

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

**Case No. 38/2018**

**Date of Grievance : 28.06.2018**

**Hearing Date : 07.08.2018**

**Date of Order : 10.09.2018**

In the matter of exorbitant bill.

Shri. Kirve Amol Sudhakar, - Complainant  
S.No.658/1, A, Khamkarvasti,  
Uppar Indiranagar, Opposite Church,  
Bibewadi, Pune – 411037.

Vs.

Executive Engineer, - Respondent  
MSEDCL,  
Padmavati 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. A.S. Kirve, Consumer.

C] - On behalf of Respondent

- 1) Shri. Bendre R.C., AE, Bibewadi.
- 2) Shri. S.J. Patri, Dy. Manager, F&A, Padmavati Dn.

Consumer No. 172020005888, Category- Residential Single phase, connecting load 2 KW, Sanctioned load 2 KW, for residential purpose date of connection – 22.05.2010.

Complaint about excess average bill issued by Respondent utility applying for revised bill as per actual meter reading. Above named consumer received bill in the month of Nov.2017 charging amounting Rs.5660/- for his residential use of service. After receiving the said bill consumer filed complaint initially to the Superintending Engineer, RPUC, Pune on 20.12.2017 informing that the meter reading is fast and bill issued on the basis of average bill exorbitant which is not reduced and not corrected by utility. Consumer requested for meter testing in laboratory and revised the bill

accordingly consumer deposited testing fees of Rs.150/- on 9.11.2017 and filed application for issuing revised bill but utility not acted upon his complaint for 41 days. Therefore consumer filed grievance informing to the Superintending Engineer, RPUC, Pune. Thereafter consumer approached to IGRC Cell & filed complaint in form No. - X. Before consumer also made application on 23.2.2018 and 13.3.2018 and raised the dispute of issuing average exorbitant bill.

Consumer not paid the said bill in spite of dispute raised by Respondent utility official. Thereafter IGRC resolved the case of said consumer vide IGRC order No.4216 on 5<sup>th</sup> May-2018. IGRC gave opportunity of hearing on 7.4.2018 and heard the matter. IGRC passed order on 5.5.2018 giving directions to utility to reassess the bill after meter testing report and issue fresh bill after confirmation as per MSEDCL's Rules & Regulations.

Being dissatisfied by the IGRC order this consumer approached to this Forum and filed his grievance in form No. A on 28.6.2018 making allegation of fast meter complaint, average bill issued wrongly and the bill is not reduced. Consumer also prays for inordinate delay in solving his dispute by the Respondent utility Authority. Consumer prays for waiving of interest, penalty and DPC in the bill. After filing the said dispute before this Forum notice was issued to the Respondent Utility after service of notice. Respondent utility appeared and filed reply informing that the consumer issued the bill in Sept.2017 which is accumulated units for Aug. 2017 and Sept.2017 & correct reading was taken in the month of Sept.2017 and thereafter the bill is issued in the month of Oct.' 2017 and Nov.'2017 for claiming to 245 and 205 unit as per actual use of the consumer during Oct. 2017 and Nov.'2017 during heat season. Consumer issued bill of 144 units as per actual consumption on 22.12.2017. Thereafter, as per directions of Division office, utility was replaced the meter of the consumer and the actual consumption on new meter was recorded on 159 and 162 units in the month of Jan.2018 and Feb.2018 respectively. Thereafter Respondent utility officials visited the premises and found the premise is occupied by the tenant and verification report was done. In Dec.2017 after installation of new meter, old meter was sent to Padmavati Testing Laboratory as per the report issued

by the Laboratory. The testing report was found OK and normal and therefore consumer was issued revised bill as per calculating his own consumption. The Respondent utility officials informed to the consumer by letter dated 21.2.2018. The Respondent utility also informed by letter requesting consumer of recording his average consumption of unit and actual use is 184 unit per month. However average consumption of unit recorded 165 unit per month after installation of new meter. The official also informed that the consumer is not occupying the said premises but it is occupied by the tenant. Respondent utility filed meter testing report dated 6.2.2018 and meter verification report on 6.2.2018. The Respondent utility also filed revised bill for amounting Rs.6200/- which is not deposited by consumer till today. Respondent utility already sent letter for depositing amount Rs.6200/- on 26.2.2018 informing to the consumer on failure his supply will be disconnected and accordingly the supply was disconnected. Respondent utility filed copy of CPL of this consumer since Jan.-2017 to May-2018 for perusal of this Forum.

I have perused documents filed by consumer since the copy of the bill his various applications and correspondence made to the utility, copy of receipt of the meter testing charges Rs.150/- dated 9.11.2017. After considering documents filed by consumer and Respondent utility and after going through the disputes following points arose for my consideration to which I have recorded my finding to the points for the reason given below :

1. Whether respondent utility entitled to recovered arrears of unpaid bill Rs.6200/- and other supplementary bill which was not deposited by consumer.
2. Whether earlier bill issued to the consumer calculating average consumption is legal valid and proper.
3. What order?

### Reasoning:-

I have given opportunity to the consumer and Respondent utility for hearing on dated 7.8.2018. The parties were heard. It appears that original consumer who appeared and raised the dispute was not occupying the premises but the premises is occupied by the tenant.

The consumer raised the dispute for issuing monthly bill since Aug.2017 & Sept.2017 and Oct. 2017 and Nov.2017. According to consumer his average consumption is less than 110 unit per month. However the utility charged correct billing for Sept.2017 which is accumulated units for Aug.2017 and Sept.17 and correct reading was taken for Sept.2017 as per meter reading and issued exorbitant bill which is refused and not paid by the consumer. Initial dispute which is assessed by the Forum is that the Respondent utility cannot issue average bill to the consumer for any of such reason continuously beyond 3 months. However the dispute is raised by the consumer first time in the month of Nov.2017. It appears from the record that, it was corrected and final bill was issued for amounting Rs.6200/- upto Jan. 2018 which was also disputed by the consumer and not paid.

Considering the dispute of consumer for the issuing of average bill and the Licensee not acted upon his complaint for considerable long period is laps i.e. in the next month Licensee has corrected the bill as per actual meter reading. And therefore interest and penalty charge in the bill is required to be waived. I found there is substance in the contention of consumer for instance of continuous issuing average consumption bill without assessing the actual consumption of unit is against the Rules and Regulations of MSEDCL as reads. There is allegation of delay in solving of the dispute and therefore charging interest and penalty to the consumer is illegal and improper.

Reply of the utility is seen that, the consumer applied for meter testing in the month of Nov.2017 and consumer has deposited the testing fee charges on 9.11.2017. In the meantime the Licensee has installed the new meter on 22.12.2017 and its verification report and testing report was done on 6.2.2018. On these above circumstances and facts, it is seen that there is no any delay occurred from the Licensees side for installation of new meter. It is observed that the old meter is found OK as per Testing Report dated 6.2.2018

and also its consumption pattern of old meter as well as new meter is found in order i.e. as per actual consumption recorded on the meter. Hence it is necessary to pay the arrears by the consumer as per actual its monthly consumption.

The liability of the consumer that he non deposited the demand bill which was corrected subsequently therefore the connection was made P.D. and now the question of restoration of PD connection. The unpaid bill is required to be deposited by consumer. The utility cannot charge any DPC & interest or penalty against the consumer. Therefore without prejudice to the right of consumer, consumer demanded to restore the supply at the time of hearing and the necessary action shall be taken by Respondent Utility as per MSEDCL Rules and Regulations for restoration of supply after payment made by the consumer against arrears.

Every opportunity was given to the Appellant as well as Respondent for filing the relevant documents during the hearing and hence the period of 60 days could not be maintained for disposal of the grievance.

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

### **ORDER**

1. Consumer complaint No.38 of 2018 is partly allowed.
2. The Respondent Utility is entitled to recover the unpaid arrears of bill as per actual consumption of reading without charging interest, penalty etc.
3. Consumer shall pay the arrears of bill amounting to Rs.5143.27 in four monthly equal installments along with current bill.
4. On depositing the entire bill, supply of the consumer shall be restore as per MSEDCL Rules and Regulations.
5. 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 10<sup>th</sup> Sept. - 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**