

MAHARASTRA STATE ELECTRICITY DISTRIBUTION CO. LTD.
KONKAN ZONE RATNAGIRI
Consumer Grievance Redressal Forum Ratnagiri

Consumer case No. – 14/2018

Date :- 22/11/2018

Shri Rajesh Dattram Pawaskar
At/post. Solagao,
Tal; Rajapur
Dist Ratnagiri

} **Complainant**

Executive Engineer
Maharashtra State Elec.Dist.Co.Ltd.
Ratnagiri Division

V/S

} **Opposite Party**

Quorum of the Forum

- }
1) **Mrs. Pushpa S. Tawde**
Chairperson
2) **R.P.Chavan**
Secretary Member
3) **Mr. S.B. Mainkar**
Member

On behalf of consumer

} **(Representative)**

On behalf of opposite party

- } 1) **Shri Anilkumar Dongre,**
Deputy Executive Engineer,
Rajapur.

Shri Rajesh Dattatray Pawaskar is the consumer (hereinafter referred to as “the applicant”) of Maharashtra State Electricity Distribution Company (hereinafter referred to as “the MSEDCL”) having electricity connection for Agriculture Pump. He has stated in his complaint that, before 10 years electricity connection was given for Agriculture Pump. However, he was not receiving electricity bills for the said connection. Hence he enquired about it in the office of the Assistant Engineer Rajapur, MSEDCL and brought to his notice about not receiving the bills but he could not get any satisfactory answer from the office.

On 19.05.2017 Assistant Engineer, Rajapur (Rural) visited the place. The said office informed the applicant that there is nothing in the office regarding consumer’s registration. Hence he was directed to submit the papers, if any, to the said office, failing to which would result in disconnection of power supply without giving prior notice.

Since applicant had no relevant papers, he applied under Right of Information to obtain the said papers. Applicant could not get any papers and hence appealed to the Commissioner, State Information Commission but he has not yet received any decision. In the mean time he received January 2018 bill issued by the MSEDCL. Since applicant found many mistakes in the bill, he has not paid the bill and approached to the Internal Grievance Redressal Cell (hereinafter referred to as “the Cell”) in Form X on the 2nd Feb. 2018.

The Cell came to the conclusion that the meter used by the consumer has consumer no. 214130007724 and has meter serial no. 1307137. On the basis of record of Consumer Personal Lodger (CPL), the Cell concluded that the meter against which the bills has been issued since 31.03.2015 has Sr. no 1307137. Considering these facts the Cell issued order no 4255 dated the 26th September 2018 that the use of the electricity by the consumer has been registered in the meter and accordingly the consumer has paid the bill.

Consumer is not satisfied with the order of the Cell and filed the complaint before the Consumer Grievance Redressal Forum (hereinafter referred to as “the Forum”) on 21st November 2018 in Form A and has sought redress on the following points:-

1) The bill of Rs 2430/- for the month of January 2018 should be cancelled.

2) New bill for the consumer should be issued as per the Electricity Act, 2003.

In the supplement attached to the complaint Form he has stated the details of his grievances and the efforts made by him for redressal of grievances. The facts that are pointed out by the consumer in his attachment to Form A of the complaint are as follow:-

- 1) Meter no. appearing on the photo printed on the bill is 15175932 but the meter no. printed on the bill is 5301307137.
- 2) The address printed on the bill is House no. 902/9 Solagao but actual house no. where the meter with serial no 15175932 is installed is 757.
- 3) The meter reading appearing on the photo of the meter printed on the bill is 18412 but meter reading printed on the bill is 2841 and the previous meter reading is 1132 resulting to the 1709 units for consumption.
- 4) Fuel cost Adjustment i.e FCA is wrong,
- 5) Tarrif Rate shown is for 3 Hp but sanctioned load is 1 HP.
- 6) Bill appears to be for 10 months
- 7) Date for power supply is given as 09.12.2014 however it should be prior to the said date.

Consumer has also pointed out that he has six electric supply connection with meter installed but there is no meter with serial no. 5301307137.

This forum requested the Deputy Executive Engineer, MSEDCL, Rajapur-1, Solgan to submit its explanations regarding complaint by

the consumer to the Forum. Accordingly Deputy Executive Engineer, Sub-division Rajapur-1 by his letter no उपकाअ/राजा-१/तां/१८६५ दि.११/१२/२०१८ stated the action taken by the MSEDCL on the issue as fallow:-

संदर्भित विषयानुसार श्री. राजेश दत्ताराम पावसकर (सोलगांव ता. राजापुर) यांनी तक्रार अर्ज क्र. १४/२२.११.२०१८ यांनी त्यांच्या ग्राहक क्र. २१४१३०००७७२४ या १ अ. रा. च्या शेतीपंप जोडणीच्या जानेवरी २०१८ च्या (रु. २४३०/-) वीज देयकाबाबत तक्रार दाखल केली आहे.

त्याबाबत सविस्तर खुलासा खाली देत आहे.

- १) ग्राहकाचे -नाव : श्री. राजेश दत्ताराम पावसकर
- २) वीजपुरवठ्याचे ठिकाण : ग. -नं. ९०२/९ सोलगाव ता. राजापुर
- ३) मंजूर भार : १ अ. श.
- ४) दर संकेत LT (IV)
- ५) वापराचे कारण : शेतीपंप
- ६) वीजजोडणी दिनांक : ०९/१२/२०१४
- ७) आजवर वीजदेयक भरणा तपशील
दि. २९/०१/२०१६ (रु. ७३०/-)
दि. १९/०९/२०१६ (रु. ३५०/-)
दि. २४/०३/२०१७ (रु. १२०/-)
दि. ०३/०१/२०१८ (रु. १९०/-)
- ८) वीजदेयकाप्रमाणे मीटर तपशील
मीटर क्रमांक : ५३०१३०७१३७
- ९) स.अ. राजापुर (ग्रा) यांच्या प्रत्यक्ष स्थळ-
तपासणी अहवाला-नुसार मीटर तपशील
पंप-नी HPL
क्षमता ५.३०
मां १५१७५९३२
रीडींग -१६०१७ (१९.०५.२०१७)
वीजदेयका-नुसार रीडींग २८४१ (जाने /२०१८)
वीजदेयका-नुसार फोटो रीडींग: १६४१२ (जाने /२०१८)
- १) तक्रारदारास दि. ०९/१२/२०१४ रोजी जोडणी देण्यास आली असून सुमारे १० वर्षांपूर्वी जोडणी दिली असल्याची तक्रार चुकीची आहे.
- २) ग्राहकाने याबाबत वीजमागणी अर्ज पावती इ. -----जोडलेला नाही.
- ३) तक्रारदाराने दि. ०९/१२/२०१४ जोडणी दिनांकापासून चार (४) वेळा देयक भरणा केल्याचे नोंद आहे.

यामुळे वीजदेयके मिळत -सल्याची तक्रार चुकीची आहे. तसेच याआधी म्हणजे दि. ०३/११/२०१७ आधी याबाबत कोणतीही लेखी /तोंडी तक्रार दिलेली -नाही.

- ४) तक्रारदाराचे वीजदेयकावर असलेला मीटर क्रमांक १५१७५९३२ आणि रिडींग २८४१ आणि प्रत्यक्ष घट-स्थळी असलेला मीटर क्रमांक ५३०१३०७१३७ आणि रिडींग १८४१२ यामुळे चुकीची वीज देयक जात असून त्यासाठी मीटरवाचक यांस सुच-ना देण्यात आली आहे.
- ५) प्रत्यक्ष वीजमीटर आणि रिडींग यांची दुरुस्तीचे निर्देश सहाय्य लेखापाल राजापूर यांना देण्यात आली असून तांत्रिक अडचणीमुळे ते प्रलंबीत आहे.
- ६) चुकीच्या मीटर वाचन बाबत मीटर वाचन कंत्राटदारावर दंडात्मक कारवाई केली आहे.

Arguments

The matter was scheduled for hearing on the 10/01/2019. On behalf of applicant Shri Jayant Bivalkar remained present to represent on behalf of opponent MSEDCL Shri. Anilkumar Dongare, Deputy Executive Engineer, Rajapur-1 remained present.

Representative on behalf of consumer raised the objection regarding the participation of member Secretary Shri. R.P. Chavan who has decided his complaint before the cell as the Chairperson of the Cell. He pleaded that it would be against the interest of consumer and would be against the principle of the natural justice.

Forum pointed out to the representative shri. Biwalkar and also to the applicant who was present at argument that his objection will be informed to the Authority of the MSEDCL for its consideration and necessary action. Chairperson of Forum also pointed out that Forum consists of there members and every step will be taken to take care of rights of the consumer. Forum pointed out that representative should argue the case and present his grievance, his objections, relevant documents etc. At the time of hearing the applicant Shri. Pawaskar was also present. Forum asked applicant Shri Pawaskar whether he desires to plead and argue his case but he also refused to present any say before the Forum. Hence this Forum pointed out to the applicant and the representative shri.Biwalkar that opponent will be heard and case will be decided on the basis of documents produced before the Forum and assured the applicant that every step will be taken to give

justice to the applicant Forum allowed then the Opponent MSEDCL to present the say.

Opponent MSEDCL officer while arguing relied on the written explanation given by it vide letter उपकाअ/राजा-१/तां/१८६५ दि११.१२.२०१८ , to the Forum .

(i) Opponent agreed that the documents regarding the application for power supply by the consumer is not traceable. However he stated that the power supply connection was given on 09.12.2014 to the applicant with consumer no.214130007724. He pointed out that since 09.12.2014 applicant has paid the four bills i.e. bill dated the (i) 29.01.2016(Rs.730/-); (ii) 19.09.2016(Rs.350/-); (iii) 24 .03.2017(Rs.120/-); (iv)03.01.2018(Rs.190/-). However he has complained for the first time on 3.11.2017 regarding not receiving the bills and also wrong meter no.

With a view to ascertain the consumer no. and the serial no. of the meter installed at the place of the applicant , Forum directed MSEDCL to produce documents like Security Deposit Receipt ,Firm Quotation for connection of power supply, Register for meter movement and also directed to obtain the latest photo of the meter installed at the place of power supply connection given to the applicant.

(ii) Opponent also agreed that there is a discrepancy between meter serial no appearing on the photo printed on the bill and meter no. printed on the bill. He agreed that the meter installed at the place of power supply has serial no.15175932 and not the 5301307137. He also submitted that issuing of bills with such mistakes have already been brought to the notice of the meter readers and have instructed to be careful about their work.

Regarding this the attention of the opponent was invited to the written reply by the letter dated 11.12.2018 given by him to the Forum, wherein exactly opposite is mentioned at point no. 4. Hence the opponent was directed to clarify the factual position in writing.

(iii) Opponent further agreed that there is another mistake about the reading appearing in the photo of the meter printed on the bill and the reading taken for the month of billing and previous billing. He Stated that the necessary direction to correct meter serial no. and to correct meter readings shown by the said meter are given to the Assistant Accountant, Rajapur. He also pointed out that penal action has been taken on the contractor for meter reader.

Regarding the actual meter reading Forum directed the opponent to produce the photo of the meter installed at the place and power supply to the said consumer.

(iv) Opponent, against the objection raised by the applicant about printing of House no.902/9 instead of no. 757 on the bill, stated that the power supply connection to the applicant was given to house no.902/9 as showed on the bill. Regarding this Opponent was asked to produce the documents to show that the meter allotted to the consumer is installed at House no 902/09 and not 757.

(v) Regarding the Tariff Rate and Fuel Cost Adjustment (FCA) opponent stated that the said values are applied as per the rules and regulations.

To conclude on the date of hearing Forum directed the opponent to produce,

- a. documents to show giving of connection of power supply;
- b. produce documents to show that the applicant has paid bills for the meter installed at the spot of connection of power supply;
- c. produce the Security Deposit Receipt;
- d. produce firm quotation given to the consumer for connection of power supply;
- e. produce photocopy of actual meter installed at the spot of connection of power supply;
- f. produce photocopy of actual reading appearing on the meter installed at the spot of connection of power supply;

g. produce the document showing the connection of power supply is given at House. No 902/9.

The opponent was requested to produce the above referred documents till 17th January 2019.

At the end of the argument Forum again asked the applicant, for he was present while argument, whether he desires to say anything regarding his complaints and the arguments of the opponent but he refused to do so.

Accordingly Deputy Executive Engineer, Rajapur 1 submitted his reply by his letter no. उ. का. अ राजापुर (१) ता/१३६ दि. २४/०१/२०१९ along with documents as follow.

- 1) Copy of firm Quotation/Demand Note given to the applicant at time of giving power supply.
- 2) Clear photocopy of meter at the spot of connection for power supply.
- 3) Office note by the billing division.
- 4) Copy of letter dated 11/01/2019 गाव कामगार तलाटी, सोलगाव, given to by Asst Engeneer, Rajapur-1 Rural, regarding 7/12 form showing details of plot at survey no.902/9 where the name of applicant Rajesh Dattaram Pawaskar is mentioned against the said survey no.,.
- 5) Copy of the judgment given by the High Court of Judicature of Bombay Bench at Aurangabad in the write petition No 6859 of 2017 with write petition no 6860 of 2017.
- 6) Forum received the document late and hence the judgment is delivered seven days late i.e

The points under consideration are as follow:-

1. Whether the bill issued in January 2018 is the bill for units consumed and registered in the meter with serial no.15175932?

2. Whether the bill issued in January 2018 is liable to be quashed and corrected bill is to be issued?

REASONING

1. Regarding consumer no. Opponent in his written reply to this Forum by letter no.उपकाअ/राजापुर(१)/तां/१३६दि.२४.०१.२०१९ submitted that the connection for 1 HP for agriculture pump with consumer no. 214130007724 was sanctioned on 09 12.2014. He further submitted that original application for power supply along with relevant papers is not available with the applicant as well as with subdivision Rajapur-1 and branch office Rajapur (Rural). However, Opponent produced Consumer Personal Lodger (C P L) to give the information regarding date of giving connection to power supply, payments made by the applicant till today, Consumer no. appearing on the C P L is 214130007724 and the address is House no. 902/9 Solgaon Taluka Rajapur

So also Opponent produced the Firm Quotation/Demand Note wherein the consumer no. given is 214130007724 for new connection for agriculture pump at the place House no. 902/9 Solgaon, Rajapur.

So also Applicant in his complaint to the Cell in Form X has submitted his consumer no. as 214130007724.

In view of this Forum has come to the conclusion that consumer no. appearing on the CPL and on Firm Quotation is 214130007724 and it is the consumer no of the applicant.

2. Regarding meter no. appearing on the photocopy of the meter and meter no. on the bill , Opponent produced the actual photocopy taken on 24th January 2019 which clearly shows the serial no.15175932. Opponent in his reply vide letter no. उपकाअ /राजा-१/तां/१८६५ dt.11.12.2018 and letter no.उ.का.अ/राजापुर (१) ता./१३६ दि.२४.०१/२०१९ made it clear that as per actual spot inspection the serial no. of meter installed at the place of connection for agriculture pump is 15175932 and not 5301307137.

3. Opponent admitted that the meter no. 5301307137 printed on the bill is not correct and submitted that the opponent directed to the Assistant Accountant to correct the meter serial no. and issue the revised bill, incorporating the meter no. 15175932.

So also consumer by his letter dated 11.09.2017 addressed to Deputy Executive Engineer, MSEDCL Rajapur-1 informed that he has meter with serial no.15175932 and he is not receiving any bill in respect to this meter. He also mentioned in his Form X submitted to the Cell that he is having meter with serial no.15175932.

In view of this Forum has come to the conclusion that the meter installed at the spot where the applicant Shri. Rajesh Dattatry Pawaskar with consumer no. 214130007724 has obtained the power supply connection with address House no. 902/9 Solgaon Rajapur and has meter no. 15175932. Hence Forum has come to the conclusion that the billing for consumption of units noted or registered in the meter with serial no. 15175932 will be the subject matter for the purpose of calculating and issuing the bill to the applicant with consumer no. 21413007724 and not for the meter no. 5301307137. Accordingly the bill will have to be issued against the meter no 15175932 and not against meter no. 5301307137.

4. Regarding current meter-reading and the previous meter reading, it is admitted by the Opponent that there is mistake in the printing of the current meter reading and previous meter reading on the bill. The actual meter reading on the photocopy of the meter with serial no.15175932 on the bill of January 2018 18712 is the actual units consumed. Photocopy of the meter submitted by the Opponent on 24.01.2019 and the photo printed on the bill of January 2018 bears the reading of 19155 unites and 18412 units respectively on meter with no 15175932.Hence the Forum has come to the conclusion that the current reading for January 2018 will have to be considered as 18412 units consumed and for January 2019 it will be 19155 unites

consumed and noted in the meter with no.15175932.Hence the new bill will have to be issued with the latest reading appeared on the meter with no.15175932.

5. Regarding house no 902/9 Solagaon, Rajapur at which meter with no. 15175932 to register the power consumption made by the connection granted to the applicant with consumer no. 214130007724, the Opponent pointed out that the address of the connection shown on the Firm Quotation/Demand note is House no.902/9 Solagaon, Rajapur. In this regard it is ascertained from the documents produced before the Forum that the connection of the power supply to the agriculture purpose has been sanctioned to the consumer shri. Rajesh Dattatray Pawaskar , who is the applicant before the Forum with consumer no.214130007724 and meter no 151759.

3. In view of this, Forum has come to the conclusion that (i) the answer to the point no.1 i.e. whether the bill issued in January 2018 is the bill for units consumed and registered in the meter with serial no.15175932 is no; and

(ii) hence Forum has concluded that the answer to the point no. 2 i.e whether the bill issued in January 2018 is liable to be quashed is yes. It has also concluded that the corrected bill will have to be issued for meter no.15175932 for the period for which the reading of the said meter was not taken into consideration for billing purpose.

Hence the following order.

ORDER

- 1) Bill for the disputed month i.e. for the month of January 2018 is set aside.
- 2) MSEDCL is directed to issue new bill in place of the existing January 2018 bill for the units of electricity consumed and registered in the meter no.15175932. For the purpose of calculating the total unites consumed, the 19155 units as on 24.01.2019 as

shown in the photo copy of the meter submitted before the Forum shall be the total units consumed by the applicant since the connection of the power supply given to the applicant .

- 3) The MSEDCL is directed to issue the bills to incorporate correct meter no. (i.e 15175932) , consumer no. (i.e214130007724).
- 4) Compliance of above be reported to the Forum within 15 days from the date of receipt of this order.

If the consumer is not satisfied with the decision he may file representation within 60 days from the date of receipt of this order, to the Electricity Ombudsman, at the following address.

Secretary,

Electricity OMBUDSMAN,

Maharashtra State Electricity Regulatory Commission,

606/608, Keshava Building,

Bandra Kurla Complex,

Mumbai – 400 051.

Phone No.022 – 2659 2965.

Smt.Pushpa S.Tawde
Chairperson C.G.R.F.,
Konkan Zone

Shri.R.P.Chavan
Secretary
Ex.Engineer,C.G.R.F.
Konkan Zone

Date : 29/01/2019

Place : Ratnagiri

DISSENTING OPINION

Case No. 14
22/11/2018

Shri. Rajesh Dattaram Pawaskar
Consumer No. 214130007724

I , Suhas B. Mainkar, Member (CPO) of this Forum do not agree to the order given by Forum in totality and also to issues framed and therefore I give below my dissenting opinion with reasons as below:-

Point No 1:- Preliminary Issue raised by the consumer in hearing on 10/01/2019

Consumer has in writing requested the Forum on 10/01/2019 that participation of IGRC Chairman, (in hearing the case decided by him) at Forum level as a member secretary of the Forum is against the principle of natural justice and therefore member secretary should not participate in hearing of this case. I particularly do not agree with the decision of the Forum to say that the matter will be referred to higher authority of MSEDCL. The consumer has raised the preliminary issue on the floor of Forum and decision is to be taken on basis of provisions of Regulation No. 3.1 of MERC (CGRF and EO) Regulations, 2006. If at all any guidance is required, the MERC (Maharashtra Electricity Regulatory Commission) is the proper authority to refer.

In my opinion, as per well settled principle of natural justice, one cannot be a judge in his own case as well as the person who has decided the case at lower level cannot decide the same case at appeal level. CGRF Regulation No.3.1 of MERC(CGRF and EO) Regulations, 2006 directs Forum to follow of the principles of natural justice. The same issue was raised by the concerned consumers in recent past on two occasions while deciding the cases by Forum. If the Forum is not able to decide the issue permanently, it should refer the matter to MERC to seek practice directions in the matter.

Since the issue was not decided prior to commencement of regular hearing of the case, the consumer and his representative opted for

going out from the place of hearing. But Forum asked them to seat if they want to, even though they did not want to participate in the proceedings and therefore the consumer and representative sat in room without participation in proceedings.

The submission by MSEDCL has been done ex-parte as no concrete decision was taken by the Forum on preliminary issue raised by the consumer on 10/01/2019 and therefore the counter say of the consumer on submissions by MSEDCL on 10/01/2019 and on the documents submitted on 24.01.2019 could not be obtained.

Point No 2:- Production of documents by MSEDCL.

The MSEDCL was heard on 10/01/2019 in the absence of consumer participation for the reasons mentioned above. During the hearing and after perusing the documents MSEDCL was instructed to produce the documents some of which are listed on page 7. MSEDCL was directed to produce the Meter Movement Register to verify the journey of the disputed meter no 5301307137 and the date of issue of meter no 15175932 to the consumer Mr Pawaskar. However the meter movement register was not produced. No conclusive proof of date of connection of Electricity supply was produced to confirm the date of connection(i.e. 9/12/2014) as claimed by MSEDCL in its written submission on 24/01/2019. The documents called for were immensely necessary to address the discrepancies as pointed out by the consumer in his application and as listed on page no 3 above.

MSEDCL being corporate office, always use to submit its say in the matter of any grievance before the Forum on its official letterhead. In this case the submission is on plain paper without its proper authentication like office seal while signing the papers.

Point No 3:- Submission by MSEDCL

MSEDCL has submitted on 24/01/2019 that the particulars are not available in respect of meter no.5301307137 as per office note submitted. There is no entry of meter no 15175932 in Meter Movement Register. The date of payment of S.D. and receipt no. have

been given in office note and MSEDCL has stated that the particulars like receipt no 9958592 dated 15/02/2011 towards payment of S.D. have been taken from computer software system but no computerized sheet showing above particulars is produced. Even the firm Quotation/demand note has not been authenticated by signing by the authorized official under proper seal.

It is surprising and shocking that there is no original record like application of the consumer for electricity, no stub copy or its Xerox of receipt issued for the S.D., no particulars of both the meters referred above, and no conclusive proof of date of supply of electricity to consumer. MSEDCL has not submitted any proof of destruction of records in respect of this consumer number but just said in its say that the record is not available and the Consumer Personal Ledger (CPL) is said to have been the only proof to know the date of supply, meter particulars, reading etc. I am not in agreement with the above submission by MSEDCL for the obvious reason that CPL is not original record and the meter particulars and the month wise reading appearing on CPL do not match the factual position i.e the meter no at the premises of the consumer is 15175932 while on CPL it is 01307137 and the readings of both the meter are totally different as is evident from the bill of January 2018 which has been disputed by the consumer.

It is Interesting to note that MSEDCL has submitted before IGRC that the supply has been given on 9/12/2014 and meter no is 1307137. It also further submitted that the consumer having so many meters at one place(consumer has six connections as per the list given by him in the addendum to form A) the meter no in the disputed bill has been wrongly recorded and the photo of wrong meter has been erroneously printed on the disputed bill. However the submission of MSEDCL before CGRF at the time of hearing on the 10/01/2019 and subsequent written submission on 24/01/2019 is different and MSEDCL has admitted mistakes in the bill and shown readiness to take corrective action.

Absence of entries of both the meters in question is beyond imagination.

Point no 4:- Orders

Having said above the order passed by the Forum in respect of quashing bill for January 2018 is agreeable and therefore the point no. 1 in the order is not dissented.

As far as the order at point no 2 and 3 is concerned, I defer on the following point.

The consumer has prayed for issuance of fresh bill after setting aside the disputed bill with correct meter no, correct reading (both previous and current) and as per provisions of Electricity Act 2003. I sincerely feel that this prayer has not been considered while passing the order.

In this particular case, the consumer has on his own, pointed out the discrepancies in the bill for January 2018. Having admitted by MSEDCL the said discrepancies and its readiness to correct the bill with correct meter no and correct reading, it is crystal clear there is no fault of the consumer or attributable to the consumer. The bills issued to the consumer have major discrepancies. Therefore, in my opinion, provisions of section 56 (2) of Electricity Act 2003 are required to be considered before passing the order.

Section 56 (2) of Electricity Act 2003:-

“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 become 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”.

Taking into consideration the fact that the bills issued so far to the consumer were wrong and therefore he was not liable to pay the same for obvious reason. It is also a fact that the meter reading for correct meter no 15175932 installed at the premises of the consumer is available on the date of spot inspection i.e. on 19/05/2017 and the

meter reading by the inspector on the said date is 16017. The latest meter reading available in respect of above meter is 19155 as on 24/01/2019 the period covered is of 20 months so the units consumed during the said period i.e. from 19/05/2017 to 24/01/2019 works out to 3138 units. The monthly average consumption is 157 units. So the billing for 24 months preceding 24/01/2019 can be calculated as below:-

20 months consumption as above-	3138 units
Add 4 months consumption on average basis-	628 units
(157 units X 4months)	

Total consumption for 24 months prior to 24/01/2019 - 3766 units.

Therefore the revised bill as per the provisions of law has to be issued to consumer by taking previous reading as 15389(16017-628 as above) and current reading as 19155 thus showing consumption of 3766 units for 24 months. It is also to noted while issuing revised bill as above to calculate the appropriate FAC month wise.

Though the provisions of section 56(2) are amply clear and self explanatory , to arrive at the conclusion as above in respect of revised billing for a period of 24 months prior to 24/01/2019, I rely on the decision given by H'ble Electricity Ombudsman in representation no. 57/2013 in which various cases of High Courts have also been referred. It has been held that the Distribution Licensee is empowered to recover past arrears for a limited period of 2 years preceding the demand made.

Consumer has prayed for revision of bill for January 2018 as per correct details like meter no and reading etc. However it is a fact that consumer has utilized the electricity energy for his own use and purpose for the said period though he has requested MSEDCL time and again to issue the correct bills with correct details. It will be therefore apt to issue revise bill for period of to 2 years prior to 24.01.2019 in the interest of delivering fair justice.

To sum up, I would like to reiterate that

- i) Preliminary issue raised by consumer is valid and legal and therefore has to be decided first.
- ii) Revision of bill for 24 months prior to 24/01/2019 is just and fair.

Suhas B Mainkar
Member (CPO)
C.G.R.F.
Konkan Zone

Date : 29/01/2019
Place : Ratnagiri