

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

Case No. 58/2018

Date of Grievance : 26.12.18

Hearing Date : 29.01.19

Date of Order : 02.03.19

In the matter of accumulated unit & its recovery of energy bill.

Shri. Nandkumar Shantilal Chordia, ----- APPELLANT

Ghar No.4639, Near ICCI Bank,

At Post- Chakan, Dist.-Pune.

(Consumer No. 170024168655)

VS

The Executive Engineer, ----- RESPONDENT

M.S.E.D.C.Ltd.,

Rajgurunagar Division,

Pune.

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) Mr.Nandkumar S.Chordia

C] - On behalf of Respondent

- 1) Mr.D.K.Kulkarni, Rajgurunagar Dn.
- 2) Mr.S.F.Taksande, AE, Bhose Section.
- 2) Mr.C.S.Mohare, AA, Chakan S/dn.

Connecting load 8 KW, LT-II Commercial 3 phase, Date of connection
24.03.2007,

Complaint about accumulated units & hence excess bill for the period
of 18 months & it is illegally demanded by utility. Above named consumer
initially filed application under Right to Information Act in the officer utility

claiming copy of CPL, copy of photograph from Jan.2015 onwards & meter replacement report etc. After filing these application to utility on 4.09.2018, consumer received accumulated bill from the office of Respondent Utility for amounting Rs.5,66,440/- against the total units claimed for 34 to 38 for the period of 18 months. After receiving the said bill along with notice of disconnection under Section 56-II on 18.12.2018 consumer raised grievance directly to the Forum as provisional bill amounting Rs.5,33,490/- is wrong and illegal. Consumer requested Utility by giving letter dated 26.12.2018 that he is not receiving the photo reading of meter and the bill properly. Since last one year consumer demanded to issue the bill as per actual meter reading after receiving the said letter, the consumer approached to Right of Information and raised the dispute of accumulated bill on the ground that Respondent Utility was not provided the photo of meter reading and meter replacement report. Thereafter he was made grievance against the Utility Dy.E.E. Chakan S/dn. Consumer demanded benefit of slab wise bifurcation of the units for the said period and requested not to disconnect the supply. Consumer given relied of Section 56 (II) of Indian Electricity Act 2003 and demanded arrears for 24 months and only claimed and no interest and DPC shall be charge against the consumer as per Circular No.24156 dated 18.07.2009. Consumer requested to issue the correct bill as per meter reading and claimed other benefit after filing the said complaint to the Forum in Form No. A. This office has register the complaint vide complaint 58 of 2018. Consumer also requested when the complaint is filed to the office for Interim Order against the Utility not to disconnect the supply. Accordingly prima facie document attached by consumer is viewed & the Forum heard the consumers dispute on dated 29.12.2018 and passed interim order directing consumer to deposit 50 % amount of demanded bill in 6 monthly installments & issued notice to the Respondent Utility to file parawise reply on the next date of the hearing given by this Forum. The said Interim Order and notice issued on 29.12.2018 to the consumer and thereafter Respondent Utility was filed the reply on dated 16.01.2019. And hence the hearing was kept on 29.01.2019 & consumer as well as Respondent Utility appeared for the said case. The Respondent Utility informed that, the connection was given to the consumer on dated 24.03.2007 & the meter No.304997804 was installed upto

Oct.2016 but in the month of Nov.'2016, the old meter of the consumer was replaced by new meter No. 6506325. And since Nov.2016 to April-2018, the meter reading agency appointed by the utility was not taken the proper reading of this consumer. Therefore consumer was issued to 0 to 1 unit consumption on monthly basis for those period. In the month of May-2018 the proper reading was taken by agency & the 34242 units consumption was recorded, therefore the bill for the amount of Rs.4,54,861/- was issued & it was accumulated units for the period of Nov.2016 to April-2018 (18 months).

Thereafter consumer requested Utility to bifurcate the bill from Nov.2016 onwards slabwise and accordingly the amount of Rs.32,796/- was reduced from the bill through on line B-80 through ID No.9750796 was prepared and consumer was benefited and directed to pay the bill in two installments. Accordingly consumer deposited amount of Rs.1,34,000/- on dated 01.01.2019. Thereafter the consumer was issued to corrected bill in PDF file from Nov.2016 to April-2018 the copy of the said revised bill is filed by Utility along with corrected copy of CPL B-80 etc. Respondent Utility prayed that consumer was already given slab wise benefit and deducted amount of Rs.32,796/-. Therefore consumer complaint is liable to be dismissed with cost & consumer has to pay the bill of accumulated units.

After perusing contention of consumer and the Respondent Utility following points arose for my consideration to which I have recorded for my findings to the points for the reason given below:-

1. Whether consumer is liable to pay accumulated bill from Nov.-2016 to April - 2018?
2. Whether the consumer is entitled for bifurcation of bills slab wise?
3. Whether Respondent Utility committed breach of Regulation?
4. What order?

Reasoning:-

I have given an opportunity to the consumer and the representatives of the Respondent Utility - Rajgurunagar Dn. appears before the Forum and the date of hearing 29.01.2018. This is prima facie case of no proper feeding of replacement of new meter recorded and meter reading was not taken proper readings on monthly basis & bill issued to the consumer was 0 to 1 Units on

each month for the period Nov.'16 to April' 18 period i.e. 18 months. The consumer requested at the first instance by filling application under Right of Information Act since the date of cause of action. Consumer occurred in the month of Oct.2016, till complaint is filed in the month of Nov. 2018. Consumer remains silent and not taken any action to intention of the consumer to seek benefit of average 0 to 1 unit bill charged as per connecting load claimed by the Utility and get silent.

The question arises whether Respondent Utility can claimed accumulated bill against demanded from the consumer for the period of Nov.2016 to April-2018 In view of Section 56 –II the Respondent Utility entitled to charge the units actually consumption recorded on the meter. The reason of not recording correct reading due to fault of meter reading agency. As they are not recorded month wise reading and not communicated to utility office for preparing correct regular monthly bill as per consumption of actual units therefore consumer cannot be held responsible for any Interest, DPC and Penalty. Therefore consumer is justified in grievance before the authority of Respondent Utility and also filed complaint to this Forum. After receiving threat of disconnection notice under Section 56 and provisional bill. To my view consumer should not be blamed for the fault of non-applying correct procedure in recording unit by agency and not informing there this is negligence on the part of Utility which is liable for enquiry and to take appropriate action.

The question of demanding accumulated bill to my view not at all justified in collectively in one month as per notice of disconnection issued in the month of Dec.2018 for accumulated units. On inspection it was found that units consumed by the consumer and therefore the cause of action arose to the consumer to raise the dispute therefore I have note hesitation in allowing the consumer complaint. The Respondent Utility can recover accumulated bill for the period of 24 months but not in accumulated in one month bill. Therefore the bifurcation of the said bill of slab wise entitled to reassess to the consumer as informed to Interim order by the Forum on dtd. 29.12.2018. The 50% bill was already directed to pay by consumer in 6 monthly installments. The consumer already deposited amount of Rs.1,34,000/- by cheque which is already received to the Utility.

The monthly consumption pattern of the consumer comes to 1903 units and it was calculated for 18 months accumulated units recorded in the meter which was 34242 units. The bill issued in the month of Oct.2018 as provisional bill amounting to Rs.5,33,490/- & also the disconnection notice was issued on 18.12.2018 for amounting to Rs.5,33,490/- as arrears claimed by Licensee.

The Forum has directed that, the recovery shall be made for 34,242 units as accumulated units for the period Nov.2016 to April-2018 (18 months) and the slab benefit shall be given to the consumer. The interest, DPC & penalty etc. shall not be charged to the consumer. The arrears amounting to Rs.5,33,490/- shall be recovered within a period of 6 months along with current bill i.e. six monthly installments shall be allowed to the consumer for arrears only & its installments shall be started from the passing of the interim order i.e. 29.12.2018 onwards. Also consumer has paid the amount of Rs.1,34,000/- on 01.01.2019 & Rs.32,796/- credit given to the consumer by Licensee and if any other payments made by the consumer till date shall be set off for finalization of the arrears amount.

The Forum has instructed to submit the relevant documents during the hearing & also through mail dated 30.01.2019 & 15.02.2019 but the Respondent Utility is not submitted yet & hence the time limit of 60 days prescribed for disposal of the grievance could not be adhered. Hence I am inclined to allow the consumer complaint and proceed to pass the following order:

Hence I proceed to pass the following order:

ORDER

1. Consumer Complaint of Case No.58 of 2018 is allowed.
2. The Respondent Utility entitled to recover the bill for 34242 units for the period Nov.2016 to April-2018 and reassess if necessary for finalization. The monthly consumption pattern of the consumer comes to 1903 units and it was calculated for 18 months accumulated units recorded in the meter which was 34242 units.
3. No Interest, DPC and penalty shall be charged against consumer.

4. The arrears amounting to Rs.5,33,490/- shall be recovered within a period of 6 months along with current bill i.e. six monthly installments shall be allowed to the consumer for arrears only from 29.12.2018.
5. Enquiry of not recording unit consumption unit properly action be taken against agency as per Rules.
6. The Respondent Utility shall pay and adjust the cost of Rs.500/- in recovery of arrears of bill towards cost.
7. The Licensee is directed to report the compliance within one month from the date of this order.

The order is issued under the seal of Consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Pune Urban Zone, Pune on 2nd March - 2019.

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~~

ANIL JOSHI
MEMBER
CGRF:PZ:PUNE

A.P.BHAVTHANKAR
CHAIRPERSON
CGRF: PZ:PUNE

BEENA SAVANT
MEMBER- SECRETARY
CGRF:PZ:PUNE