



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

Case No. 05/2019

Date of Grievance: 26.02.2019

Date of hearing : 02.04.2019

Date of Order : 17.06.2019

In the matter of accumulated excess bill and illegal disconnection

M/s. S.J. Properties,
Kara Hospitality Venture Pvt. Ltd.,
801, White Square No.48,
Hinjewadi Wakad Road,
Pune - 411057.
(Consumer No. 170684978635)

---- Complainant
(Herein after referred to as Consumer)

Versus

The Executive Engineer,
M.S.E.D.C.L.
Pimpri Division,
Pune.

---- Respondent
(Herein after referred to as Licensee)

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. Ranjeet Chandra
- 2) Mr. Surendra Purohit, Representative

C] - On behalf of Respondent

- 1) Mr.D.R.Balgude , AEE, Sangvi Sub/Dn.

Consumer No. 170684978635, LT II - Commercial, Connected load - 20 KW
Contract demand 25 KVA, date of connection 07.07.2017

05/2019

The Complaint about accumulated excess bill and illegal disconnection of the said consumer. The above named consumer was obtained the said supply under the name of style as S J Properties and the supply was used by Kara Hospitality Venture Pvt. Ltd. as a tenant. In the month of Nov.-2018 the consumer was issued the accumulated bill after 16 months and consumer confirmed that the billing started from Nov.'2018 & whereas the date of connection 2017. He was approached to the Utility office and made application to respective Utility but no any response was given about the prayer of the consumer. On the reason that the connection is not feeded in IT record and billing process is not completed and therefore bill is not generated. In the month of Jan.2019. No any bill was delivered to the consumer nor the notice of disconnection given to the consumer & all of sudden on dated 20.02.2019 @ 12.30 p.m. without giving any notice under Section 56 (1) the supply of the consumer was disconnected. The bill which was generated in the month of Jan.2019 for the period of Nov.- 2018 to Jan.2019 amounting which is accumulated Rs.25,50,100/- and the Respondent Utility insisted to pay the said bill. It is submitted by the consumer that, it is a duty of the Respondent Utility to issue the bill every month according to billing cycle but the bill is not issued on monthly basis & the accumulated bill which was issued in the month of Jan. 2019 and without taking any legal steps, the notice was issued under Electricity Act 2003 Section 56 supply was disconnected. Even the consumer was requested for payment in instalment and its request was not considered. Therefore the consumer directly approached to the Forum and lodged this complaint. Consumer attached copy of the bills from Nov., Jan. & Feb. of 2019. After filing the said complaint to the Forum in Form No. A on dated 26.02.2019 and the consumer requested to passed the Interim Order therefore the Prima facie case and urgency of supply to immediately restoration was considered and Interim order was passed to pay the arrears of the bill in equal monthly instalments and accordingly Interim order was passed vide this office order No.04 of 2019.

Thereafter the complaint is register as case No. 05 of 2019 and notice was given to the Respondent Utility on 01.03.2019 directing to file the detailed reply on or before 15.03.2019. After serving of notice, the Respondent Utility appeared and filed reply on 01.04.2019. Respondent Utility submitted that the load of the consumer was extended in the month of March-2018 & CT operated meter having serial No.5806019 was installed at the premises. However the said meter was feeded in the system. But the reading was taken in the month of Nov.2018 but later on the premises was inspected and spot inspection verification was carried out. It is found that meter room where the supply is given to various premises are at ground level and its actual use was at different floors. This consumer No. 170684978635 was used the electricity for Hotel Trash at Floor No.8. There letter box was found provided on the ground floor but its electricity bills and other correspondence made by the Utility was not collected from consumer side is not corrected. Therefore on 19.2.2019 at the time of spot inspection, along with consumer representative the reading was taken at 16.28 hrs. and the reading was found units 186705 recorded and maximum demand of 39.2 KVA. The bill is generated and the consumer was directed to pay the bill of Nov.2018, till the month of Dec. 2018 along with current bill Rs.1,90,000/- for 10013 units and for Jan. 2019 current bill amounting to Rs.1.75 Lakhs for 9470 units issued to the consumer alongwith arrears. The total energy bill of RS.26,74,000/- was outstanding against the consumer. Consumer requested to pay the said bill but consumer fail to pay the said bill, therefore action of disconnection was taken for non-payment of bill in reasonable time. Thereafter consumer approached to Forum and Interim order is passed on 28.02.2019. Where the consumer had to pay 1,75,348/- towards current bill of Jan.2019 in addition to 2,08,046/- towards first instalment and total amount becomes of Rs.3,83,394/- but consumer failed to pay the said bill till date, therefore the supply was not restored as per Interim Order. The Respondent Utility submitted that the action of disconnection and non-payment status may be treated sympathetically.

After filing the reply along with the copy of CPL and spot inspection report following points arose for my consideration to which I have recorded my finding to the points if the reason given below :

- 1) Whether accumulated bill issued to the consumer in the month of Dec.2018 is legal valid and proper?
- 2) Whether consumer is entitled for restoration of supply against non-payment of bill?
- 3) Whether consumer is entitled for any relief?
- 4) What Order?

Reasoning:-

I have given opportunity to consumer and representative of Utility on dated 02.04.2019. I have perused the documents filed by consumer alongwith complaint, it appears that load extension work was carried out in the month of March-2018 but till Nov.2018 the reading was not taken and it was not reflected in the copy of CPL. The Respondent Utility submitted that the spot inspection was carried out on 19.2.2019 in presence of consumer representative & recorded the readings also. The accumulated readings and its bill was generated in the month of Nov.2018 of huge amount of Rs.25,50,099/- aggregate amount to the consumer and consumer was insisted to pay the said bill in single instalment only. Therefore the consumer raised the dispute of non-action taken properly without giving any notice under Section 56 (1). The action of disconnection prima facie it appears that the Respondent Utility themselves fail to take proper reading after the load extension work is done at the said premises. The instance of non-feeding data into IT system is a fault of Utility and consumer cannot be blame for the same accumulated bill generated after the spot inspection is made on Feb.2019. As per the say of Utility accumulated bill cannot be insisted to pay in lumpsum. As it is huge amount therefore there is valid reason for the consumer to raise the dispute at this juncture I feel proper to give direction to Utility to bifurcate the bill

in 6 monthly instalments according to actual recorded units of the consumer and recover the bill in 6 monthly installments alongwith current bill.

In view of Interim order which was placed on the record already direction to consumer to pay in installments but consumer is not able to pay the said installment. Therefore restoration could not be taken place immediately.

It is observed that the action of disconnection of supply without notice is absolutely contrary to the provision of Section 56 (1) of Indian Electricity act. The Respondent Utility shall be punish for the illegal disconnection. Therefore I am inclined to allow Rs.100 /- per week or part thereof of delay from the date of disconnection (20.02.2019) till the filing of the complaint on dated 26.02.2019. The said amount shall be given adjustment in the final bill of the consumer. The total arrears of the bill shall be bifurcate in 6 monthly instalments taking into consideration of equal consumption pattern supply hugged by the monthly base. The Respondent Utility shall not levy Interest, DPC and Penalty for the arrears recovery amount. Hence consumer complaint is liable to be allowed in following terms.

The time limit of 60 days prescribed for disposal of the grievance could not be adhered due to Interim order was passed & thereafter the final hearing was kept. Hence I am inclined to allow the consumer complaint and proceed to pass the following order.

ORDER

1. Consumer complaint No. 04 & 05/2019 is allowed.
2. The Respondent Utility shall recover the arrears of the bill in 6 monthly instalments without charging any Interest, DPC and Penalty.
3. After receiving the first instalment the supply shall be restored immediately.

4. The Respondent Utility shall pay the cost of illegal disconnection of Rs.100/- per week or part thereof of delay from the date of disconnection (20.02.2019) till filing the complaint at CGRF on dated 26.02.2019.
5. The illegal disconnection amount shall be adjusted in the consumers final bill.
6. The order shall be complied immediately after depositing first instalment by consumer.
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 17th June - 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