

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

Case No. 29/2018

Date of Grievance : 21.05.2018

Hearing Date : 28.06.2018

Date of Order : 07.08.2018

In the matter of accumulated and wrong bill.

Shri. Pandurang Laxman Ahiwale, ---- Complainant

S.No.101, Janata Vasahat,

Neeljyoti Socy., Pune - 411016

(Consumer No.170016551077)

VS

The Executive Engineer,

---- Respondent

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

Shivajinagar 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. Darshan Pandurang Ahiwale, Consumer Representative

C] - On behalf of Respondent

- 1) Shri.S.S.Munde , AEE, Ganeshkhind Sub/Dn.
- 2) Shri. Umesh Kasabe, UDC, Ganeshkhind Sub/Dn.

Shri. Pandurang Laxman Ahiwale , is father of Shri. Darshan Pandurang Ahiwale. Consumer No.170016551077, Sanctioned Load .2 KW LT - 1, date of connection 8.10.1993.

The above named consumer received bill in the month of Jan.-2018 accumulated reading mentioned in the bill and average consumption unit bill was issued between 2014-2017. Respondent utility issued bill for the month of Dec.2017 for amounting Rs.78,020/-. After receiving the said bill consumer

approached and made grievance against the demand of bill by writing letter to Respondent utility Office. Consumer submitted that he also received earlier bill in the month of April-2014 and the bill was incorrect and was not paid. The meter and connection was removed, thereafter new meter was installed giving starting reading 2433. Thereafter again the premises was not used by the member who gone for the agitation outside the rule The reading was not recorded and average bill was issued after 4-5 months . The bill issued for amounting Rs.6259/- against which also complaint was made but after 4 months the said bill was paid and the meter said meter was reinstalled against in the month of Oct.2017. The meter and and the supply was disconnected in the month of Nov. for non payment of bill Rs.9762/-. After payment of the said bill the meter was reinstalled in the month of Dec.2017. After installation of the said meter in Dec.2017 consumer received bill for amounting Rs.74000/- . Therefore consumer made complaint bill was corrected for amounting Rs.50900/- Respondent utility directed to deposit the said bill. Consumer made complaint for checking of meter and deposited amount of Rs.150/- as 6900 units charged in the accumulated units in the bill of Dec.2017. Consumer demanded copy of CPL. After verification of the copy of CPL and actual meter photograph which was not considered while preparing bill? Even then on the complaint of consumer no action was taken. Therefore this consumer made this complaint to IGRC and informed that since last 4 years reading for 14 times only recorded and average consumption bill was issued for 24270/- which resulted loss of revenue due to wrong and incorrect reading bill on average basis issued for 5 months. The consumer required to attend the office frequently there is monetary loss of Rs.1 Lakh. Consumer pray for correction of bill Rs.27000/- amount and claimed Rs.50,000/- for monetary compensation. After receiving the said complaint IGRC register the case vide Case No.T-12/2018 on dated 09.04.18 opportunity for hearing was given to both the parties on 13 .04.2018 IGRC pronounced order giving direction to Respondent utility to check and verify the meter by Laboratory esteem issued the bill as per actual consumption unit. Correct the said bill and take appropriate action

against agency recording unit who gave average consumption of unit bill as informed by Agency and take action as per Commercial Circular for issuing average bill for considerable for long time to the consumer.

Being dissatisfied with the order of IGRC. This consumer made complaint to this Forum in Form No. A on dated 21.5.2018 and claimed monetary compensation of Rs.51000/- and correction of bill for amounting Rs.27000/- consumer also pray for giving incorrect reading and average billing proper action may be taken against utility official and claimed additional further relief after filing the said complaint is registered vide 29/2018. Office issued notice to the Respondent utility on dated 23.5.2018 and call upon Respondent utility to file reply on or before 5.6.2018. Thereafter Respondent utility service of notice appeared and filed reply on 6.6.2018. The Respondent utility submitted that in the month of Nov.2017 as per photo reading bill for 74974 was issued to the consumer since last 8 months RNA status recorded against the consumer for charging 856 units per month average consumption. Consumer disagrees with the said bill and claimed for checking of meter accordingly the premises was checked and meter was tested as per Accu check method. The reading on the meter and status of the meter found OK. Accordingly report was submitted, the Respondent utility verify the last bill issued to the consumer for last 3 years. The consumer pattern of consumption unit was recorded up to consumption unit per month 220 units. Accordingly the said units was divided from August to Dec. - 2017 and bill amount Rs.27100/- was deducted from the bill and consumer directed to deposit the amount Rs.51410/- but consumer was disagree with the same. The Respondent utility pray that consumer can deposited the said amount of bill by installment which was offer to the consumer but the consumer disagree as per order of IGRC the MD of meter was examine which was reported 1.34 and as per recorded MD on testing average consumption bill 220 units per month is correctly calculated. The consumer also found use the consumption in the month of Dec.-2017 , 273 units in the month of Dec.2017 therefore utility pray that bill amount Rs.51410/- issued to the consumer is correct. Respondent

utility filed copy of meter rest report , copy of last consumption record and gave further reply on directions between the hearing before this Forum to re assess and recheck the meter in Laboratory. Accordingly the meter was sent to Testing Laboratory and report is submitted on 21.07.2018. The report of laboratory testing dated 16.7.2018 also attached which indicates that status in the above testing meter at Central Laboratory is proper. Respondent utility further create for laboratory meter testing charges on the request of consumer invest 236 by receipt dated 4.7.2018 be recovered from consumer along with current bill of revised and already corrected amount of Rs.51,450/- Consumer also produced the copy of CPL, copy of old bill dated 5.6.2014 and Nov.2017, Dec.2018, copy of IGRC order, copy of complaint in form No. X and pray for grant of relief.

I have perused consumer complaint and document filed by the consumer. I also perused copy of IGRC order say of Respondent utility and copy of CPL meter testing report and all other document regarding communication of status of meter recording. The following points arose after my consideration to which I have recorded my finding to the points for the reason given below :-

1. Whether bill issued by Respondent utility against the consumer for Nov.2017 for amounting Rs.51410/- is legal valid and proper.
2. Whether consumer entitled for bifurcation of unit on basis of average consumption unit bill wrongly issued.
3. Whether consumer entitled for benefit of revised bill and reduce the liability of repayment.
4. What order ?

Reasoning :

On perusal of the dispute of the consumer since taken place 11.4.2014 there was instant of issuing bill to the consumer on average basis attitude of the Respondent utility official relined the report of agency which not acted properly and gave incorrect report showing RNA status for considerable long time. It resulted in issuing average bill to the consumer for considerable long time in

the month of April-2014 Similar incident already happen which was reported by complainant and Respondent utility already acted to remove the meter and connection at appropriate time in the year2014. There was earlier complaint reported which was resolved by utility official and benefit was once given.

About this complaint consumer received accumulated bill on average base in the month of Nov.2017 accumulated reading initially calculated 5900 units in the month of Sept.2017 for amounting Rs. 74300/- claiming accumulated bill in 1 month always shocking to the consumer and the consumer is bound to make complaint. To my view attitude of Respondent utility relying agency report and issuing average consumption bill considerable for long time which raised any grounds of suspension in the mind of consumer of genuine and authenticity of meter which was challenged by consumer. In this complaint attitude of the Respondent utility further visited premises and accu check report of meter was tested which was found OK. Then how accumulated unit consumption bill as reported RNA status for considerable for long 3 years. It is absolutely wrong and incorrect even then consumer not raised any dispute earlier.

The Respondent utility submitted in reply that accumulated bill was corrected and bifurcated in 3 years, Aug.2014 to Nov.2017 and amount Rs.27100/- was reduced and consumer was directed to pay remaining amount which was reduced and B-80 was prepared in normal course average consumption basis earlier bill was issued to the consumer which was not care by utility for long time . Itself not as per Regulations and there is event of breach of Regulations and billing in correct recorded bill to the consumer.

The benefit of bifurcation of unit as given shown which event was verified. The Respondent utility was directed to check the meter as Accu check report was not found recorded by appropriate following procedure and it was seriously disputed. As laboratory testing report which was advised, consumer was not ready to pay meter testing charges and it was above Rs.2500/- even then Respondent utility was directed to suffer monetary and get the meter laboratory testing when there is considerable non recording of proper unit for

3 years and accordingly report is file. The Laboratory testing report is scientific cannot be denied unless there is down permissible error as reported in checking of the meter is within permissible unit and overall report is OK Neither fast nor slow.

Therefor the Respondent utility required to assess the monthly consumption pattern of consumer which is to be compared with actual connecting load and actually user of units per month. Which is assessed below 300 come approximately 219 to 273 units but consumer deny the same. Therefore copy of CPL verified by this Forum when the meter was OK and there was no complaint monthly average consumption is reading event from the date of connection onwards which was below 300. Question of bifurcation of units given to the consumer in the month of August-2014 to Dec.2-17 why this period is choose by the Respondent utility not explained. When event of issuing average consumption bill is between year 2014 to 2017. Why only 8 months bifurcation was given, To my view consumer should be more benefited lower degree of average consumption unit subject to connecting load and actual calculation of units which comes below to 200. Therefore consumer entitled for more bifurcation of unit till the average consumption pattern 200 units per month comes to Act calculation. The aggregate unit calculated at the relevant time mentioned in the bill 6900 which is required to be divided in equal months till normal consumption of unit 200 per month is calculated. Respondent utility not entitled to charge any interest and penalty on the said amount. Considering repeated incidence and relief already granted by IGRC. The consumer is entitled to repay the arrears of the said bill in 10 months equal installments along with current bill. Consumer also entitled for cost of Rs.1000/- towards litigation and attendance of utility office frequently in the year 2014-2017. And face the dispute unnecessary at the fault of utility.

Data not submitted by utility promptly hence delay cause for final order.

Hence I am inclined to allow the consumer complaint and to proceed to pass following order:-

ORDER

1. Consumer complaint No. 29 of 2018 is allowed with cost.
2. Respondent utility directed to revise and re assessed the bill considering monthly consumption of unit 200 per month and divides 6900 units accordingly.
3. Respondent utility shall not charge any interest, penalty, late fee etc.
4. Utility shall pay cost of litigation Rs.1000/- and meter testing fees can be recovered Rs.2360 as per bill mentioning in the bill equal months installments.
5. No further order 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 7th Aug. - 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

I agree/Disagree

Sd/-
ANIL JOSHI
MEMBER
CGRF:PZ:PUNE

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

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