



Category LT-I Resid. single phase, connecting load 2.5 KW, Sanctioned load 2.5 KW. The above name consumer was using the said supply since the date of connection 8.9.1993 for his residential use. The consumer was not paying the regular bills. The consumer said that, he was received the bill and that amount was paid in the month of March -2017, accumulated bill issued by the Utility for amounting Rs.4460/- and for Nov. 2017 Rs.7100/- paid by the consumer. After receiving the said bill the consumer approached to Ex. Engineer & other higher authority and lodged his complaint stating that he is using the said supply and his use is very limited for his family himself and his daughter & units are seen as 100 units per month. The said accumulated bill was issued by the Utility calculating an average meter reading exorbitant and issued on dated 28.11.2018. After receiving the said bill the consumer approached to Addl. Ex. Engineer, Sub-division and lodged his complaint. Even then official of Utility did not listening and ask him to pay the said bill immediately. Thereafter the Utility was disconnected the supply for nonpayment of the said bill according to the consumer no legal notice under Section 56 (2) of Indian Electricity Act-2003 was issued to him nor it is served properly and supply was disconnected by using high handedly powers by the Utility and they also removed the electric meter without his permission, knowledge concept and therefore consumer approached to Ex. Engineer and lodged his complaint to take appropriate action of his official for the disciplinary action & placed the enquiry and also claim reconnection of supply and correction in the said bill.

After lodging this complaint the consumer was filed the copy of the bill for the month of Feb.2017 and Sept. -2017. It appears from the record that ,initially the consumer made his grievance in form No.-X and filed to Ex.Engineer, Office of the Sub/dn. then the complaint was wrongly posted to some other office and it was not received the IGRC for considerable long time even after 90 days & hence no complaint was solved which is made by the consumer. Therefore this consumer approached to this Forum on 4.6.2019 and lodged his complaint in Form No. - A. Thereafter this office has registered the complaint vide case No. 38/2019 and notice was issued to the

Respondent Utility on 7.6.2019 directing to the Utility to submit their reply on or before 20.6.2019.

1. After receiving the said notice the Respondent Utility appeared and filed the reply & also IGRC has given the explanation for not registered the case & it was said that it was wrongly diverted to CGRF but the Forum has not received the said letter & no any acknowledgement was submitted by the Licensee of IGRC alongwith copy of Inward/Outward registered bearing reference No.909 of zone office sent to CGRF on 18.3.2019 and the list of registered extract. The Respondent Utility was submitted that the consumer is using the said supply for residential purpose & during spot inspection report, it is noted that meter no. 9001568883 which was shown the reading as 11242 units in the month of Nov.2018. The reading recorded for the month of July 2015 was 4760 KWH and in the month of Nov.- 2018, the reading was 11242 KWH was shown & hence the difference of 6482 units was billed to the consumer for the period July-2015 to Nov.-2018 & therefore the consumer was charged amounting to Rs.34070/- for 41 months and the notice was issued to the consumer by letter dated 18.12.2018 directing him to pay the bill amounting to Rs.34,470/- within 15 days. As the consumer failed to pay the said bill as per directions of concern Office & thereafter the connection was disconnected and supply was temporary disconnected as per record. Thereafter the consumer was made complaint to the Ex. Engineer & various higher authorities for removal of meter illegally. After verification of record, the concern office said that, the consumer was not allowed to take the meter readings. The reading used of supply for considerable long time and the reading was remained RNA status for continuously. The Respondent Utility filed the copy of letter dtd. 21.6.2019 issued to this office by IGRC. According to the letter issued by the IGRC, it is reported that the matter is already discussed telephonically with this office and found the above said complaint was not received to IGRC and the explanation was forwarded to this office by IGRC when the matter was already subjudice in this office. Thereafter Respondent Utility was filed the copy of corrected bill and the consumer filed copy of the letter issued to various authorities alongwith dates addressing to

the various Utility Officials. Thereafter the Respondent Utility filed copy of CPL, copy of survey report, connecting load, sanctioned load and spot inspection report dtd.16.1.2018. The Respondent Utility was also filed the copy of meter testing report and all other relevant documents supporting to the case of Utility.

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

2. Whether accumulated bill issued by the Utility for amounting Rs.34070/- is legally valid and proper for the period July-2015 to Nov.2018 ?
3. Whether the consumer entitled for revised and reassess the bill as per connecting load and monthly average consumption assess by this Forum?
4. Whether consumer is entitled for any other relief?
5. What Order ?

Reasoning :-

I have given an opportunity to the consumer and his representative for hearing dated 9.7.2019. The dispute was heard in light of submission made by the consumer, it appears from the record that, the accumulated bill by the Utility issued to the consumer for July-2015 to Nov.-2018 calculating unit 6482 for 41 months amounting to Rs.34,070/-. Thereafter the record and complaint filed by the consumer and it appears that immediately after receiving the letter of the Utility it was demanding the accumulated bill. The consumer complaint to the Addl.E.E., Sub division & thereafter the consumer made complaint in Form No.-X and IGRC has not responding the same and hence consumer was directly approached to the CGRF in schedule " A" due to non-cognizance of complaint by IGRC within 60 days from the filing of the complaint at IGRC. The record which is filed by Utility that Inward Register and extract disclose that the said complaint was misplaced and diverted to wrong office which was not received the IGRC for considerable long time. In the meantime the supply of the consumer was disconnected and the

connection of the consumer was made P.D. as the consumer was not paid the bill.

This Forum assess the reason of RNA status for considerable long time of 41 months, the reason which is given by the Utility supporting by the letter issued by neighbors and other persons that, attitude of the consumer to meter reading officials are like as that he was prevented to entering the official authority/meter reader in his premises and therefore the actual reading of the meter which was never recorded properly. The consumer is justified in saying that the entire bill issued by the Utility is without actual photographs of the meter as the actual reading was not recorded of 41 months.

Therefore the consumer was obviously found a ground for raising the complaint for excessive and accumulated bill is not justified. The consumer made grievance that his use of the supply is minimum and the bill issued by the Utility is exorbitant calculating wrong units and also wrong assessment. Therefore the Utility was directed to visit the premises and verified the connecting load properly and accordingly on 16.01.2018, 28.6.2019 & 21.6.2019 and its relevant copies submitted by the Utility i.e. verified the premises and filed relevant report to this office. The actual consumption which was used by the consumer as per his connecting load & this unit touches to the figure of 170 to 180 units per month calculated and its actual usage is about 159 units per month as per the meter reading record. However the consumer was under bills and minimum assessment of bill 100 units which was charged during the period of 41 months. Therefore after receiving the said complaint the meter was tested in the laboratory and the meter was found OK and no any fault is detected. Therefore the actual unit consumption recorded on the meter was correct as compare to his connecting load & the report given by the Utility on dated 28.6.2019 is tallied.

The accumulated unit calculated for 41 months is verified by us, as the recent judgment of Bombay High Court full bench already decided the period of calculating the arrears of the bill is not claimed earlier not exceeded 24 months. And therefore the Utility is absolutely wrong and illegal in claiming

arrears of the bill for 41 months for the period in between July-2015 to Nov.2018. Therefore the accumulated bill calculated for the period of 41 months is against the statute provision of the Indian Electricity Act. I have verified the assessment which was submitted the report as per connecting load, the unit should have been assessed 178 units per month but actual consumption of the consumer was 159 units per month and therefore the contention of the consumer seems to be proper and therefore the assessment report which is verified by this Forum found OK. The utility required to assess the bill unit charged restricted to 24 months earlier from the date of inspection i.e. Jan.2018 considering the monthly consumption actual used by the consumer is 159 units per month. As such the consumer complaint which was unattended without fault of the consumer no interest, DPC and penalty shall be charged against the consumer for recovery of the said bill.

I found that, the proper installment should have been granted to the consumer for recovery of 24 months assessment units bill considering 159 units p.m. The arrears bill of the consumer should be allowed to pay in 8 equal monthly installments alongwith current bill. In considering over all attitude of the Utility to look after this case I found the consumer being a senior citizen unnecessarily and mentally pressurize by exorbitant bill which is absolutely illegal. Therefore consumer is entitled for compensation penalty Rs.1000/- which can be adjusted in the bill. I found there is substance and raise the dispute of exorbitant and excess bill accumulated bill issued in the month of Nov. 2018 which is liable to be set aside. The Respondent Utility directed to revised and reassess the bill as per the directions given earlier para in this judgment. Therefore I am inclined to grant relief to the consumer and allow his complaint.

The time limit of 60 days prescribed for disposal of the grievance could not be adhered due to submission of both the parties made during the instructions given at the time of hearing by the Forum.

I proceed to pass the following order:

**ORDER**

1. The consumer complaint of Case No.38 of 2019 is partly allowed.
2. The accumulated bill issued in the month of Nov.-2018 for amounting Rs.34,470/- is illegal stands set aside.
3. The Utility shall calculate and reassess the bill considering 159 units per month for previous 24 months only from the date of inspection i.e. 16.1.2018 and the said bill shall be recovered within 8 equal monthly installments alongwith current bill.
4. No interest & DPC shall be payable by the consumer.
5. The Utility shall pay the cost towards compensation of Rs.1000/- to the consumer which can be adjusted in the recovery of the bill accordingly.
6. No order as to the cost.
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 21<sup>st</sup> Aug. - 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