

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

**Case No.21/2011  
Date: 15 /02/2012**

**In the matter of  
Mr.Suresh M Motwani,  
Murzani Builders Pune**

**- Complainant**

**V/S**

**M.S.E.D.C.L. Pimpri Division**

**- Opponent**

**Quorum**

Chair Person	Mr. S.D.Madake
Member/Secretary	Mr. L.G.Sagajkar
Member	Mr. Suryakant Pathak

- 1) Mr. Suresh Motwani, complainant is a consumer of opponent (M.S.E.D.C.L.) as per the provisions of the Electricity Act-2003.
- 2) The brief facts are as under, complainant purchased the flat No.5 situated at plot NO.266 S. No. 4685 Pune-38 from Mahindra Bansi Narayan Pandit on 10<sup>th</sup> April 2006 by execution of necessary conveyance deed. The complainant pays the taxes in respect of the said flat to Pimpri Chinchwad Municipal Corporation. According to complainant the electricity supply of the flat was disconnected and meter was not there. He applied for reconnection of electricity supply after 8 days and the electricity supply commenced for the said flat.

- 3) The main grievance of the complainant is that proper bills were issued by opponent till Feb-2008. He paid bill of Rs. 6,860/- towards electricity consumption on 26<sup>th</sup> March-2008. As the regular bills were not issued, he filed application before opponent on 5<sup>th</sup> July 2008, Complainant was pressing for the issuance of bills from time to time, however bills were not issued due insufficient reasons. The complainant contended that, opponent issued bill of Rs. 1,13,440/- (One lakh thirteen thousand four hundred and forty only) in Aug-2011 for a period 42 months (Forty two months) . He filed application on 13/09/2011 for rectification of the incorrect bill to opponent considering the said application opponent issued bill of Rs. 59,930/- and directed complainant to pay the bill. Due to the pressing demand of opponent for the bill, complainant paid Rs. 30,000/- (Thirty thousand only) on 7<sup>th</sup> Oct-2011. It is further submitted by consumer that opponent issued bill of Rs. 1,70,240/- (One lakh seventy thousand two hundred and forty only) He made grievance before Internal Grievance Redressal Cell on 13<sup>th</sup> Oct. 2011. He prayed that due to poor financial position, he be allowed to pay bill by installments.
- 4) The allegations of the complainant were denied by MSEDCL it is contended that complainant has not produced on record the ownership documents or title deeds in respect of the flat No.5 plot No.266 at S.No. 4685 Pimpri Pune-18. In respect of the issuance of bill for huge arrears it is alleged by opponent that said meter was shown permanently disconnected during period between March-2008 and July-2011. As regards the bill issued by MSEDCL in Sept-2011, it is alleged that bill was issued due to mistake in technology and immediately corrected and revised proper bill was

issued to complainant. We have heard both sides at length. We have pursued all the documents produced on record, on careful consideration of contentions it is clear that complainant is using the electricity and opponent has issued bills for the consumption of electricity.

- 5) The first important issue is that complainant produced on record Index No.2 in respect of the flat No. 5 Plot No.266 in C.Ts. No. 4685 admeasuring 750 sq. ft. on perusal of this document. It is evident that, complainant has become owner of the said flat as he purchased the same from Mahendra Bansinarayuan Pandit on 10/04/2006. The pimpri Chinchwad Muncipal Corporation has issued the Tax receipt which indicates that complainant has been paying taxes in respect of the said flat where opponent supplied the electricity. In view of this we feel it necessary in the interest of justice to direct opponent to take on record name of complainant as a consumer without demanding further proof.
- 6) The second important point is the issuance of bill for arrears. Opponent admitted that wrong bills were issued as well as no bills were issued during March-2008 to July-2011. Opponent also admitted that bill issued in Sept-2011 was incorrect. All these facts are admitted,. The only question to be decided is whether the above omission is due to fraud, mistake or negligence. It is not the contention of complainant some one with intent to cause wrongful loss to him issued the bills. As regards negligence, it is clear that, complainant filed application for issuance of bill on 05/07/2008 to opponent, the fact is that the opponent has not taken cognizance of the said application of complainant also has not demanded the bills since after filling the application on 05/07/2008.

7) The record shows that, opponent has withdrawn all the excess bills leveled against complainant considering these facts and circumstances; we came to the conclusion that, the mistake is the result of issuance of bill. There is no evidence to show that; alleged act was done for causing loss either to complainant or utility. However it is evident that if the opponent failed to render standard of performance of service, by issuing bills for arrears of bill and by not issuing regular bills. We feel that to meet ends of justice, complainant be awarded compensation of Rs.200/- p.m. for a period of two years as per regulations.

### **ORDER**

- 1- Opponent (MSEDCL) is directed to record the name of complainant as a consumer.
- 2- Opponent is directed to pay compensation of Rs. 4,800/- (Four thousand eight hundred only) for deficiency in service. The amount of compensation may be adjusted in future bills.
- 3- Opponent is directed to accept the amount of arrears of bills by installment of Rs. 5000/- p.m. as prayed by complainant.
- 4- Opponent to report compliance within 30 days from date of this order.

Mr.L.G.Sagajkar  
Member/Secretary

Mr.Suryakant Pathak  
Member

Mr. S.D.Madake  
Chair Person

Date : 15/02/2012

