



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

Case No.40/2015

Date of Grievance : 10.12.2015

Date of Order : 08.02.2016

In the matter of exorbitant billing

The Chairman,
Shri Katepuram A-2, B Wing,
Uttam G.Bhong,S.No.48/1/1,
48/2/1,BL-A-2, B Wing,
Lift Katepuram, Pimple Gurav,
Pune-411061

Versus

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

Complainant
(Herein after referred to as Consumer)

Respondent
(Herein after referred to as Licensee)

Quorum

**Member Secretary
Member**

**Mr. D.H.Agrawal
Mr. S.S.Pathak**

Appearance

For Consumer

**Mr.U.G.Bhond
Mr.U.Gaikwad**

For Respondent

**Mr.D.R.Aundhekar, Ex.Engr.
Pimpri Division.
Mr.B.M.Sawant,
Addl.Ex.Engr.,Sangvi S/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 26.11.2015 passed by IGRC Ganeshkhind Urban Circle, Pune, for rejecting grievance of the

consumer, the above named consumer 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., Pimpri Dn., Pune vide letter no. EE/CGRF/PZ/Notice/40 of 2015/ dtd. 10.12.2015. Accordingly the Distribution Licensee i.e. MSEDCL filed its reply on 22.12.2015.
- 4) We heard both sides at length, gone through the contentions of the consumer and reply of the respondent and the documents placed on record by the parties. On its basis following factual aspects were disclosed.
 - i) Consumer was released with supply vide consumer no.170734411500, 170734411518 & 170734411526 on 19.10.2006.
 - ii) There are total 51 mtrs. in the said housing society out of which 48 mtrs. have received regular bills from the date of connection.
 - iii) Above mentioned three connections (Cons. No.) were unbilled since the date of connection.
 - iv) The Licensee issued manually prepared bills (unbilled amount) in the month of March-2011.
 - v) The Licensee could not issued system generated bills to the consumer due to system problem as it migrated from FOXPRO to ORACLE .
 - vi) The consumer made part payments of the bills issued in the month of March-2011 to the tune of Rs.2,30,000/-.
 - vii) The consumer insisted for system generated bills therefore the Licensee sent new consumer numbers to IT Section bearing no.170730352703, 170730352711 & 170730352690.
 - viii) The Licensee issued system generated bills to the consumer in the month of Sept.2015.

- ix) The consumer challenged the said bills being exorbitant by filing grievance application before IGRC, Ganeskhind, Pune.
 - x) The IGRC Ganeskhind rejected the grievance of the consumer vide impugned order dated 26.11.2015
- 5) We heard both the parties and perused the documents on record. The consumer was supplied with electric connection on 19.10.2006 vide consumer no. 170734411500, 17073411518 & 170734411526. The consumer was unbilled due to system problem. The Licensee issued manual bills to the consumer in the month of March-2011, March-12 & Feb.-14. The consumer made part payments of the said bills to the tune of Rs.2,30,000/- on 22.03.2011. Therefore the unbilled period from 2006 to 2011 is approximately of nine years to issue bill through computer system but billed were manually issued as above.
- 6) The consumer received system generated bills in the month of Sept.2015 as per current reading but consumer numbers were mentioned different than that of quotations but meter numbers were same. The consumer claims slab benefit & waving of interest as well as resorting to provisions of section 56(2) of Electricity Act-2003. According to Licensee old consumer nos. had been sent to IT Section for generating of bills through the system but they could not be generated due to system migration from FoxPro to Oracle. Therefore the Licensee sent new numbers to the I.T.Section of the same meters vide no. 170730352703, 170730352711 & 170730352690. Accordingly system generated bills were sent to the consumer in the month of Sept.2015 considering the current reading .
- 7) In this context it is worthwhile to consider provisions of section 56 (2) of the Electricity Act, 2003 which reads as :

(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.

8) There is gross negligence on the part of utility officials and reading agencies. The Licensee can recover the bills only for past two years from the date of detection of unbilled amount due from consumer. In this case the Licensee can recover bill amount two years prior to 22.3.2011. Hence grievance is liable to be allowed.

9) Lastly we pass following order:

ORDER

1. Grievance of the consumer stands allowed with no order as to costs.
2. Impugned order dated 26.11.2015 passed by IGRC, Ganeshkhind Pune is hereby set aside.
3. The Licensee to prepare revised bills of this consumer making it limited only from March-2009 and giving slab benefits and without charging of interest & DPC.
4. The licensee to report compliance to this forum within one month from the date of this order.

Delivered on: - 08.02.2016

D.H.Agrawal
Member/Secretary
CGRF:PZ: PUNE

S.S.Pathak
Member
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.