

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

Case No. 55/2018	Date of Grievance	:	15.11.18
	Hearing Date	:	13.12.18
	Date of Order	:	30.03.19

In the matter of excess and wrong provisional bill issued

M/s. Indus Towers Limited, ---- APPELLANT
246, Salumbre, Somatne,
Tal. Maval, Dist.-Pune
(Consumer No. 181603563357)

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.D.S.Talware, Representative
- C] - On behalf of Respondent
- 1) Mr.V.N.Jadhav, Dy. Ex.Engr., Rajgurunagar Dn.
 - 2) Mr.S.Y.Patki, AEE, Wadgaon Maval S/dn.
 - 3) Mr.V.N.Jadhav, Dy.E.E.

Consumer No. 181640006387 - Category of consumer – LT Commercial 3 Phase, the complaint about excess and wrong provisional bill issued on dated 26.6.2018 amounting Rs.6,37,030/-.

The above named consumer received the provisional bill for the new Meter No. 6401215 with no details on it about the period for which the said provisional bill is issued, units consumed for the period under consideration etc., except the amount of the Bill for Rs.6,37,030/- However, vide letter No. 1178 dt. 26.06.2018 from the Office of the Dy. EE, Wadgaon Maval Sub-Division, it had informed to the consumer, that the said bill was for the new meter for the period from 07.03.2018 to 13.06.2018 & its initial unit was 8714 KWH on 7.3.2018 and reading taken on 34143 KWH i.e. the total units consumed is 25429 for the period 7.3.2018 to 13.6.2018 and this consumption pattern for the new meter. Also the total 72800 units consumed by the consumer for the period 30.5.2017 to 7.3.2018 of old meter and the average was taken as 260 units per day. It is mentioned that the billed units shown on the energy bill for the period was 2810 units and hence the balance total units (aggregate) calculated as 95419 and 2500 units for the month of May & hence total bill amounting to Rs.6,37,030/- issued to the consumer as a provisional bill.

It is also evident from the documents on record that the Company had replaced the original meter bearing No. 60144474 as per consumers application dated 16.11.2017 having "No Display Problem." This meter was replaced due to no display. This meter also not available in SAP – ERP system and revert back in system in Nov.2017. Hence NSC date is feeded as 17.11.2017. Hence the old meter No. 60144474 has been replaced by new meter no. 6401215 on 07.03.2018 and new meters initial reading mentioned as 8714 KWH. Again this meter (Meter No.6401215) was replaced by new one i.e. new meter no. is 100033188 on 18.12.2018. The final reading shown as 86694 of meter No.6401215 and new meters initial reading taken as zero having meter No. 100033188.

The calculation sheet is enclosed for the period 30.7.2017 to 18.12.2018 i.e. 16.5 months and its assessment units becomes as 1,35,310 and per month calculated as 8190 units. The Licensee has calculated the total bill amounting to Rs.8,94,954/- considering the amount paid by the consumer of Rs.70,420/- and it was already deducted from the total bill and it was payable by the consumer. Thereafter the spot inspection report done by SO Somatane on dated 13.06.2018 and as per spot inspection report the

25429 units calculated found correct for the period 7.03.2018 to 13.06.2018 and the per day consumption is applied for the period 30.5.2017 to 7.3.2018 (total 280 days) i.e. 280 days x 260 units = 72800 units for old meter and new meter 2810 billed units are subtracted i.e. 25429 – 2810 = 22619 of new meter. Hence total units to be recovered as 72800 + 22619=95419 units and for these units the provisional bill amounting to Rs.6,37,030 is issued to the consumer.

Also the consumers reading was taken on 08.10.2018 and it was 66194 & this shows that consumer average consumption is 8211 units per month hence the provisional bill issued to the consumer is correct.

The meter No. 6401215 testing at site in presence of consumer's representative on dated 18.12.2018 and its accu check results found as 1.88% and its test results found OK.

2. As stated in the opening observations, the consumer was issued the provisional bill, one for Rs.6,37,030/- on 26.06.2018 and the other provisional bill dt. 26.12.2018 for Rs. 8,94,960/-. Following receipt of the disputed provisional bill for Rs.6,37,030/- with aggregate consumption of 95,419 units, the consumer represented to the Utility vide his representation dt. 13.07.2018 for rectification / correction of the bill as also to provide it CPL from the date of connection so that the consumer can pay the bill within the period of 15 days from receipt of the same followed by another representation dt. 30.07.2018. However since the representations of the consumer remained unresolved, the aggrieved consumer filed a grievance / complaint in 'Annexure X' with the IGRC on 05.09.2018 which registered the grievance / complaint with distinctive Case No. 28 of 2018-19. After perusing the counter claims by the aggrieved consumer, as also the Respondents, the IGRC recorded the following observations and on 03.11.2018 with the following order, I quote –

Findings –

- *Actual date of connection (Mt. installed) 30.05.2017, M. No. 60144474, Meter having no display,*
- *Date of connection reflected in IT – 17.11.2017*
- *Faulty meter replaced on 07.03.2018 {M. No. 6401215, I.R. 008714}*
- *Spot Inspection dated 13.06.2018 (Rd. 34143)*
- *Bill dated 25.09.2018 showing old meter No. this shows that meter change is till not reflected in the bill, hence gain consumer is billed on*

average basis of 2500 units although new meter is in working condition.

ORDER

- Revise the bill only for the 'No display period' 30.05.2017 to 07.03.2018, with avg. units of 260/day,
- Update new meter details in IT immediately so as to reflect new meter's details in next billing cycle.
- It is directed to Executive Engineer, MSEDCL, Rajgurunagar, to investigate the matter for such a long back continuous billing on average unit and initiate the action on the defaulter as per MSEDCL's prevailing rules." Unquote

It is, however, pertinent to observe that the Respondents in their submission to the CGRF dt. 12.12.2018 are silent on the compliance on the order of the IGRC despite specific and categorical instructions from the Office of the CGRF to that effect vide its notice No. 356 dt. 15.11.2018. Further the Respondents and consumer or consumer representative are also silent on the observations of the IGRC that it did not remain present before the IGRC on the scheduled date of hearing, which is being viewed seriously by this Forum. It is also once again observed that the Respondents have failed to make their submission to the CGRF within the timelines prescribed for it – i.e. submission of their say on or before 29.11.2018, but made the partial and belated submission on 12.12.2018, i.e. with the delay of 13 days to begin with.

4. Here, it is also pertinent to observe that despite the IGRC having recorded that neither the aggrieved consumer nor the Respondent Utility were present on the scheduled date – i.e. 10.10.2018 for personal hearing, the aggrieved consumer, in his Appeal to the CGRF in 'Annexure A' has claimed that no hearing was conducted by the IGRC. Further, it's not understood as to how the IGRC could have passed the said order without having heard any of the rival contestants during the course of scheduled personal hearing, but merely on the basis of the written complaint/submissions by the contestants thereby depriving either of the contestants to make oral submission / produce additional documents, if any, in support of their claim/s. In view of this, order passed by the IGRC can hardly be considered good in the law, and therefore, there is need to investigate as to whether the IGRC had in fact issued the

notice for personal hearing, against acknowledgements of the contestants on record, before recording its findings that none of the parties to the dispute had remained present for hearing on the scheduled date – i.e. 10.10.2018. Further,

5. After filing the said reply and the relevant documents of assessment for the period under consideration, as also the data provided by the Utility, I have carefully gone through the data and grievance of the consumer. After examining the rival contentions of the consumer and the Respondent Utility, following issues have emerged for my consideration to which I have recorded my finding to the points for the reason given below:-

- a) Whether the Respondent Utility is entitled to claim arrears of monthly consumption bill for the period from 30.05.2017 to 07.03.2018 (for the old meter) and from 07.03.2018 to 13.06.2018 (for the new meter) – i.e. in aggregate for about 13 months with aggregate liability to the tune of Rs.6,37,030/-?
- b) Whether the consumer is entitled for any benefits?
- c) What order?

Reasoning:-

I have given an opportunity of personal hearing to the consumer and the representatives of the Utility on dated 13.12.2018. During the hearing the Respondent Utility was directed to calculate the bill arrears afresh and provide the relative data to the Forum and the consumer as well. The said data is, however, not received from the Utility till this order is passed. Along with it, the Utility was also directed to file 'Meter Testing Report/s', reasons and circumstances for which the replaced meter is not yet fed, and if fed reasons and circumstances for which it not getting reflected in the system, entries in the meter movement register, evidencing withdrawal of the Meter No. 6401215 reportedly replaced on 07.03.2018, as also Meter No. 100033188 reportedly replaced on 18.12.2018, which has not been complied with by the Respondent Utility till the time this order has been finally drafted. It is evident from the documents on record that the Utility, despite its claim for replacement of the meter of the consumer on two occasions, continued to issue bills to the consumer on an average basis continuously. The Respondent Utility was, therefore, obliged for the calculations of aggregate

dues from the consumer restricted to the period from 30.05.2017 (i.e. date of installation) to 07.03.2018 (reported date of replacement of the faulty meter) only. Further that the utility continued to issue the bills on an average consumption basis even after replacement of the faulty meter on 07.03.2018 to 13.06.2018. The Respondent Utility is, therefore, directed to restrict its recovery from the consumer for the given period from 30.05.2017 to 13.06.2018 only. In view of present judgment and guidelines issued in various judgments of MERC and Hon'ble Ombudsman, as reported, the judgments have been perused by me minutely. In the circumstances the consumer complaint liable to be allowed with grant of relief for restriction of recovery only for the period of twenty four (24) months.

According to me it is in order in view of the liability of the consumer having been restricted to the period of twenty four (24) months as provided in sub-Section (2) of the Section 56 of the Electricity Act, 2003. The Respondent Utility shall be recovered the arrears for the period 30.5.2017 to 13.06.2018 for the 95419 units from the consumer after issuing the revised bill for that period without charging any interest, DPC etc.

The time limit of 60 days prescribed for disposal of the grievance could not be adhered to due to delayed submission by the Respondent Utility, as mentioned hereinabove. 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.55 of 2018 is partly allowed.
2. The Respondent Utility is directed to issue the revised bill for the period 30.5.2017 to 13.06.2018 for 95419 units.
3. No Interest, DPC and penalty shall be charged to the consumer.
4. 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 30th 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~~

Sd/-

ANIL JOSHI
MEMBER
CGRF:PZ:PUNE

Sd/-

A.P.BHAVTHANKAR
CHAIRPERSON
CGRF: PZ:PUNE

Sd/-

BEENA SAVANT
MEMBER- SECRETARY
CGRF:PZ:PUNE