

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

Case No. 01/2019

Date of Grievance : 29.01.19

Hearing Date : 27.02.19

Date of Order : 24.04.19

In the matter of accumulated bill.

M/s. Indus Towers Limited,

---- APPELLANT

246, Salumbre, Somatne,

Tal. Maval, Dist.-Pune

(Consumer No. 170013007384)

VS

The Executive Engineer,

---- RESPONDENT

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

Kothrud 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.Amit Anil Bartakke, Ex.Engr., Kothrud Dn.
- 2) Mr.B.M.Sawant, AEE , Warje S/dn.

Category 70 LT-II B, Connecting load 19 KW, CD= 22KVA date of connection 26.3.2013.

Complaint about accumulating illegal recovery bill issued by Respondent Utility for recovery of amount Rs.19,40,380/- for consumption of unit 1,44,615 for period June -2016 to Nov.2018. Above named consumer initially filed application to Respondent Utility

official along with the bill of Dec.- 2018 and informed that bill period is for June-2016 to Oct.2018. The consumer not receiving proper bill and the consumer was getting the average fixed units bill more than 3 months. Consumer pray for issue of correct bill as per adjustment of depositing amount after making this application dated 4.12.2018. Respondent Utility visited the premises and found the meter reading was not properly recorded and informed to the billing Section. In fact the said bill as per reading required to be recorded in 6 digit but the consumer was billed since June-2016 to Oct.2018 due to not recording the correct digits i.e.4 digit reading taken and it was under billed & 9 time less consumption than actual consumption and the bill was issued. Therefore Respondent Utility taken MRI of the meter and found the reading was recorded unit 2,43,549 and therefore the bill for the said period is corrected for amounting Rs. 19,40,380/- and the actual duly consumed 1,44,615 units since June-2016 to Nov..2018 and therefore supplementary bill is issued to the consumer.

After receiving the said bill in the month of Dec.2018. Consumer made complaint initially form No. X to IGRC and claimed the relief to withdraw the wrong bill and in exorbitant bill correct bill. Consumer also pray for amounting Rs. 10,000/- for mental harassment and claimed to withdraw the DPC, Interest & penalty charge against the bill. After receiving the said complaint the consumer approached to the Forum as consumer received notice threat of disconnection for recovery of supplementary bill for amount Rs.28,20,186/- in the month of Nov.2018 for the period June-2016 to Oct.2018 for accumulated units. Consumer along with the complaint in Form No. Schedule A filed on 29.01.2019. Before this Forum along with prayer not to disconnect the supply. Accordingly the Forum considering the issue of threat of immediate disconnection passed the Interim order in favour of consumer and give direction to deposit 50% of the bill amounting to Rs.19,31,720/- in 6 monthly equal installments along with current bill and give further directions not to disconnect the supply till final hearing. Thereafter notice was issued to the Respondent Utility by this office dated 30.01.2019. After receiving the said notice Respondent Utility

appeared and filed reply on 15.02.2019. Respondent Utility submitted that the said consumer given prescription of consumer no., address and date of connection is 26.3.2013 and its CL is in 12 HP. The consumer bill was corrected by taking accurate consumption of up to May'2016 and the consumption is in the range of 4500 to 5000 units per month. Thereafter consumer demand and after completion of all formalities the load is enhanced from 12 KW to 22 KW w.e.f. Jan.2017. As per MSEDCL's rules , above 20 KW load, all the consumer's should be billed with MRI data only. Accordingly the agency could not take proper reading and which was resulted in less billing from June-2016 to Oct.2018. The accumulation on meter is observed in the month of Oct.2018 but the bill was not generated instead of that Respondent Utility furnished provisional bill to the consumer for the month of Oct.2018 with 138925 units and amount of Rs.19,31,720/-. Before issuing the provisional bill. The respondent Utility contacted representative of the consumer Mr. Venkatesh and Mr. Vasant Kamble who accepted the bill and ask Utility to issue correct printed bill and hence in the month of Nov.- 2018, The bill is generated through the system but due to system bug, the bill could not generated properly with adjustment of previous paid bills. Hence revised bill calculated amounting to Rs.19,40,380/- given to the consumer .

The Utility made follow up to the consumer but consumer failed to response and requested to deposit supplementary corrected bill in the month of Nov.2018 and contested MRI data of the meter and the report of the said meter and the billing details of the CPL and relevent documents if any vide his letter dated 07.01.2019 and for that the consumer was not responding. Therefore Utility required to give notice under Section 56 of Indian Electricity Act, after 45 days. The consumer follow up 28.11.2018 and 07.01.2019 with Respondent Utility and accordingly the respondent given by the utility to the consumer. The grievance is made thereafter by the consumer on 4.12.2018, in order to create grievance in favour and to avoid and not to pay the system generated bill in the month of Nov. - 2018 for 2,20,417 units amounting Rs.28,20,186/- but the said bill is not was

served to the consumer and corrected adjustment bill thereafter prepare and corrected bill was issued to the consumer but consumer fail to deposit the said bill and filed grievance before CGRF. According to the Utility the bill issued in the month of Nov.2018 is corrected proper as per MRI data and previous payments/adjustments made by the consumer is correctly. Therefore consumer required to pay the said bill as the unit consumed by the consumer within the period of 24 months. The Respondent Utility attached copy of CPL, MRI report, spot inspection report of A.E. Shivane Sub/dn. 09.1.2019 and letter issued by Utility on dated 07.01.2019 and pray for rejection of consumer grievance with cost.

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

1. Whether the Respondent Utility is entitled to recovered the accumulated consumption unit as per MRI recorded 1,44,615 for amounting to Rs.19,40,380/-
2. Whether the consumer is entitled for rebate of continuation of 3 months average basis for under basis unit consumption by the claim by the Utility?
3. Whether consumer is entitled for mental harassment of Rs.10,000/-
4. What order?

Reasoning:-

I have given an opportunity to the consumer and his representative I also give opportunity to the Asstt. Engineer, Shivane Sub/Dn. and the hearing was conducted on 27.12.2018. In brief the dispute raised by the consumer which was initiated by consumer was giving application dated 04.12.2018 demanding issue the correct reading bill as the consumer was getting average consumption bill of fixed unit continuously more than 3 months. On response to the said letter of consumer, Respondent Utility visited the premises and inspected and found that the reading agency was taking readings with 4 digits whereas the actual reading was is 6 digit due to which consumer is under billed. The copy of the said inspection report dtd.09.01.2019 is perused it seems that the wrong recording taken is fault of

the agency who committed the mistake and inform less consumption units recorded and this fact was disclosed at the time of MRI verification of the report was done at the consumer level at the premises and thereafter the actual consumption unit recorded on the meter through MRI recorded and the bill was generated.

The Respondent Utility consumer admitted that due to system error the previous adjustment of bill was not recorded properly and the said mistake was corrected and the bill was corrected by giving benefit of previous payments received and supplementary bill which was issued to the consumer. Thereafter consumer requested to issue the printed bill and therefore in the month of Nov.2018 Respondent Utility issued the bill to the consumer for consumption of less recorded units which was corrected as per MRI data for the period of June-2016 to Oct.2018. The units recorded as per calculation sheet provided by the Utility 1,38,925 the amount valued Rs.19,31,702/- as a provisional bill. The consumer after receiving the said bill raised the disputes. The reason of under billing caused due to incorrect recording of 6 digits meter properly since June-2016 and therefore consumer was not receiving correct bill. The fact informed by Utility dtd 7.1.2019 but consumer was not agree for MRI data and calculation of the said bill. Therefore the cause of action arose to the consumer dispute. To my view the MRI data is being authenticated & procedure for calculation of causing unit and the correct recording should have been properly but it is not intentionally the digit which was informed by the agency in the above said period caused Utility to less reading bill.

In view of Section 56 Indian Electricity Act. , Consumer is found to be pay the said bill of actual consumption of unit calculated display on the meter and demanded in the bill and therefore correction was made after retrieving MRI data which cannot be objected. The question of bifurcation of said unit within the period since June-2016 to Oct.2018. The period of disputed period of 24 months and therefore Utility justified the demanding of the accumulated units bill and consumer is bound to pay the said bill. I am inclined to benefit to pay the said bill by the consumer in equal 6 monthly installment which relief is already to the consumer. While passing the Interim Order and to the response to the consumer is bound to pay the same and therefore total

accumulated bill can be paid equal in 6 monthly installments and therefore I have found to no reason for the consumer to give other benefit of compensation of harassment amounting Rs.10,000/- which cannot be impose and mistake of wrong digit recording unit by the Utility is not intentionally and this mistake is rectified given by consumer himself.

The time limit of 60 days prescribed for disposal of the grievance could not be adhered to due to consumer representative was on leave period for some days . Hence I am inclined to allow the consumer complaint and proceed to pass the following order:

Therefore there is no other relief remains there to in favour of consumer hence I proceed to pass the following order:

ORDER

1. Consumer Complaint of Case No.01 of 2019 stands dismissed.
2. The Respondent Utility is entitled to recover corrected consumption units i.e. additional consumption of unit bill as given in Oct., Nov.- 2018 for the additional units 1,38,925 for amounting Rs.19,31,720/- in equal 6 monthly installments alongwith current bill..
3. The utility shall not charge any Interest, DPC and penalty against the consumer.
4. Consumer is entitled to rebate if earlier installment already paid if any?
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 24th April - 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