



accumulated bill claiming arrears of 75 months for amounting to Rs. 2,06,512/-. According to the consumer he was obtained the information under Right of Information Act by application dt. 14.02.2019 alleging that he was received the bills with mentioning meter No. 176800001154 since the date of connection, the reading was recorded Zero and accordingly till Nov.2018 he was received the zero consumption bill. Therefore he has made complaint to Chakan Sub/dn. & Rajgurunagar Division mentioning the details for wrong bill. After receiving the said application Chakan S/dn. official has visited the spot inspection and inspected the premises on 13.02.2019. They found that the meter is working properly but the meter no., mentioned on the bill is wrong. The official had also checked the average consumption of the said power supply of 10 HP for the purpose of running business at M/s. Suraj Enterprises on the given address. Accordingly the Respondent Utility has calculated the bill for 24 months as per the calculation on average basis and as per his connected load.

After receiving the consolidated bill for 75 months for amounting Rs.2,06,512/- in the month of Dec.-2018. The consumer was approached to the Respondent Utility and filed the complaint of receiving wrong bill & thereafter disconnection made of the said premises. According to the consumer the meter was removed from the shop & the shop is closed for last 4 years and he was paying the meter rent as per the bill upto June-2018. The consumer has requested to correct the bill and reissue corrected bill as per meter installed in the premises properly. The meter no. on the energy bill is 70000143 on 15.02.2018, but meter No. is 03227136 printed on energy bill on record as on 5.2.2019 & actual meter No. 5434215 is on site as per spot inspection report. The consumer has approached to IGRC and made application dated 15.02.2019. After receiving the application to IGRC Form No.-X & IGRC has registered the case No.06/2019 and on 20.3.2019 opportunity was given to the consumer and the Respondent Utility to heard the case. On dated 5.4.2019, IGRC has passed the order directing the Utility to investigate the matter as continuously long back bill zero consumption bill was issued and the meter no. is mismatch. The IGRC also directed to Utility

that to check the replacement of the meter and correct the record & also check initial reading of the meter at the time of meter replacement if the meter is replaced. It was also directed that to provide all relevant documents to the consumer. The IGRC has also directed to issue the bill as per units corrected bill & units calculated on or before 5.2.2019 considering actual Initial Reading of the meter & previous billed units applicable.

After receiving the said order from IGRC the consumer was not given benefits properly. Therefore consumer was approached to the Forum and filed application in Form No.- A on dated 20.5.2019. After filing the said application this office has registered the case No.34 of 2019.

The office has issued the notice to the Respondent Utility on dated 22.5.2019, directing Utility to submit the point wise reply. After receiving the said notice, the Respondent Utility appeared and filed the reply alongwith copy of CPL which is available to the office. The Respondent Utility has also filed the copy of verification report, meter testing report, relevant information. According to the Utility the meter no. mentioned in the bill was wrongly recorded and zero units bills were issued to the consumer for a long period. The total units found 31717 in the month of Dec.-2018 & this total units period from 12.10.2012 to Dec.2018 i.e. total for 75 months. The copy of MRI data, inspection of meter, load survey report are enclosed by Respondent Utility. The Respondent Utility has filed copy of MRI report and submitted that the meter reading was not recorded since 12.10.2012 and consumer was received his bill at zero units. According to the Utility, there is a loss of revenue because of zero consumption units & bill is issued to the consumer. Accordingly the meter was checked and data was verifying and average consumption unit bill was prepared and issued to the consumer as per recorded units 31717 for amounting to Rs. Rs.2,06,512/-. The consumer has not deposited the said corrected bill & the supply of the consumer was disconnected.

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:-

1. Whether accumulated bill issued for 75 months issued by the Utility for amounting to Rs. Rs.2,06,512 is legal valid and proper ?
2. Whether the consumer is entitled for revised and reissued the bill correctly, if yes for what period as per final order?
3. What Order ?

Reasoning :-

I have given the opportunity to the consumer as well as the official of Respondent Utility Chakan Sub/dn. It appears from the record that the consumer was receiving zero consumption unit continuously for a long period i.e. since 2012 to 2018 period. The reading of actual meter reading was not recorded during that period. According to the consumer since June-2014 the shop premises was closed. Due to non payment of bill, consumers supply was disconnected on 22.02.2019. The copy of the CPL provided by the utility & its consumption pattern were checked alongwith various methods such as the average usage calculation, connecting load pattern etc. and hence these methods were utilized for the period 2012 to Feb.2019 for confirmation.

After perusing the said calculation of bill if prima facie it appears that the accumulated bill is more than 24 months assessed and claimed by the Utility which is illegal and cannot sustain as per Regulations Provision 56 (2) of Indian Electricity Act. In view of the recent full bench decision referred in this court and the Utility cannot be claimed continuous bill of 24 months period from the date of detection. Therefore accumulated bill issued to the consumer is illegal and cannot be sustained.

It is pertaining to note that during the first hearing of consumer & the Respondent Utility, the Utility was directed to calculate the bill as per there calculation from Jan.2017 to Dec.2018 for 24 months. Accordingly the bill is calculated by the Respondent Utility & informed to the Forum by letter dated 6.7.2019 & amounting to Rs. 86,075/- . The bill for 24 months was revised and issued to the consumer. The consumer was directed by Interim Order to pay the bill in equal monthly installment and after receiving the first installment the supply was directed to be restored. Accordingly the consumer deposited

the installment at appropriate time, therefore the supply of the premises was restored.

Coming to the dispute again the various report, MRI report and calculation formula, & revised bill was verified by this Forum. It appears that in view of Section 56 (2) the Respondent Utility is entitled to charge and reassess the bill only for 2 years from the date of detection of error and accordingly the consumer was deposited the installment alongwith reconnection charges and other necessary charges recovered by the Utility., In this circumstances it appears that the demand initially raised by the Respondent Utility is revised and reassess bill more than 24 months calculated. The revised bill liable to be set aside. This circumstances this Forum has give direction to the Higher Official for proper enquiry against query of the consumer and fixed the responsibility for loss of revenue due to issue zero units bill from Jan.2017 to Dec.2018 and take appropriate action. The consumer is entitled to pay the revised bill in equal monthly installment which is revised and calculated without charging any interest, DPC & penalty.

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

Hence I am inclined to allow the consumer complaint & proceed to passed following order.

### **ORDER**

1. The consumer complaint of 34/2019 is partly allowed.
2. The accumulated bill for 75 months issued by the Utility to the consumer is illegal stands set aside.
3. The Respondent Utility is entitled to recover and reassess and revised the bill for only 24 months from the date of inspection for amounting Rs.86075/- in 8 equal monthly installments.
4. The Respondent Utility shall not charge interest & DPC & penalty against the bill for the consumer.

5. The Respondent Utility shall pay the cost of Rs.1000/- can be adjusted in future bill towards compensation to the consumer.
6. 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 09<sup>th</sup> Sept. - 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/-

ANIL JOSHI  
MEMBER  
CGRF:PZ: PUNE

sd/-

A.P.BHAVTHANKAR  
CHAIRPERSON  
CGRF: PZ:PUNE

I agree / ~~Disagree~~

sd/-

BEENA SAVANT  
MEMBER- SECRETARY  
CGRF:PZ:PUNE