

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

Case No.05/2016

Date of Grievance : 10.03.2016

Date of Order : 29.04.2016

In the matter of exorbitant billing.

Col.T.M.Geroge(Retd.) ,
Geroges Villa, Opp. Shivarkar Park,
S.No.7, Wanwadi,
Pune 411040.

Complainant
(Herein after referred to as Consumer)

Versus

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

Respondent
(Herein after referred to as Licensee)

Quorum

Chairperson
Member Secretary
Member

Mr. S.N.Shelke
Mr. D.H.Agrawal
Mr.S.S.Pathaik

Appearance

For Consumer

Col.T.M.Geroge,

For Respondent

Mr. Ekade, Ex. Engineer,
Rastapeth Dn.
Mr. Patki, Addl. Ex.Engr.
Sant Marry Sub/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 29th Feb.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., Raastapeth Dn., Pune vide letter no. EE/CGRF/PZ/Notice/05 of 2016/53 dtd.10.03.2016. Accordingly the Distribution Licensee i.e. MSEDCL filed its reply on 31.03.2016.
- 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) Consumer namely Col.T.M.Geroge (Retd.) vide consumer No.170016066870 connected on 10.01.1992 under category LT-1 (Residential).
 - ii) Consumer's meter bearing No.00014959 was replaced in the month of Feb.2010 with new meter bearing no.09346045 having initial reading -08.
 - iii) From Feb.2010 to Feb.2011 the consumer used to get the bills as per actual consumption and according to the meter reading.
 - iv) In the month of March-2011, the meter bearing 09346045 having final reading 4022 Kwh was again replaced by another meter bearing No.03260370 having initial reading 01 Kwh.
 - v) According to the Licensee the said meter change could not be fed in their IT system. Therefore the system charged the consumer's bill with 289 units consumption under,"RNA" status for the period from March-2011 to May-2011.
 - vi) Thereafter the consumer used to get the bills with same average of 289 units but with, "meter change" status for the period of June-2011 to March-2012.
 - vii) In the month of April-2012 the actual reading of the consumer with meter no.03260370 was recorded to be 4469 Kwh. But the meter replacement entry was not effected in the system but the consumer used to get bills of only 447 units (4469-4022=447). However the consumer should have been issued the bills for 4578 units with meter change effect of meter no.03260370.

- viii) The consumer was charged wrongly under, "Normal" status for May-2012 and June-2012 ; and Dec.2012 to Jan.2013 under, "Lock" and "meter change" status for July-2012 to Nov.2012 and with 274 units under, " RNA" and "meter change" for the period Feb.2013 to Aug.2014.
- ix) In the month of Sept.2014, the "meter change" was fed in the IT system for meter no.03260370 with IR-1 kwh. but with zero consumption therefore the consumer wrongly got the credit of Rs.31197.25.
- x) In the month of April-2015 the consumer was charged with 15315 units for Rs.166435.31 as per actual reading and consumption.
- xi) In the month of Sept.2015, the St. Mary sub-dn. submitted credit B-80 online for 16524 units for Rs.115270.95 for approval to division office.
- xii) It is noticed at division level that the consumer was given effect with single phase meter whereas it was a three phase meter. Hence the credit B-80 was returned to the Sub-dn. and was asked to submit the correct proposal to the division.
- xiii) Accordingly the Sub-dn. office corrected the proposal for 18634 units amounting to Rs.112900/- and which was finally given approval in Nov.2015.
- xiv) The consumer approached to IGRC, GKUC, with grievance of exorbitant billing and the IGRC rejected the grievance vide impugned order dated 29.2.2016.

5. The consumer Mr. T.M.Geroge submits that he retired from Indian Army and resides at Geroges Villa, Wanawadi, Pune since his retirement from July 1993. He is having 3 phase connection at his premises. He received exorbitant bill of 15315 units in the month of May-2015. Therefore he made representation to the Licensee about the said exorbitant bill and requested that the bill be issued as per consumption. He further submitted that he has been regularly paying the energy bills through ECS. The Addl. Ex.Engr., St. Mary Sub-dn had provided him provisional bill of Rs.5660/- which was immediately paid by him. He

further submitted that the consolidated bill of Rs.47810/- as final payment was provided to him stating that some error was occurred due to system failure. Thereafter he again made representation to the Licensee requesting that he was regularly paying all the bills and being retired soldiers should not be penalised due to system failure. He further submitted that in spite of the assurance from additional Ex. Engineer, for reconsidering the request, he received two more bills one after another for Rs.69250/- & Rs.80740/-. Therefore consumer request that the exorbitant bill be cancelled & normal corrected bills as per reading be provided to him and that his supply should not be disconnected.

6. On the other hand Mr.G.T.Ekade, Ex. Engineer, Rastapeth Dn. submitted on behalf of Licensee that old meter of the consumer bearing no.00014959 was replaced in the month of Feb.2010 with new meter bearing no. 09346045 having initial reading-08 Kwh. From Feb.2010 to Feb.2011 the consumer received bills as per consumption and according to the meter reading. In the month of March-2011 again 09346045 was replaced by another meter having no. 03260370 having initial reading of newly meter 01 Kwh at the reading of replaced meter was s4022 Kw. He further submitted that the above mentioned meter changed would not be fed in the IT system therefore the consumer used to get bills of 289 units consumption under RNA status for the period of March-2011 to May - 2011. Thereafter from June-2011 to March-2012 consumer used to get bills of 289 units but with meter change status.

7. Mr. Ekade further submits that in the month of April 2012 actual meter reading with meter no.03260370 was recorded to be 4469 Kwh. Consumer used to get bills of 447 units (4469-4022=447). However the consumer should have get the bills 4578 units with meter change effect of meter no. 003260370. It was noticed that the consumer was charged under RA ad meter changed status for the period Feb.2013 to Aug.2014 but without taking the meter change effect on the record. In Sept.2014 the meter change was fed in IT system for meter no.03260370 with IR - 1 Kwh but with 0 consumption, hence the consumer got credit bill of Rs.31197.25 wrongly.

8. Mr. Ekade further submit by in the month of April-2015 the consumer was charged with 15315 units for Rs.1,66,435.31 as per actual reading and since

then he is being charged with actual readings as per consumption. In the month of Sept-2015 the sub-dn. office submitted credit B-80 on line for 16524 units for Rs.115270.95 for approval to the division office where effect of all the earlier charged units was taken into consideration for Credit bill. However it was noticed that the consumer was given effect with single phase meter whereas it is a three phase meter. Therefore B-80 was returned and was asked to submit the correct proposal. Accordingly the division office submitted corrected proposal online for 18634 units amounting to Rs.112900/- and it was finally approved and all the earlier disparities were given effect in the revision for 18634 units for the period from March-2011 to Oct.2015 for 56 months. Since then all the bills are given with normal status and the consumption is also matching with the consumption pattern, therefore the consumer is charged as per his actual consumption. Therefore grievance be dismissed.

9. Following points arise for our determination. We give our findings thereon for the reasons stated below.

Points	Findings
i) Whether there was deficiency in service on the part of Licensee in serving incorrect supplementary bills after the period of limitation?	Yes
ii) What Order?	As per final order.

10) REASONS

It is not disputed that old meter of the consumer bearing no.00014959 was replaced in the month of Feb.2010 with new meter bearing no.09346045 having initial reading- 08. From Feb.2010 to Feb.2011 the consumer received bills as per consumption and according to the meter reading but according to Licensee in the month of March-2011 again the above mentioned new meter bearing no.09346045 was replaced by another meter bearing no.03260370 having initial reading of newly -01 Kwh and the reading of the replaced meter was 4022 Kwh. However we do not understand why the meter bearing no.09346045 was replaced when the

consumer had received bills as per the consumption and according to the meter reading. The consumer stated that it was not his demand to replace the said meter nor he made any application to the Licensee for the replacement of the above mentioned meter. The meter replacement reports are not on record. Therefore no any explanation comes on record from the Licensee for the replacement of the said meter.

11. According to the Licensee after replacement of meter no.09346045 with another meter bearing no.03260370, the necessary information was not fed in the IT system and therefore the consumer used to get bills of 289 units consumptions under RNA status for the period March-2011 to May-2011 and thereafter from June-2011 to March-2012 of 289 units but with, "meter change status ". Therefore after replacement of meter failure to feed necessary information in the IT system is negligence on the part of concerned employees and consequently deficiency of service on the part of Licensee.

12. It is further revealed that Sept.2014 the Licensee fed the meter change in the IT system in respect of meter No.03260370 with IR - 1 Kwh but with 0 consumption. Therefore the consumer wrongly got the credit bill of Rs.31,197.25. Therefore this is blunder mistake on the part of Licensee. According to the Licensee in April-2015 they took actual reading on record of the consumer with accumulated 15315 units amounting to Rs. 1,66,435.31 and accordingly the bill of actual reading and consumption was issued. Thereafter in Sept.2015, the St.Mary Sub-division submitted credit B-80 on line for Rs.1,15,270.95 for 16525 units for approval to the division office. However it was noticed at division level that though the credit B-80 was given effect but the consumer meter was three phase whereas the credit calculated of single phase. Therefore the division office return the said proposal with direction to resubmit with correct proposal. Thereafter the sub-division office resubmitted corrected proposal for 18600 accumulated units amounting to Rs.1,12,900/- and it was approved. Thereafter in Nov.2015 the bill revision of the consumer was effected for the period March-2011 to Oct.2015 for 56 months with 18634 units and thereafter necessary bill was issued to the consumer.

13. Now it is necessary to take into consideration provisions of Section 56 (2) Electricity Act,2003 **Section 56 of the Electricity Act, 2003** provides disconnection of supply in default of payment. Sub Section (2) of Section 56 provides that no sum due from any consumer under this section shall be recoverable after the period of two years from the date of when such sum became first due. It reads as under.

(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.

14. As mentioned above the Licensee revised the bill of consumer for the period from March-2011 to Oct.2015 for 56 months. However as per above mentioned provisions the Licensee is entitled to recover arrears for 24 months preceding to the date of dispute. It is noticed that the Licensee has committed several mistakes as mentioned above while issuing the bills to the consumer. It was gross negligence on the part of concerned employees. Therefore there is deficiency in service on the part of Licensee for issuing wrong and incorrect bills to the consumer. Accordingly claim licensee for recovery of above mentioned bill is to be set aside. Licensee to work out claim afresh making it limited for two years vide section 56 (2). Hence we answer point No.i) in the affirmative. In the result grievance is to be allowed.

Lastly, we proceed to pass following order:

ORDER

1. Grievance of the consumer is hereby allowed with cost.
2. The demand raise by the Licensee quantifying dues from March-2011 to Oct.2015 for 56 months is hereby set aside.
3. Impugned order dated. 29 Feb.2016 passed by IGRC is hereby set aside.
4. The Licensee to issue such revised bill making it limited only for 24 months preceding to Nov.2015 excluding D.P.C. & interest.

5. The Licensee to give suitable installments to the consumer for repayment of bill amount as per rules.
6. The licensee to report compliance to this forum within one month from the date of this order.

Delivered on: - 29.04.2016

Sd/-
S.S.PATHAK
Member
CGRF:PZ:PUNE

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

Sd/-
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.