



Consumer Grievance Redressal Forum, Kalyan Zone
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NO. K/DOS/94/1843 OF 2018-19

Date of registration : 14/03/2019

Date of order : 22/05/2019

Total days : 69

IN THE MATTER OF GRIEVANCE NO. K/DOS/94/1843 OF 2018-19 OF SHRI.ASHWIN N.SHAH, GALA NO.01, PLOT NO.11, VARDHAMAN INDUSTRIAL ESTATE, PALGHAR (E), PIN CODE - 401 404. REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT DISCONNECTION OF SUPPLY.

Shri.Ashwin N.Shah,
Gala No.01, Plot No.11,
Vardhaman Industrial Estate,
Palghar (E), Pin Code - 401 404
(Consumer No. 003100583835) . . . (Hereinafter referred as Consumer)

V/s.

Maharashtra State Electricity Distribution
Company Limited
Through it's Nodal Officer/Addl.EE.
Palghar Circle, Palghar . . . (Hereinafter referred as Licensee)

Appearance : For Licensee - Shri.S.P.Kolhe, Dy.EE, Palghar S/dn.

For Consumer - Shri.J.S.Rajput (C.R.)

[Coram- Shri A.M.Garde-Chairperson, Shri A.P. Deshmukh-Member Secretary
Mrs. S.A.Jamdar- Member (CPO)].

1) Maharashtra Electricity Regulatory Commission, is, constituted u/s. 82 of Electricity Act 2003 (36/2003). Hereinafter for the sake of brevity referred as 'MERC'. This Consumer Grievance Redressal Forum has been established as per the notification issued by MERC i.e. "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006" to redress the grievances of consumers vide powers conferred on it by Section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, (36/2003). Hereinafter it is referred as 'Regulation'. Further the regulation has been made by MERC i.e. Maharashtra Electricity Regulatory Commission. [Electricity Supply Code and other conditions of supply Regulations 2005]. Hereinafter referred as 'Supply Code' for the sake of brevity. Even, regulation has been made by MERC i.e. 'Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply & Determination of Compensation) Regulations, 2014.' Hereinafter referred 'SOP' for the sake of convenience.

2) Consumer herein in one Shri.Ashwin N.Shah having Consumer No. 003100583835 Industrial. Grievance is that since Jan-2012 no reading has been taken and the bills have been issued on average basis. The concerned person was not issuing correct bills even after recording the consumption and also he was not the meter reader for that area at all. The officer was also saying that Deore lineman will tender the bill in the workshop. A complaint was given about the same on 19/12/2018. Meter is faulty but still it is not being replaced. Complaints were given on 12/10/2018, 19/12/2018 and 08/02/2019 but still normal bills are not being issued.

3) Above being the state of affairs notice no. 514 dated 11/03/2019 was issued for disconnection calling upon the consumer to pay the bill amount within 24 hours else face disconnection.

4) Consumer therefore prays as per CPL and MRI, bills from 2010 be examined and appropriate bill be issued.

5) **Distribution Licensee in reply contends that :**

i) *That, M. S. E. D. C. L. submits that the all statement, averment and contention raised in present Complaint are totally denied by MSEDCL unless it is specifically admitted herein below.*

ii) *That, the M. S. E. D. C. L. has sanctioned electric supply to Shri. Ashwini N. Shah for industrial purpose vide Con. No. 003100583835 (Supply Date-18.05.2010). The consumer was installed with meter of L & T Make No.1534537 of 100/5 A alongwith CT of 200/5 and hence billed as MF -2. In the March 2016 the connection was PD for want of arrears but as the consumer paid outstanding bill hence his supply was reconnected with same meter and CT but while submitting reconnection report the MF-1 was feed instead of MF-2. The consumer was billed as MF-1 instead of of MF-2. In Feb.2017 supply was again PD for want of arrears, in March 2017, the bill of Rs.2,40,790.00 was given (including the bill for MF recovery). The supply was then reconnected in April -2017.(The copy of CPL and the bill dtd.08.12.2018 is enclosed herewith and Marked as Annex. A & B)*

iii) *That, though the supply was reconnected in April 2017 with same Meter. No. 1534537 with CT of 200/5 but the reconnection was not feed in system till April-2018. In April 2018, the section incharge has filed the reconnection Report into system and feed reconnection with wrong Meter No.75684690 with initial reading 102446.Then consumer was billed average basis during the period of April -2018 to Nov.2018. In Nov.2018, the Meter No.75684690 was shown changed in feb.2019 Energy bill from 16.10.2018 with new Meter No.523087 which was also having No. display and consumer was billed average basis since then. The meter No.1534537 & 75684690 is also found misplaced. The consumer since March 2017, never complaint for non-receipt of bill etc.*

- iv) *That, as the serious irregularities and misconduct appears of concerns and Section incharge is also not co-operating this office hence this office has reported Palghar Division On:- 26.11.2018, by Letter no.'jpkAÀpalaGarÀ]pivaBaagaÀtaMi~kÀgaaopÀ057'. Regarding the conduct of Section incharge etc and for further investigation of case. The Palghar Dn. Has formed the committee; the committee has investigated the case and submitted Report on 10.12.2018. On noticing the irregularities and points raised in said report, the concern Section officer was send on compulsory leave by order No.'kaÀpalaGarÀmaasaMivaÀgaaopnalyaÀ225', On dtd. 29.11.2018 the detail proposal for Departmental action against the concern has been sent to Competent Authority by Division. office. The issue of filling FIR u/s.135, 138 of EA,2003 and S.420 r/w S.34 of IPC is under consideration of MSEDCL for the above theft, illegal interference, fraud etc. in collusion. (The Report of committee , the compulsory leave order, proposal for action is attached herewith and Marked as Annex. C, D & E)*
- v) *That, on perusal of MRI Data and Meter Reading taken by Reading Agency it crystal clear that Meter No1534537 with CT of 200/5 A was installed upto 16.10.2018 having last recorded reading of 191559 units, in month of Feb.2017 per CPL consumer was billed upto 92949 units.Thus total unbilled consumption of 1,91,559-92949=98610*2 (MF)=197220 Units for period of Mrach-2017 to Oct.2018 (20 months). The bill of Rs.16,22,002.05 was issued to consumer on08.12.2018 the consumer did not paid and hence the bill is debited in energy bill of March-2019. (The copy of MRI Report and Reading agency reading details, letter dtd.01.02.2019 along with supplementary bill are enclosed herewith and Marked as Annex. F, G & H)*
- vi) *That, in view of the S.56(2) of EA,2003, the recovery upto 24 months is permissible in cases where recovery remained to be claimed due to human and technical errors etc. The supplementary bill was issued in Month of Dec.2018 i.e.1st time for recovery of unbilled consumption period of March-2017 to Oct.2018 and hence said supplementary bill is recoverable as per law.*
- 6) We have heard both sides. This is a quite a weird case. Connection was taken on 18/05/2010 with LT meter CT 200/5 (MF-2). Permanent Disconnection was done in Mar-2016 for arrears. Thereafter upon payment of arrears reconnection was done but reconnection was fed as MF-1 instead of MF-2. Consumer was thus billed MF-1. In Mar-2017 Permanent Disconnection was done again due to arrears. Bill of 240790.00 was issued including MF Recovery. Supply was again reconnected in April-2017.
- 7) Reconnection in April -2017 was done with same meter no. and CT 200/5 but reconnection was not fed in the system till Apr-2018. The section incharge feed reconnection report into system but with wrong meter no.75684690 with initial reading 102446. Then the consumer was billed on average basis during the period from Apr-2018 to Nov-2018. Thus in Nov-2018 meter

no.75684690 was shown as changed in Feb-2019. Energy bill from 16/10/2018 with new meter no.523087 which was also having no display and consumer was billed as average since then. Now meter no.1534537 and 75684690 are also misplaced consumer never complained since march-2017 about non receipt of bill etc.

8) There have been quite some irregularities and illegalities and misconduct in this matter on the part of Distribution Licensee official. This is a serious matter of loss of revenue to Distribution Licensee and wrongful gain to consumer. Misplacing of meters does not appear to be innocent. Misconduct on the part of official clearly appears to be to benefit the consumer for reasons best known to the official.

That being so the evidence available for recovery has to be examined with that perspective even if the meter and CT's are not available. There is the register maintained by the agency, of the readings recorded of the consumers in ordinary course of business, produced.

9) Now the Distribution Licensee states that on perusal MRI data and meter reading taken by reading agency it is clear that meter no. 1534537 with CT of 200/5 was installed to consumer till 16/10/2018 having last recorded reading of '191559' units in the month of Feb-2017. But as per CPL consumer was billed up to '92949' units. Thus total unbilled consumption was 98610 with MF -2 it comes to '197220' units for the period from Mar-2016 to Oct-2018. Consumer did not pay hence the bill was debited in Mar-2019 and notice was issued. Bill was issued in Dec-2018, for recovery of unbilled amount from Mar-2016 to Oct-2018.

10) There are two aspects of the issue one is what is the evidence available about the consumption of energy from Mar-2017 and secondly when the bill is issued in Dec-2018 what is the effect of limitation.

11) From the document viz. the register of the agency submitted Distribution Licensee and from CPL it is evident that consumer was billed normal till Feb-2016 with meter no.1534537 with MF-1. In month of Mar-2016 Permanent Disconnection, might have been due to arrears. The supply again reconnected in Apr-2016 with same meter number. Hence it can be ascertained that M.F. was 2 only after reconnection. Subdivision office then issued M.F. recovery bill of Rs.240790/- for reading upto '102446' and recovered Rs. 1,62,370/- till Jan-2017. The amount paid on 03/03/2017 but CPL does not show reconnection. Consumer remained unbilled till Apr-2018. We inspected the reading register submitted by Distribution Licensee and from which it was clear that the consumer was consuming electricity but not paying the bill. From meter reading register we observed following readings.

11534537	03/10/2018	191559
	03/09/2018	179073
	04/07/2018	155978
	03/06/2018	146002
	03/05/2018	140541
	27/01/2018	120766

From the above readings Distribution Licensee proposed recovery for '197220' units. Distribution Licensee considered final reading '191559' taken on 03/10/2018 and initial reading '92949' taken in month of Feb-2016. Distribution Licensee added recovery for '197220' units to consumer, but from CPL consumer was billed as per reading upto '102446'. Hence recovery should have been for $191559 - 102446 = 89113 \times 2 = 178226$ units only. For period of Apr-2017 to Oct-2018, even though the meter and C.T. is not available the register of the readings recorded by the agency in ordinary course of business can be considered. From the above record it is clear that consumer has consumed power without receiving the monthly bill. MF recovery for wrong MF could have been done for period Mar-2016 to Nov-2016 but cannot be allowed because it is bar by limitation as per section 56 (2) of IE Act-2003.

As far as limitation for '178226' units is concerned the bill is within limitation i.e. from Apr-2017 to Oct-2018 billed in month of Dec-2018.

12) Delay to is due to complicated matter of old recovery involved. Also Consumer Representative asked reply in Marathi, which consumed some time.

Hence the order

ORDER

- 1) The Grievance application of consumer is allowed.
- 2) Distribution Licensee to revise recovery bill for '178226' units.
- 3) Distribution Licensee to give 19 equal installments for payment if recovery bill along with current bill without DPC and interest.
- 4) Distribution Licensee to replace stop meter with 7 days from order.
- 5) Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

Date: 22/05/2019

(Mrs.S.A.Jamdar)
Member
CGRF, Kalyan

(A.P.Deshmukh)
MemberSecretary
CGRF, Kalyan.

(A.M.Garde)
Chairperson
CGRF, Kalyan

NOTE

- a) The consumer if not satisfied, may file representation against this order before the Hon. Ombudsman within 60 days from the date of this order at the following address.

“Office of the Electricity Ombudsman, Maharashtra Electricity Regulatory Commission,606/608, Keshav Bldg, Bandra Kurla Complex,Mumbai 51”.

- b) Consumer, as per section 142 of the Electricity Act, 2003, can approach Hon. Maharashtra Electricity Regulatory Commission for non-compliance, part compliance or

- c) delay in compliance of this decision issued under “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2003” at the following address:-

“Maharashtra Electricity Regulatory Commission, 13th floor, World Trade Center, Cuffe Parade, Colaba, Mumbai 05”

- d) It is hereby informed that if you have filed any original documents or important papers you have to take it back after 90 days. Those will not be available after three years as per MERC Regulations and those will be destroyed.