

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

Case No. 32/2019

Date of Grievance : 03.05.19

Hearing Date : 13.06.19

Date of Order : 31.07.19

In the matter of excessive and exorbitant bill.

Mrs. Sheela Prakash Nandgude, ---- APPELLANT

Jagtap Dairy, Vishalnagar,

Tukaram Complex, Pimple Nilkakh,

Pune - 411027

(Consumer No. 170640046921)

VS

The Executive Engineer, ---- RESPONDENT

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

Pimpri 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

B] - On behalf of Appellant

- 1) Mrs. Sheela Nandgude, Consumer Representative

C] - On behalf of Respondent

- 1) Mr. R.T.Lohakare, A.A.Sangvi
- 2) Mr.D.A. Deshmukh, UDC

Date of connection - 27.08.2011, connecting load 0.84 KW

Complaint about excessive and exorbitant bill issued by the Utility to the consumer during the period March-2017 to Aug-2018 for 18 months. The above named consumer having supply for Commercial use under the tariff

category LT-II , Three - phase 2.51 KW Actual connected load & on energy bill 0.84 KW. The consumer received the bill in the month of Aug.2018 consolidated units charged by the Utility 20,327 units during the period March-2017 to Aug.-2018 for 18 months for value amount Rs.3 Lakhs which is disputed by consumer saying that the used of the supply is not more than the units 100 per month. However the bill received to the consumer issued by Utility for the said period charging units 20327 for 18 months which was exorbitant and not acceptable by the consumer. Therefore initially consumer made application to A.E.E., Sangvi Sub/dn. in writing alleging that the, exorbitant bill charged by the Utility and amount recovered of Rs.2 Lakhs which is illegal and not acceptable therefore consumer claimed for correction and revision of the bill and refund of excess amount which was recovered from us. However the consumer deposited the partly amount of Rs. 2 Lakh on 16.1.2019 against the Receipt No. 5236596 and restored the supply. Accordingly the consumer was made complaint to IGRC on 11.03.2019, after receiving the said complaint, IGRC registered the case No. T-6 of 2019. The opportunity of hearing was given to the consumer and his representative as well as the Utility on 9.4.2019. After hearing on 16.4.2019 IGRC's was passed the order against the consumer stating that the consumer premises was checked and meter found OK. The units recorded was correct and it is as per actual meter reading for 18 months for the period March-2017 to Aug-2018 & as per actual consumption of units which was recorded on the meter and passed the order against the consumer and also giving opportunity to him. The payment of the said bill will be paid in installments if consumer requested.

Being dissatisfied with the order of the IGRC, the present consumer approached to the Forum on 03.05.2019 and filed the complaint in form No. - 'A'. The consumer alleged that the excessive and exorbitant bill issued in the month of Aug.2018 for the period March, 2017 to Aug.2018 for charging unit's 20327 for amounting Rs.2,40,599/- which was charged as accumulated units and thereafter as per actual reading taken & meter reading was 38156 units & amounting to Rs.3,03,063/- and it required to be revised

and refund of excess amount recovered of Rs.2/- Lakhs to be return. After filing the said complaint to this Forum case is registered vide Case No. 32 of 2019. The notice was issued by the office to the Utility on 04.5.2019 giving directions to the Utility to appear and filed the reply on or before 20.5.2019. After receiving the said notice Utility appeared and filed the reply alongwith copy of relevant documents, copy of bill, and copy of IGRC order. The reply is filed on 11.06.2019.

The Respondent Utility submitted that on 27.8.2011 the consumer received the supply for commercial purpose & reading in the month of Feb.17 was 15088. In the month of March-2017 to July-2018 i.e. period of 17 months, the actual meter reading was not available during the period & therefore since March-2017 to Dec.2017 for 10 months the bill charged as only 30 units for this period & average 700 units was charged for the period Jan.2018 to July-2018 i.e. 7 months period. Hence it is concluded that the only 730 units was charged against the consumer for the period March-2017 to July-2018. As such 730 units was charged erroneously to the consumer. In the month of Aug.'2018 the actual reading recorded on the meter was shown 35415 which was calculated from March-2017 to Aug.2018 i.e. for 18 months period & accumulated units 20327 from reading 15088 to 35415 which was assessed for amounting to Rs. 2,40,599/-. The reading recorded in the month of Sept.2018 shown as 37943 units & previous reading was 35415 units & charged as 2528 units in the month of Sept-2018. The unit consumption was assessed on average basis 1971 units for Oct.'2018 & the outstanding arrears bill of Rs. 3,03,063/- which was not paid by the consumer & hence the supply was disconnected. The meter reading at the time of disconnection was recorded 38156 units. In the month of Oct.2018 the average consumption unit was assessed and the bill was corrected from the month March-2017 to Oct.2018 period & assessment for value amount to Rs.2,79,760/- for charged against the consumer & on dated 16.1.2019. The consumer was paid amount of Rs.2 Lakh against arrears amount. However the remaining amount of Rs. 79,760/- which is shown in arrears. On dtd.8.02.2019, the meter was tested in the lab and the testing report was found that, meter is OK.

Therefore the Respondent Utility submitted that on 16.1.2019 the assessment of the bill charged against the consumer is proper & as per actual meter reading which was informed to the Forum and consumers alongwith copy of meter photo copy on 9.8.2018 and assessment report of meter alongwith relevant details, CPL and meter testing report etc. The consumer filed copy of bill, copy of correspondence letter issued to the Utility of Sangvi Sub/dn., copy of IGRC order and other relevant documents. The consumer gave in writing on 16.1.2019 for payment of Rs.2 Lakhs and agree to pay remaining amount on or before 28.2.2019. However the consumer was not deposited the amount & thereafter consumer has filed his grievance before IGRC and then before the Forum.

I have perused the documents filed by the consumer and relied by him & I have also verified the meter testing report and copy of CPL for last 5 years, inspection report consumption pattern etc. The following points arose for my consideration to which I have given my findings to the issues for the reason given below:-

1. Whether the respondent utility is entitled to recover the accumulated bill for the period of 18 months - March, 2017 to August 2018, issued to the consumer is proper, legal and valid?
2. Whether consumer is entitled for any refund ,if yes as per final order?

Reasons:-

I have given an opportunity to the consumer and his representative and heard the matter on 13.6.2019. It appears from the dispute that since March-2017 to Aug.2018. The consumer received the average consumption bill initially for 30 units charged erroneously by Utility till Dec.2017. Thereafter from Jan.2018 to Aug.2018 for 7 months period the consumer was charged 700 units on average consumption units & the bill was issued to him which was admittedly not as per consumption. It appears that in the month

of Aug.18, the actual meter reading was recorded and the unit consumption found as per meter reading & which was 20327 units which was already bifurcated and assessed units means as per actual consumption of the consumer. It reflects the copy of CPL erroneously units lower consumption was charged and recorded which was never reassess as per actual connecting load. At the time of hearing consumer not disputed the premises as Commercial. It is used by different occupants, copy of agreement list filed before Forum & perusal which is 3 different occupants, which was occupying the premises and used the consumption. During the hearing, the direction was given to Utility official to visit the premises and assess the actual connecting load. Accordingly the premise was visited on 20.6.2019, the consumption of unit assessed as per actual connecting load which was shown in the report dtd. 20.6.2019. The copy of the said report already given to the consumer. It is pertaining to note that the meter testing report as per contention of Utility. The meter was found OK. The reason of not recording actual consumption unit since the period March-2017 to Aug.-2018 reason as stated by Utility that reading was not available. As such proper assessment of the unit was not charged in the bill due to non-availability of reading within the said period. The mistake is cured in the month of Aug.'2018 & actual meter reading was recorded and as per actual units shown in the meter was charged & arithmetical calculation done accordingly & bill issued to the consumer. Thereafter consumer was in arrears till the date of disconnection.

The question of recovery of those units found by the illegal in the section of 56 of Indian Electricity Act which reads as under that, "the Utility was entitled to recover actual consumption units charged which is recorded on the meter alongwith other charges permissible as per the tariff order". Therefore the recovery of assessed the unit cannot be said to be illegal. In this case accumulated bill charged and claimed by the Utility, seems to be not proper. Whatever the reason recorded and stated before the Forum the report which is filed actual consumption, connected load, CPL etc. The monthly consumption unit reported as 1100 units per month. Therefore monthly consumption unit shall be assessed as per actual consumption unit

monthly recorded as per connecting load 1100 which is justified in the benefit of consumer. According to me the assessment for 18 months period given March-2017 to Aug.2018 for recovery of monthly consumption 1100 units shall be assessed. The consumer already paid amount of Rs.2 Lakhs on 16.1.2019 and other payment already received shall be verified which was already consider by Utility in final calculation of bill. In this case the premises is used as Commercial the occupant under lease agreement which presently available the assessment as per occupation list of under the lease agreement details required to be given to the consumer enable him to recover the charges and recovered from proper occupants at the reasonable period who occupy the premises during the period of assessment. I am inclined to allow the consumer complaint only of bifurcation of unit as per its connecting load & 1100 units per month and installment equal monthly for payment of arrears must be given to the consumer. Enabling him to financial loss hence I am inclined to allow the complaint partly as meter is tested and report found OK. No other benefit legally entitled by consumer, only recovery by installment as reduction of unit proportionate to 1100 units per month shall be recovered without any interest, DPC and penalty in 12 monthly installments alongwith current bills.

The time limit of 60 days prescribed for disposal of the grievance could not be adhered due to additional submission submitted by the Respondent Utility as per the directions given in the hearing at Forum.

Hence I proceed to pass the following order:

ORDER

1. Consumer Complaint of Case No.32 of 2019 is partly allowed.
2. Respondent Utility allows to recover the arrears of bill between months March-2017 to Aug.-2018, bifurcation of unit 1100 units per month. Assessing for 18 months units and do recover the bill in arrears after reduction of already paid amount by consumer, in twelve (12) equal monthly installments along with the current bill.

3. No penalty, interest & DPC shall be charged against the consumer as his no fall for less recovery of earlier bill from him.
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 31st July - 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~~

Sd/-

A.P.BHAVTHANKAR
CHAIRPERSON
CGRF: PZ:PUNE

Sd/-

BEENA SAVANT
MEMBER- SECRETARY
CGRF:PZ:PUNE