Electricity Act 2003. The billing pattern, the consumption and total units are never disputed and the grievances of consumer are to conduct the regular meter reading and to issue the bills according to the consumption. This has been followed by the Mahavitaran and we do not find any violation as far as recovery of the bill is concerned. We respectfully follow the Judgment delivered in Writ Petition No.7015/2008 and the ratio there under which has been filed by Mahavitaran and hence S.56(2) of the Electricity Act 2003 would not come in the way from recovering the said amount under revised bills issued during the year 2011, covering the period from 13.02.2009 upto 2011.

The word “Due” in this context would mean ‘Due’ and ‘Payable’ after a valid bill issued to the consumer. Under this Circumstances Mahavitaran is having all the rights and is fully empowered to recover the arrears in the absence of meter reading but subsequently modified within the prescribed time limit. Under the provisions of law Mahavitaran is therefore allowed to recover the charges for the bills issued in this regard. Hence the following order is passed.

ORDER

1. **The Grievances of the consumer stands rejected and Mahavitaran is allowed to recover the bills issued in terms of consumption of electricity for a period from Feb 2009 to Feb 2011.**
2. **No order as to cost.**
3. **Mahavitaran to file compliance within a period of 15 days from the date of receipt of this order.**
4. **In case consumer desires to appeal against this order he should file his appeal to the following address.**

**Secretary,
OMBUDSMAN, Maharashtra State Electricity Regulatory Commission,
606/608, Keshava Building,
Bandra Kurla Complex,
Mumbai – 400 051.
Phone No.022 – 2659 2965.**

**D.S.Jamkhedkar
Chairman ,C.G.R.F
Konkan Zone**

**V.B.Jagtap
Ex.Engineer,C.G.R.F
Konkan Zone**

**N.A.Kulkarni
Member,C.G.R.F
Konkan Zone**

**Date : 28.06.2011
Place : Ratnagiri**