

Before Maharashtra State Electricity Distribution Co. Limited Consumer Grievances Redressal Forum, Pune Zone, 925, Kasabapeth Building, IInd flr. Pune-11

Case No. 16/2013

Date: 30/11/2013

In the matter of

Shri. Wadia, Chief Trustee
(Late Khandelwalla K.J., consumer)
13/37, Koregaon Park, Pune-411001

- Complainant

V/S

The Executive Engineer,
M.S.E.D.C.L.,
Bundgardan Division, Pune.

- Opponent

Quorum

Chair Person	Shri.S.D.Madake
Member/Secretary,	Shri.N.S.Prasad
Member	Shri.Suryakant Pathak

- 1) The complaint is filed by Chief Trustee Shri.Wadia Representative of consumer Suhas Desai contended that the connection is in the name of K.J.Khandelwalla who is not alive Late K.J.Khandelwalla made a will and in pursuance of the will trust deed was registered. Shri.Wadia is a trustee of the said trust.
- 2) Shri.Suhas Desai submitted that electricity residential connection was taken by consumer at 13/37, Koregaon Park on 1.1.1979. The main grievance of consumer is that M.S.E.D.C.L. issued bills during the period between 2008 and May-2013 without actual meter reading.
- 3) M.S.E.D.C.L. issued bill in June-2013 to the amount of Rs.2,34,382/- (Rupees Two Lakh Thirty Four Thousand Three Hundred Eighty Two only) for 20705 units. This fact was brought to the notice of

Dy.Ex.Engineer, who issued revised bill by bifurcating in 13 months to the amount of Rs.1,76,500/- (Rupees One Lakh Seventy Six Thousand Five Hundred only).

- 4) Mr.Suhas Desai submitted that M.S.E.D.C.L. issued notice of disconnection of supply as per S.56 of Electricity Act. He submitted that consumer is under an obligation to pay the bill upto two years. It is submitted that as per Reg.10.5 of supply code, consumer is not liable to pay bill for more than six months.
- 5) M.S.E.D.C.L. filed reply on 24.10.2013 and produced documents. The allegation made by consumer are not specifically denied by M.S.E.D.C.L.
- 6) On the pleadings the following points arise for determination:
 1. Whether M.S.E.D.C.L. is guilty for deficiency in service due to failure of issuing bills regularly on correct meter reading?
 2. What order ?
- 7) Our findings are :
 - (i) In the affirmative
 - (ii) As per final order.

REASONS

- 8) The record shows that consumer has not applied for change of name even though original consumer is not alive since 1995. It is necessary to ask present consumer to take steps for change of name.
- 9) M.S.E.D.C.L. has not denied that electricity bills were issued during 2008 to 2013 without actual meter reading. The electricity bills are issued on the basis of 100 units per month. The record shows that in June-2013 M.S.E.D.C.L. issued supplementary bill of 20705 units for Jan.2008 to June-13.
- 10) The record shows that initially on the request of consumer bill was bifurcated in 13 months and thereafter the total bill was divided in 55 months. The order of I.G.R.C. shows that bill has to be divided in equal number of months.

- 11) The consumer in the complaint admitted that M.S.E.D.C.L. issued corrected bill as per order of I.G.R.C. The consumer paid Rs.50000/- (Rupees Fifty thousand only).
- 12) Mr.Suhas Desai argued that under Section 56 (2) of the Electricity Act-2003 recovery of past arrears shall not extend more than two years. In the present case M.S.E.D.C.L. has raised provisional supplementary bill as earlier bills during 2008 to 2013 were issued without actual meter reading. The Respondent claimed said amount with retrospective effect from 2008. As per the legal position and law laid down by the Hon'ble Electricity Ombudsman as well as by Hon'ble High Court, M.S.E.D.C.L. is free to recover the arrears but Limited to only two years past as provided under section 56 (2) of the Act.
- 13) In the present case, M.S.E.D.C.L. has raised the bills on 13th June 2013. Therefore M.S.E.D.C.L. is entitle to claim arrears which became first due from 13th June 2011 onwards and not before. We are of the opinion that Section 56(2) only provides a limitation, that recourse to recovery by cutting of electricity supply is limited for a period of two years from the date when such sum became due. Apart from the above mechanism, independently. M.S.E.D.C.L. may file Civil Suit for recovery of electricity bills. Hence M.S.E.D.C.L. is directed to issue revised bill towards recovery of difference bill to a period of two years. The amount deposited by consumer will have to be adjusted in future bills.
- 14) M.S.E.D.C.L. failed to take reading of consumer's meter during 2008 to 2013 and issued bills. As per standard of performance. M.S.E.D.C.L. has to take reading of meter once in every two months. Due to failure of reading of meter, M.S.E.D.C.L. is liable to pay compensation of Rs.200/- for each default. Considering the total period, we quantify the compensation of Rs.5800/- (Rs.Five thousand eight hundred only)

15) In the result we pass the following order -

ORDER

- (I) The supplementary bill dated 13.6.13 of Rs.234380/- (Rupees Two Lakh Thirty four thousand three hundred eighty only) is set aside.
- (ii) M.S.E.D.C.L. is directed to issue corrected bill for a period of two Years June-2011 to June 2013.
- (iii) M.S.E.D.C.L. is directed to pay compensation of Rs.5800/- (Rs.Five thousand eight hundred only)to consumer for failing to take meter reading once in every two months.
- (iv) The excess amount paid and the amount of compensation be adjusted in future bills.
- (v) No order as to cost.

N.S.Prasad,
Member/Secretary

Suryakant Pathak
Member

S.D.Madake
Chair Person

Date: 30/11/2013

