

**CONSUMER GRIEVANCE REDRESSAL FORUM
M.S.E.D.C.L., PUNE ZONE, PUNE**

Case No.30/2016

Date of Grievance : 28.07.2016

Date of Order : 17.09.2016

In the matter of exorbitant billing.

The Chairman,
Radiant Paradise Co-Op.Hsg.Socy.Ltd.,
S.No.69, Hissa No.28,
Wanwadi, Pune-41104

Complainant
(Hereinafter referred to as Consumer)

Versus

The Executive Engineer,
M.S.E.D.C.L.,
Rastapeth Division,
Pune-411011.

Respondent
(Hereinafter referred to as Licensee)

Quorum

Chairperson	Mr. S.N.Shelke
Member Secretary	Smt.B.S.Savant
Member	Mr. S.S.Pathak

Appearance

For Consumer	Mr.V.J.Jalmoru, (Representative)
	Mr.Asif Sayyed, (Representative)

For Respondent	Mr.G.T.Ekade,E.E., Rastapeth Dn.
	Mr.U.J.Kawade,AEE,St.Mary S/dn.
	Mr.S.S.Kolhe, AE, Rastapeth Dn.

1. The Consumer has filed present Grievance application under regulation no. 6.4 of the MERC (CGRF & E.O.) Regulations 2006.
2. Being aggrieved and dissatisfied by the order dated 07.06.2016 passed by IGRC Rastapeth Urban Circle, Pune, thereby rejecting the grievance, the

consumer above named prefers this grievance application on the following amongst other grounds.

3. The papers containing the above grievance were sent by the Forum to the Executive Engineer, M.S.E.D.C.L., Rastapeth Dn., Pune vide letter no. EE/CGRF/PZ/Notice/30 of 2016/172 dtd.28.07.2016. Accordingly the Distribution Licensee i.e. MSEDCL filed its reply on 24.08.2016.
4. We heard both sides at length and gone through the contentions of the consumer and reply of the licensee and the documents placed on record by the parties. On its basis following factual aspects were disclosed.
 - i) The consumer namely Chairman Radiant Paradise Co-Op. Hsg. Socy. Ltd., having consumer no. 160250122770 and sanctioned load 0.30 KW was connected on 26.2.2002 in the tariff category LT-1 Res. 1 phase for water pump of Housing society.
 - ii) The Licensee replaced the old meter of the consumer having no.90/00080339 with new meter having no.13240925 of L&T make in the month of Aug. 2013. However due human error the concerned employee of the Licensee wrongly punched above mentioned meter no. as 13240926.
 - iii) The consumer was getting the energy bills as per actual progressive consumption in the normal status upto April-2014.
 - iv) Thereafter from May-2014 to Nov.2015 the consumer was getting the average bills of 539 units under RNA /Meter changed status.
 - v) In the month of Dec.-2015 the consumer got energy bill of only 100 units.
 - vi) The Licensee made spot verification of the premises of the consumer on 9.2.2016 & corrected the consumer's meter no. as 13240925 & at that time verified the actual reading of the said meter which was found to be 33715 KWH. The Licensee has produced the said verification report as Annexure-II.
 - vii) Thereafter the Licensee made bill verification for the period from Aug.2013 to March-2016 for 31 months making assessment of

consumed units of 33756 having average of 1089 units per month. The said verification report dated 4.3.2016 is produced at Annexure-III.

- viii) Thereafter the Licensee issued difference bills of Rs.3,88,230/- for 29657 units for the period Sept.2013 to Feb.2016 for 31 months & it was sent to the consumer on 8.3.2016.
 - ix) Thereafter the Licensee manually corrected the above mentioned difference bill deducting amount of Rs.1,44,496/- which was already paid by the consumer & by making net bill of Rs.2,43,733/- it was issued to the consumer. The said bill is produced vide Annexure-IV.
 - x) The Licensee permanently disconnected (P.D.) the supply of the consumer on 18.3.2016.
 - xi) The consumer challenged the said supplementary bill by filing complaint before IGRC, on 20.4.2016. The IGRC rejected the said complaint of the consumer vide impugned order dated 7.6.2016.
5. The consumer representative Mr. Col. Venkant Jalmoru submitted that the Licensee without giving any pre intimation replaced the old electric meter Sr.No.90/00080339 with the new meter in the month of Aug.2013. The consumer has regularly deposited the entire electric bills issued by the Licensee & the details of said bills have been attached along with said grievance. He further submitted that the Licensee issued supplementary bill of Rs.3,78,800/- for consumption of 29657 units on 8th March 2016 but the said bill is not legal as we have already deposited all the bills raised by the Licensee in the past. He further submitted that the Licensee threatened us to pay the amount of supplementary bill immediately or else they will disconnect the supply. But since we were not able to deposit the said huge amount of supplementary bill, the Licensee disconnected our supply and took away the meter without giving any prior notice in writing as per law. Thereafter the Licensee permanently disconnected the supply for alleged past arrears of Rs.378800/-. Due to disconnection of supply the society people cannot get drinking water. Therefore Mr. V. Jalmoru lastly submits that the supplementary bill of Rs.378800/- be set aside & supply be restored.

6. On the other hand, Mr. G.T. Ekade, Ex. Engineer, Rastapeth Dn. submitted on behalf of the Licensee that the electro mechanical meter of the consumer having Sr.No.90/000800339 was replaced by another meter of L&T make, digital meter having Sr.No.76/13240925 in the month of Aug.2013. However, due to mistake of the concerned employee, the meter number was wrongly punched as 76/13240926 instead of 76/13240925. Mr.Ekade further submits that upto the month April-2014 the consumer was getting the bills as per his actual progressive consumption in normal status. Therefore the human error of wrongly punching the meter number did not matter till April-2014. Thereafter the consumer was getting average bills of 539 units under RNA/meter change status from May-2014 to Nov.2015 & in the month of Dec.2015 with RNA status the average bill of 100 units. In the month of Jan.2016, the consumer got the bill of only 100 units wrongly under the normal status giving credit of average of last 21 months amounting to Rs.87,996/-. However, it was not possible & said mistake was noticed immediately in the subsequent month. The Licensee made spot verification on 9.2.2016 & at that time consumers meter was showing actual consumption of 33,715 units. The said verification report is produced on record.
7. Mr.Ekade further submits that the Licensee made assessment for the period from Aug.2013 to Feb.2016. The consumption from Aug.2013 to April-2014 is as per actual recording in the meter, therefore the effective assessment is only for the period of 22 months. The supplementary bill is issued to the consumer on plain assessment basis & no D.P.C. & interest is charged in the said difference bill. The consumer failed to pay arrears of Rs.3,78,800/- therefore supply of the consumer was permanently disconnected on 18.3.2016 after giving public notice by way of tomtoming. He further submits that as per bill revision sheet the amount of Rs.1,44,496/- which consumer has already paid has been deducted from the total amount of Rs.3,88,230/- & the final & corrected bill of Rs.2,43,733/- was issued to the consumer on 8.3.2016 & consumer is liable to pay the said bill.

8. Admittedly, the Licensee changed the old meter of the consumer having Sr.No.90/00080339 with new meter having Sr.No.13240925 of L&T make in the month of Aug.- 2013. The concerned employee of the Licensee wrongly punched the said meter no. as 13240926. Hence it is a human error & does not matter as to consumption units of the consumer. It is seen that the Licensee corrected the said meter number in the month of Dec.-2015.
9. CPL of the consumer discloses that the consumer was getting bills as per actual progressive consumption in normal status upto April-2014. Then from May-2014 to Nov.2015 the consumer was getting the average bills of 539 units under RNA/Meter change status. In the month of Dec.2015 the consumer got the bill of only 100 units. Similarly in the month of Jan.2015 the consumer got the bill only 100 units under normal status. But according to the Licensee the said bill was wrongly issued & which was not possible at all.
10. The Licensee made spot verification of the consumers premises on 9.2.2016 & corrected the meter number as 13240925 & also verified the actual reading which was found to be 33715 KWH. Thereafter the Licensee prepared the verification report, which is produced on record. The Licensee made assessment & bill verification for the period Aug.2013 to March-2016 for 31 months for consumption of 33756 units having average of 1089 units per month.
11. Thereafter the Licensee issued difference bill(supplementary bill) of Rs.3,88,230/- for 29657 units for the period from Sept.2013 to Feb.2016 for 31 months & issued to the consumer. Thereafter the said bill was manually corrected deducting amount of Rs.1,44,496/- which was already paid by the consumer & issued net bill making it of Rs.2,43,733/-. Since the consumer failed to deposit amount of supplementary bill as mentioned above, the Licensee permanently disconnected the supply of the consumer on 18.3.206. The consumer has challenged the said bill on the ground that they have regularly paid all the bills as raised by the Licensee & they are not liable to pay past arrears according to law.

12. In this context it is necessary to reproduce provisions of Section 56 of Electricity Act, 2003 which read as under :

56. Disconnection of supply in default of payment

(1) Where any person neglects to pay any charge for electricity or any sum other than a charge for electricity due from him to a licensee or the generating company in respect of supply transmission or distribution or wheeling of electricity to him, the licensee or the generating company any, after giving not less than fifteen clear days notice in writing to such person and without prejudice to his rights to recover such charge or other sum by suit, cut off the supply of electricity and for that purpose cut or disconnect any electric supply line or other works being the property of such licensee or the generating company through which electricity may have been supplied, transmitted, distributed or wheeled and may discontinue the supply until such charge or other sum, together with any expenses incurred by him in cutting off and reconnecting the supply, are paid but no longer :

Provided that, the supply of electricity shall not be cut pff if such person deposits, under protest -

- (a) An amount equal to the sum claimed from him, or*
- (b) The electricity charges due from him for each month calculated on the basis of average charge for electricity paid by him during the preceding six months whichever is less, pending disposal of any dispute between him and the licensee.*

(2) 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.

13. It is to be noted that as per sub section (2) of Section 56 the Licensee cannot recover sum after the period of two years from the date when such

sum became first due unless such sum has been shown continuously as recoverable. The Licensee made spot verification on 9.2.2016 & thereafter issued supplementary bill for the period from Aug.2013 to March-2016 for 31 months amounting to Rs.2,43,733/-. Therefore in view of above mentioned provision the Licensee cannot recover sum for more than 24 months prior to spot verification dated 9.2.2016. In the circumstances of the case the bill of Rs.2,43,733/- issued by the Licensee to the consumer for 31 months is needs to be set aside making it limited only for 24 months preceeding to spot inspection. Therefore the Licensee is required to issue revised bill as mentioned above.

14. As regards disconnection of supply of the consumer for default in making payment of arrears of Rs.2,43,733/- & making it permanently disconnected (PD) on 18.3.2016, it is to be noted that as per sub section (1) of Section 56 the Licensee is required to issue not less than 15 clear days notice in writing to such consumer. According to the Licensee a Public notice by way of tomtoming was given to the consumer. However Section 56 (1) contemplates notice in writing for 15 clear days. The mode of giving such notice is provided under Section 171 of the Electricity Act, 2003. Therefore the so called public notice by way of tomtoming was invalid such practice is deprecated hence such disconnection of supply is illegal. The consumer was prevented from enjoying benefit of electricity due to such illegal disconnection. Hence the Licensee is liable to restore the supply of the consumer.

15. In the result, we proceed to pass following order.

ORDER

1. Grievance of the consumer is partly allowed with cost.
2. The Licensee to issue revised bill to the consumer making it limited for the period of 24 months preceeding to spot inspection i.e. preceeding to 9.2.2016 as per the consumption pattern during the said period.

3. The supplementary bill issued by the Licensee dated 8.3.2016 of Rs.2,43,733/- is hereby set aside.
4. The Licensee to give slab benefit to the consumer & suitable installments for payment of revised bill as per MSEDCL rules.
5. The Licensee to restore the supply of the consumer on payment of first installment.
6. The Licensee to report the compliance within one month from receipt of this order.

Delivered on: - 17.09.2016

Sd/-

S.S.Pathak
Member
CGRF:PZ:PUNE

Sd/-

B.S.Savant
Member/Secretary
CGRF:PZ:PUNE

S.N.Shelke
Chairperson
CGRF:PZ:PUNE

Note :- The consumer if not satisfied may filed representation against this order before the Hon.' ble Ombudsman within 60 days from the date of this order at the following address.

Office of the Ombudsman,
Maharashtra Electricity Regulatory Commission,
606/608, Keshav Bldg.,
Bandra Kurla Complex,
Bandra (E), Mumbai-51.