

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

**Case No. : 1 of 2007  
Date: 17/02 /2007**

**In the matter of**

**Mr. Raju Kisanrao Divte,**

**- Complainant**

**V/S**

**M.S.E.D.C.L. Padmavati Division, Rasta Peth Urban Circle - Opponent**

<b>Corum</b>	Chair Person	Mr. A.V. Bhalerao
	Member/Secretary,	Mrs. N.D. Joshi,
	Member	Mr. T.D. Pore

- 1) The facts in brief as stated by Mr. Raju Kisanrao Divate (Hereinafter referred to as Complainant) are that the complainant is a consumer. Maharashtra State Electricity Distribution Co. Ltd. (Hereinafter referred to as Opponent) gave supply of electricity to the consumer's premises in the month of May 2001. The complainant contended that for Aug. 03 the reading recorded on meter was 914, in the month of Oct. 03, it was 1110, however, in the month of Dec. 03 it was 11483 due to which, he was given a bill for the wrong units 10373 which was for the amount of Rs.50,160/-. He contended that such bill of huge amount was given because of consumption of large units wrongly shown in the month of Dec. 03. He claimed that the Opponent be directed to prepare a bill only for the units 3602 on the basis of reading 15085 recorded

on 19.11.06 as current and reading 11483 recorded in the month of Dec. 06 as previous without claiming interest and penalty.

In other words, he wanted that the amount claimed under a bill dtd. 7.1.2004 of the units 10373 consumed, amounting to Rs.50,160/- be quashed.

The opponent served a notice dtd. 17.10.06 directing the complainant that in the month of Feb. 05 and in the month of June 05, his bills were corrected on giving him relief even then he did not pay.

The complainant was informed that supply of electricity would be cut off if the amount of bill was not paid within 8 days from the receipt of notice.

On receiving the notice the complainant approached Internal Grievance Redressal Cell (IGRC). The IGRC made enquiry and found that complainant was given supply of electricity in the month of may 01 at which time instead of reading the correct meter no. 12293, a wrong meter no. 12299 was read for billing. In the month of Dec. 03 when reading of the meter no. 12293 was recorded, it was found that total units consumed were 10373. The IGRC noticed that in case of complainant, wrong billing was made, therefore, on the basis of reading recorded by meter of the complainant bearing no. 12293 in the month of Aug. 06 which was 14734 and the initial reading of the said meter when installed in the month of May 01, 00003, for the total units of 14731, the bill was prepared dividing it equally for 63 months.

The opponent implemented the order given by IGRC and arrived at a conclusion that amount Rs.33701.82 was recovered in excess it deducted the amount Rs.29697.82 as relief for that amount was already given and

deducted the balance Rs.4004/- (Rs. 33701.82 – Rs. 29697.82) from the bill dtd. 19.11.06 directed the complainant to pay the amount of Rs.39590/-.

- 2) The complainant not being satisfied with that relief given by IGRC approached this forum.
- 3) The opponent by notice dtd 9/1/07 was directed to submit its reply to the Forum. The opponent by his reply dtd 5/2/07 contended that when supply of electricity was given to the complainant on 25/5/01 the meter no 12299 was given to the 3 consumers, one of which was the complainant. The complainant's meter number was 12293 in actual. This mistake was detected in the month of Dec 03. In the month of Dec 2003, the reading on Complainant meter '12293' was 11483. Before that the billing was incorrect, as reading from the complainant's meter was never recorded. Thereafter on the grievance made by the complainant, IGRC corrected the bill giving the complainant all possible relief. According to that relief given to the complainant, the bill dtd. 19/11/06 was corrected. The complainant therefore is bound to pay the amount of Rs. 39590.00 demanded under that bill.

The opponent produced along with the say number of documents, which show that complainant had previously raised the issue of excess billing and he was given appropriate relief.

- 4) On rival contention raised, the following points arise for consideration:
  - a) Is complaint / grievance made by the complainant to this forum on 3.1.07 within time ?
  - b) Is complainant justified in claiming relief as claimed in the complainant?

5) The above points are answered in the negative for the reasons given below :-

**Reasons:**

6) **Point No 1:** The complainant does not dispute that the meter installed at his premises bears no. 12293. He also does not dispute that the reading recorded on meter no. 12293 in the month of Dec. 03 was 11483. He also does not dispute that the reading recorded in the month of Aug. 06 and Sept. 06 on his meter no. 12293 was 14734 and 14899 respectively. The opponent has produced along with its reply number of documents, which include the consumer personal ledger (CPL) of the complainant. From the CPL, it is seen that in the month of Dec.03 the reading recorded on meter no. 12293 was 11483 and taking the previous reading 1110 a bill for the units 10373 was prepared and the said bill was for Rs.50,160/-. There is office note dtd. 21.7.05 which shows that on representation made by the complainant the bill was revised. While revising the bill the reading 11483 recorded on meter no. 12293 on Dec-2003 and the initial reading at the time of its installation 00003 were taken into consideration and the bills were revised. The CPL of the complainant shows that in the month of April 05 the complainant was given a relief of total amount Rs.14281.61 (Current bill Adj. Rs. 12138.75 + DPC Adj. Rs.200 + Interest Adj. S. 1842.86) Again in the month of Aug-05 the complainant was given a relief 21288.65 (Current bill Adj. Rs. 17859 + Interest Adj. Rs. 3929.85) carrying forward the amount recoverable, the next bills were prepared. The cause of action for the complainant arose on 22.1.04 by which date he was to pay the amount of Rs.50,160/- claimed under the bill dtd. 7.1.04. On the documents produced, it is seen that the complainant had made grievances to the opponent somewhere in the month of July 05 and that on his complaint the bills were revised and he was given total relief

of Rs.35570.46 even then he did not make payment nor did he approach the consumer redressal forum or any other Competent Authority such as civil court or District Consumer forum to claim further relief, if he was not satisfied with whatever relief given by opponent. The complainant was served with a notice of disconnection dtd. 17.10.06 and thereafter he approached Internal Grievance Redressal Cell(IGRC). IGRC again gave further relief and the amount claimed in the bill dtd. 19.11.06 was reduced by Rs.4004/- The complainant in his complaint did not make any reference to the complaint which he had made around July 05 and relief given to him thereon. Though the complainant while claiming relief did not make reference to the bill which was payable on 22.1.04 and contended that opponent be directed to recover the amount only of the units consumed 3602 from Dec. 03 to Nov.06, he cannot change the cause of action which arose for him to quash the bill that was payable by 22.1.04.

Cl. 6.6 of MERC Regulations 2006 lays down " The forum shall not admit any grievance unless it is filed within two(2) years from the date on which cause of action has arisen."

In the instant case, for the complainant, cause of action arose on 22.1.04 by which date he was directed to pay the amount of Rs.50,160/- raised under the bill dtd. 7.1.04. From the said date on which cause of action arose for the complainant, the complaint filed by him on 3.1.07 is not within 2 years, therefore, this forum cannot admit the complaint as it is barred by time.

- 7) **Point No 2:** When point no.1 is answered in negative there is no need to answer this point. However, when opponent has produced the entire record in

order to satisfy the complainant that he has no justification to make any complaint, the documents produced by the opponent are gone into.

From the documents especially CPL, it is found that complainant was given appropriate relief. It is apparent on the basis of the record that billing in case of complainant was made on wrong meter no. In the month of Dec. 03 the actual reading recorded on complainant's meter no.12293 was 11483. The complainant does not dispute the said reading. He also does not contend that the meter was defective at any time. He does not dispute about the reading recorded on the said meter. The opponent while giving relief instead taking note of intermittent reading took into consideration an undisputed initial reading 00003 of the meter no. 12293 and the reading 14899 in the month of Sept. 06 and calculated amount dividing the bill in 64 months. It also calculated the amount due and found that the complainant was entitled to repayment of Rs.33701.82. From the CPL, it is seen that, the complainant was given relief of Rs.14,281.61 in the month of April 05 and Rs.21,288.85 in the month of Aug 05. The opponent had already deducted the more amount than to which complainant was entitled for refund. Considering that the complainant was already given the relief of Rs. 35370.46 more than the amount, which was to be refunded to him Rs. 33701.82, the balance Rs. 1668.64 should have been shown as excess payment to him, however only Rs. 29697.82 was deducted and further relief of Rs. 4004 was given. The opponent ought to have deducted the amount of Rs.35,370.46 from the amount of Rs. 33701.82. however, it deducted only Rs.29,697.82 and further gave relief of Rs.4004/-

The complainant has in fact no reason to make any complaint about excess billing. In the month of June 04, a mistake was committed in showing

that 1878 units were consumed. When billing was made on average basis, however, that mistake was also corrected deducting the amount Rs. 7563.36 in the month of Aug. 04.

Though the complainant was given relief he did not make payment. From the CPL it is seen that the complainant was irregular in making payment. Having made payment on 22.11.01 he did not make payments upto 26/9/03. Thereafter again stop making payments after 11.11.03 till 25.8.06. After calculating the arrears in the month of Dec. 03 the arrears have been shown as recoverable continuously by the opponent in all following bills. The opponent has, therefore, right to claim the arrears though the period for which recovery is claimed exceeds the period of two years as provided in Sec.56 (2) of Electricity Act, 2003.

- 8) In order to bring the efficiency amongst the members of the working staff and to make them aware that negligence in duty can't be tolerated, the opponent is advised to initiate departmental inquiry against him who wrongly mentioned the meter numbers in service connection report which led to inconvenience to the consumer as well as to the opponent company and punish him (Concerned member of the staff) adequately.

### **ORDER**

The Complaint/grievance made by the complainant is hereby dismissed.

Sign:

Mrs. N.D.Joshi,  
Member/Secretary

Mr. A.V. Bhalerao  
Chair Person

Mr. T.D.Pore  
Member

Date: 17/2/2007