

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

**Case No. 23/2013**

**Date: 30/12/2013**

**In the matter of**

Ganga Nebulla Co-Op.Hsg.Socy.Ltd.  
S.No.230/A/3/2, Vimannagar,  
Pune-14

**- Complainant**

**V/S**

The Executive Engineer,  
M.S.E.D.C.L.,  
Nagar Road 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 office bearers of Ganga Nebula Co-Operative Socy., Vimanagar, Pune as per Section 42(S) of The Electricity Act-2003. The facts may be stated as under.
- 2) Complainant is consumer of M.S.E.D.C.L. vide No. 160230219807 having single phase Meter No.03858 situated at Building No.A1 of Socy. The Jr. Engineer of M.S.E.D.C.L. noticed on 12 Sept.2012 that there was reading of 32678 units till 12.9.2012. It was revealed that the said meter was installed for common use of building A in year 2000. The said meter was unbilled till 12 Sept.2012. The M.S.E.D.C.L. issued bill as per consumption by giving slabs in respect of 32362 units dividing in 143 months the notice was issued for payment of bill.
- 3) The consumer society objected for issuance of such bill. It is contended that, Society is liable to pay bill issued from Oct-2012 and not liable for

previous bill. It is submitted that bills for month of Oct.2012 to May-2013 were normal consumption bills and all these bills are paid on time.

- 4) The consumer society submitted that the bill for June-2013 is for consumption of 127 units but amount claimed is Rs.151306 (Rupees Oone Lakh fifty one thousand three hundred & six only). The said bill is for a period between March-2000 to May-2013.
- 5) The consumer society submitted that the bill issued is for period 2000 to 2012 but builder has handed over the society in March-2005. The consumer is not liable to pay bills prior to handing over Society to management committee. It is submitted that, society paid electricity bill of Rs.59,970/- on 1.11.2004. The consumer society prayed that bills be issued as per rules only.
- 6) The following points arise for our consideration :
  - (i) Whether the M.S.E.D.C.L. is justified to issue supplementary bill of 143 months?
  - (ii) What order?
- 7) Our findings are :-
  - (1) In the negative
  - (2) As per final order.

8) **REASONS**

We have heard both sides at length. M.S.E.D.C.L. has issued bill of 143 months as submitted in Para 3 of say filed on 9.12.13. The M.S.E.D.C.L. issued letter dated 21.8.13 for payment of electricity bills, stating that if the said bill is not paid within 15 days the electricity supply will be disconnected.

9) As per Section 56 (2) of the Electricity Act-2003 which relates to 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 arrears of charges for electricity supplied and the licensee shall not cut off the supply of the electricity”.

10) Considering the legal position, M.S.E.D.C.L. is not entitled to raise supplementary bill for a period exceeding two years. Hence the bill issued for earlier period is not recoverable and the electricity supply cannot be disconnected on the ground of non payment of previous bill exceeding two years.

11) In the present case, the official of M.S.E.D.C.L. noticed that the meter remained unbilled till 12.9.2012. M.S.E.D.C.L. issued bills as per consumption for a period between Oct.2012 to May-2013 and consumer paid the bills on time. M.S.E.D.C.L. is entitled to recover bills two years prior to Sept.2012.

12) Secondly, consumer society submitted that the builder handed over the Society to Management Committee in 2005, so society cannot be held liable for the electricity supply prior to 2005. The Society has deposited an amount of Rs.70000/- towards the electricity charges. It is necessary that amount be adjusted in future bills. M.S.E.D.C.L. may take appropriate steps for recovery of the electricity bills by filing civil suit if advised. It is unfortunate that M.S.E.D.C.L. has been subjected to wrongful loss due to failure on the part of employee to submit New Service connection report after releasing of the connection. The said meter remained unbilled for a period of twelve years.

13) Considering the settled legal position we pass the following order -

### **ORDER**

1. The arrears bill for amount of Rs. 150724.31 issued in June-2013 is set aside.
2. M.S.E.D.C.L. is entitled to issue fresh bills for a period of two years prior to Sept.2012.

N.S.Prasad,  
Member/Secretary

Suryakant Pathak  
Member

S.D.Madake  
Chair Person

Date: 30/12/2013