

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

Case No. 18/2018

Date of Grievance : 18.04.2018

Hearing Date : 29.05.2018

Date of Order : 03.07.2018

In the matter of complaint of accumulated excess bill and PD arrears recovery.

Shri.Nandkumar Ramchandra Jadhav, ---- Complainant

House No.650, At Post- Kadadhe,

Tal.Khed,

Dist.- Pune - 410513.

VS

The Executive Engineer,

---- Respondent

M.S.E.D.C.L.

Rajgurunagar Division,

Present during the hearing:

A] - On behalf of CGRF, Pune Zone,Pune.

- 1) Shri. A.P.Bhavathankar, Chairman, CGRF,PZ,Pune
- 2) Mrs.B.S.Savant, Member Secretary, CGRF, PZ, Pune
- 3) Mr.Anil Joshi, Member, CGRF, PZ. Pune.

B] - On behalf of Appellant

- 1) Shri.Vijayanat Ramchandra Jadhav, Consumer Representative
- 2) Shri.Devanand S.Buwale.

C] - On behalf of Respondent

- 1) Shri. Manish N.Kadu, Dy. Ex. Engr., Rajgurunagar Sub/dn.

Shri.Nandkumar Ramchandra Jadhav, Consumer No. - 176272881503,

Category LT single phase Sanctioned load - 0.40 KW, **date of connection - 15.10.2002.**

Complaint about accumulated excess bill and PD arrears recovery. Above named consumer using the supply for his residential purpose, received bill in accumulated arrears for amounting Rs.47040/- in the month of Aug.2017. After receiving the said bill, consumer filed application to the Respondent utility informing that he did not received the bill continuously for couple of months and his bill was generated for zero unit consumption and was not showing consumption in continuous reading on the meter. After receiving the said bill consumer raised grievance before Ex. Engineer, stating that the bill for accumulated units received is exorbitant and for previous months Oct.2016, 3rd March 2017, 12th Jan.2017. The bill is not printed with photo displaying meter reading. The consumer further submitted that he is ready to pay the bills as per actual units' consumption. According to the consumer, his grievance was not responded by the utility officer at appropriate time. Therefore he approached to IGRC, by filing an application in Form No.-X on 0.2.02.2018 and raised the dispute. It was further submitted by the consumer that despite his requests, he did not receive bills as per actual consumption of the electricity / meter reading and that the utility continued to generate the bills for exorbitant amounts stating that the bills generated were as per actual unit consumption of the consumer which is, however, required to be corrected. After filing the said dispute before the IGRC, since IGRC did not decide the dispute of the consumer within stipulated period of two months, the consumer had to approach this Forum and file his complaint in Form No. A on 18.4.2018. The consumer requested and prayed that the bills be issued as per the correct consumption of the electricity as also the reading recorded on the meter supporting images of the meter reading for the same. The consumer also further prayed for bifurcation of the said bills as per month-wise consumption against which he had already deposited Rs.5000 and Rs.3000 during the intervening period.

The consumer further submitted that he continued to receive the bills for consumption of zero units and this cannot be attributed to him as him and that he is ready to pay the bills if corrected as per his bonafide prayer. After filing of the said complaint on 18.4.2018 the office of the CGRF, Pune issued notice to the Respondent utility on 19.4.18. After service of the notice, the Respondent utility appeared

before the Forum and filed its say along with verification report of the Meter on 5.5.2018. The Respondent utility submitted that the consumer Shri.Nandakumar Ramchandra Jadhav, having consumer No. 176272881503, PC- 6, is having residential connection. He received the said bill with accumulated unit consumption of 7116 units. Following verification of the copy of CPL, it was observed that the supply of the consumer was permanently disconnected on July-2016. According to the utility, the use of the meter was continued at the place. Therefore, the consumer had received the bills for accumulated consumption of the units for 7116, which was, therefore, bifurcated on monthly basis for the period between April-14 to July-17 - i.e. for the period of fifty one (51) months to ensure that slab-wise and month-wise benefit is passed on to the consumer. The verification report of the meter also further indicates that the said consumer was unbilled for the period from 2012 to Aug.2016 and, therefore, an opportunity was given to the consumer for depositing the amount of Rs.40,020/- in lump sum. The consumer has, accordingly, deposited the said bill and his supply is continued.

The Respondent utility filed a copy of CPL and verification report of the meter on 18.6.18. The Respondent utility filed further reply and informed to the Forum, that the said connection was PD up to July-2016 and the consumption of units recorded at the material period was 3513, for the period since Oct.2013. The meter status continued to be shown as 'faulty' and bills for 600 units were issued wrongly. Since May-2013 to July-2017, consumption of the aggregate units by the consumer were calculated at 3123 units - (i.e. 7236 Units - 4113 units). This aggregate consumption of the 3123 units was further bifurcated on month-wise and slab-wise basis for the period of fifty one (51) months, i.e. up to the end of April-2018. Accordingly, the bill was generated for Rs. 11600, after reconciliation of the bills for Rs.33,240/- as per the 'B-80' report for which system record was corrected and bill is generated. Copy of the 'B-80' report representing for which revision for Rs.40,020/- is calculated by extending slab benefits to the P.D. consumer bifurcated over the period of fifty one (51) months is submitted by the Utility. Consumer representative pointed out that the dispute on the face of record appears

to be solved and therefore respondent utility prayed for dismissal of the complaint with cost.

After perusal of the rival contentions, following points had arisen for my consideration to which I have recorded my findings to the points given below :

1. Whether the Respondent utility is entitled to recover arrears of accumulated units for which bill were issued to the consumer for amounting to Rs.40,020/-?
2. Whether the bills revised and divided over the period of past fifty one (51) months with slab-wise benefit given to the consumer is legal, valid and proper?
3. Whether the consumer is entitled for any relief?
4. What order?

Reasoning :-

I have given an opportunity to the consumer and the Respondent utility representative on 29.5.2018. The matter was heard by this Forum in detail. The dispute raised by the consumer earlier is that he received accumulated bill in July, 2017, as generated and issued by the Respondent utility, which is for Rs.47,040/-. Consumer contested the said bill. As per copy of the CPL perused by me, I found that the consumer was shown 'P'D backwards since July-2016 for considerable long period even though bill were generated on the grounds that, the meter and the supply was in use for the residential place. As per Regulations, when consumer was made 'PD' way back in July-2016, no bills should have been generated and that too for the high / exorbitant consumption of units for the said premises. Contention of the Utility, therefore, cannot be accepted. After July-2016, it is submitted by the Representative of the Respondent utility though the supply of the consumer was restored, necessary inputs were not fed in the system, and therefore, periodic bills for the consumers could not be generated. The Respondent utility

further submitted that, they had visited the premises of the consumer and also have carried out the verification. As per the verification report, the ultimate consumption of units by the consumer were shown as 7236 units, which is also recorded on the meter. The consumer was, therefore, charged accordingly. It appears that the Respondent utility had tried to recover the old PD arrears at the same premises and, therefore, the recovery was divided equally spread over for the period of fifty one (51) months. On this backdrop, it would be obvious to refer to the provisions as contained in the Regulation No. 10.5 of the MERC (Electricity Supply Code and other conditions of supply Regulations, 2005, which state that the Utility can recover only six months' average reading bill when the supply of the 'PD' consumer is restored / reconnected at the premises of the of the P.D. consumer. . This is the same consumer, whose copy of the CPL shows that the consumer was PD since Aug.2016. The Respondent utility tried to recover and adjust the amount beyond the three years' span which is illegal and cannot be said to be correct. The amount which is deposited by the consumer represents exorbitant recovery by the Respondent Utility which is against the Rules & Regulations. The consumer is, therefore, entitled to the adjustment for the payments already made by him to the Utility against the future bills. In view of the provisions of Section 10 (5) of Regulation of 2005 speaks, the Respondent utility can be allowed to recover arrears not exceeding six months' average bill from the 'PD' consumer, the Respondent Utility is, therefore, directed to calculate the said recovery afresh in the revised bill(s) to be issued to the consumer.

Further, the entry of reconnection of this consumer was not made in IT system of the Respondent Utility, leading to the consumer remaining unbilled considerably after Aug.2016. The actual consumption of units, therefore, as recorded in the meter, was reassessed and the consumer was billed for consumption of 3123 units till April-2018 and bill was accordingly generated for Rs.11600/- representing unbilled amount for the consumer for the period from May-2013 to April-2018 and final adjustment was done by the Respondent Utility. The Respondent utility had bifurcated the periods between July-16 up to April-2018 representing unbilled period. The consumption of the said units, therefore, need to be bifurcated and the

monthly liability of the consumer to the Respondent utility need to be divided in equal monthly installments, together with adjustment for the payments already made by the consumer in lump sum. I, therefore, found that the accumulated arrears of the bills cannot be claimed in one month which is exorbitant and excessive and which is required to be bifurcated in equal months, till the consumer remained unbilled and the status was shown PD till July-2016. Therefore earlier recovery only for the period of six months period should be added. Therefore the Respondent utility is directed to recalculate and reassess the consumers, who was earlier 'PD' and arrears only for six months based on the monthly consumption pattern of the consumer bifurcated on equivalent units from the connection become live till the period of April-2018 be done. If after such an adjustment, surplus, if any remains with the Respondent Utility, the same should be treated as an advance payment by the consumer and adjusted in future bills. I am, therefore, inclined to accept the consumer complaint and propose to pass the following order.

During the hearing on dated 29.5.2018 the utility was directed to revise the bill along with adjustments and that the relevant data should be fed in the system i.e. B-80. The Licensee has, accordingly, reported on 15.6.2018 and hence the time limit of sixty (60) days could not be observed strictly.

ORDER

1. Consumer complaint No. 18 of 2018 is allowed. Bill recovery in respect of accumulated bills shown stands set aside. Respondent utility is directed to recalculate and re-assess the bill and P.D. arrears only for six months together with bifurcation of units in equal monthly consumption of this consumer from July-2016 onwards. Excess amount, if any, shall be adjusted in future bill.
2. No order as to the cost.

The order is issued under the seal of Consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Pune Urban Zone, Pune on 3rd July - 2018.

Note:

- 1) If Consumer is not satisfied with the decision, he may file representative within 60 days from date of receipt of this order to the Electricity Ombudsman in attached "Form B".

Address of the Ombudsman

The Electricity Ombudsman,
Maharashtra Electricity Regulatory Commission,
606, Keshav Building,
Bandra - Kurla Complex, Bandra (E),
Mumbai - 400 051.

- 2) If utility is not satisfied with order, it may file representation before the Hon. High Court within 60 days from receipt of the order.

I agree/Disagree

Sd/-
ANIL JOSHI
MEMBER
CGRF:PZ:PUNE

I agree/Disagree

Sd/-
A.P.BHAVTHANKAR
CHAIRPERSON
CGRF: PZ:PUNE

I agree/Disagree

Sd/-
BEENA SAVANT
MEMBER- SECRETARY
CGRF:PZ:PUNE