

for Stone Crusher purpose since date of connection 08.01.2008. According to the consumer the Respondent Utility issued bill for amounting to Rs. 6,03,810/- which is not acceptable by the consumer for 15 months period. The consumer was also given facility to paid the said bill in installments but he was ready to pay the amount of Rs.1,90,000/- only against the total amount of Rs.6,03,810/-.

Due to nonpayment of the said bill, the connection of the consumer was disconnected on 21.6.2017 & at that time arrears was shown Rs.2,25,480/- . Again after disconnection, the said consumer was demanded for reconnection and hence he had paid amount of Rs.99,480/- on 11.09.2017 considering the deduction of Rs.1,26,000/- as Security Deposit. As the connection was made PD & consumers demand period was within 6 months period & hence made live of the said connection after completing the formalities. Due to some technical problem in IT, the consumer was not made live through the system but physically it was live at site. Due to this problem the reading was not available and it remains unbilled and the consumer was not received the bill for next 12 months. Therefore the MSEDCL has issued the bill of 37900 units for amounting to Rs. 6,03,810/- for 15 months period & directing to the consumer for pay the bill in installments.

The consumer has initially filed the said dispute with stating the fact that the Stone Crusher which was used from the date of connection and the agreement was terminated on 30.6.2017 and the Stone crusher work was stopped since 31.05.2017. As the Royalty amount was deposited in Relevant Office and the re-measurement between 2 measurements of the material was calculated and the difference of 907 brass amount was deposited by consumer and its amounting to Rs.3,32,400/-. The consumer further stated that the electricity bill was not issued for 15 months period & Tahsildar stated that, 1 HP connection shall be released only. The arrears bill which was not paid during that period and hence the connection was disconnected. And thereafter since May-2017 the Collector has issued the order to stop the Stone Crusher & electricity supply shall be given for 1 HP only and therefore the connection was stopped.

Thereafter again the consumer entered into an agreement since June-2017 and demanded connection for connecting load 1 HP connection was provided for running water pumping motor. On his application 1 HP connection was provided for running water pump usages at the consumer site. Thereafter the consumer requested for reconnection after settling earlier dispute and depositing earlier bill on 11.09.2017 and requested for reconnection of the supply but the new electricity meter was not available and therefore the supply was restored by installing old meter which has no display problem. Thereafter the consumer again made application on 25.9.2018 and stated that the bill issued as per 1 HP connection for the period 26.9.2017 to 25.3.2018 as per permission granted of Tahasildar for water usage only. The connection was given to the consumer for running 1 HP motor for supply for running water pump on 26.9.2017, the consumer requested for regular supply. It further appear from the record that the consumer made grievance on 27.02.2019 and requested for reconnection of supply at the site when the bill of Rs.6,03,810/- was issued by the Utility. The consumer ready to deposit the adjustment of Security Deposit amount of Rs. 1,26,000/- and paid arrears of Rs.99,480/- on 11.09.2017 & ask for reconnection of supply. Accordingly he gave consent for Rs.1,38,000/- instead of Rs.6,03,810/- on 21.2.2019 but the dispute was not solved and therefore the consumer made grievance made initially before IGRC on 27.02.2019. The IGRC registered the case vide Case No.T-4/2019 on filing the said case before IGRC issued notice to the Respondent Utility and the Utility filed the reply that the consumer premises Kanifnath Stone Udyog connection was made PD showing arrears of Rs.2,25,480/- and the connection was made PD due to arrears of the consumer. The bill arrears paid by the consumer amounting to Rs. 99,480/- vide Receipt No.9195777 on 11.09.2017 by deduction of SecurityDeposit amount of Rs. 1,26,000/-& connection was demanded by consumer which was made PD within the period of 6 months therefore the said connection was reconnected. The new meter was not available & hence No display i.e. old meter was installed since 19.09.2017 due to some technical problem. The current reading of the consumer was not recorded in the

system, as well as it was not live through the system & therefore consumer was not getting electricity bill till 31.08.2018. No complaint was submitted during the said period by consumer nor was the bill paid on 31.8.2018. The Section officer Charholi Sub/dn. made spot inspection but due to non-availability of meter readings he has submitted report of consumption showing connecting load and the previous month consumption shown in the bill previously calculated & unit monthly consumption 6500 units total consumption was calculated for 15 months 97500 unit for 15 months period and the bill was issued Rs. 10,41,780/- which is not accepted by consumer therefore the consumer filed the grievance as the connection was used for Stone Crusher and average consumption of previous period calculated & as per spot inspection report. The Section officer corrected the bill & corrected unit comes to 39,000 units for 15 months and the bill is issued Rs. 6,03,810/- which was not paid by the consumer on dated 09.04.2019. The IGRC gave opportunity of hearing & on dated 25.04.2019, the IGRC passed order against the consumer stating that bill issued of Rs.6,03,810/- issued by Addl. Ex. Engr. Bhosari Sub/dn. to the consumer is legal valid and proper.

And consumer should pay the said bill in installments. Being dissatisfied with the order of IGRC the present consumer filed grievance before this Forum in Form No.- A on 24.5.2019 & after filing the said complaint this office has issued the notice to the Respondent Utility on 27.5.2019 directing to file reply on or before 10.6.2019. After receiving the notice the Respondent Utility filed reply on 07.06.2019 giving all the facts as earlier stated in IGRC proceedings and finalize the bill Rs. 6,03,810/- for average monthly consumption unit during the last year 37900 unit for 15 months was calculated rightly. The Respondent Utility also filed site verification report dated 5.2.2019 alongwith other detail correspondence made by consumer with the Respondent Utility office on 21.06.2019 & other relevant details. Thereafter the matter was heard by this Forum on dated 25.06.2019. It appears after the representation of the consumer and the Respondent Utility that the connection which was given for Stone Crusher in the category of LT-V, Industrial and directions was given to the Utility to

verify and made analysis of the said meter in laboratory. The Utility was also directed to try for MRI data retrieval for the disputed period. But subsequently the report is filed by Utility informing analysis report that the display of the said meter having some problem and the opinion was filed to refer the said meter for manufacturer opinion thereafter the said meter was sent for data retrieval MRI and for testing report to the manufacturer but till the hearing and passing this order by end of this month no such report is received. The letter is filed by consumer informing that since last 6 months he is unable to work due to no connection supply at the premises and resolve the same dispute.

The direction was given at the hearing on 25.07.2017 to calculate the average monthly consumption unit as per connecting load and reassessment of the bill. The Respondent Utility submitted report on 08.07.2019 and informed to the Forum that monthly consumption average calculated since Oct.-2017 to Jan.2019 for 38400 units for amounting to Rs.6,03,810/-. The assessment was made and consumer was given the bill accordingly the report 12 month average pattern was also assessed by the Utility which was give per month units comes to 5051 units which was taken into consideration.

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 points reason given below:-

1. Whether accumulated 12 month consumption for 38400 unit for 15 months assessment amounting to Rs.6,03,810/- is legal valid and proper?
2. Whether the consumer is entitled for average monthly consumption unit & as per connecting load pattern?
3. Whether the consumer is entitled for paid the said bill by installment?
4. What Order?

Reasoning:-

I have given the opportunity of hearing to the consumer and the Respondent Utility on 25.06.2019 & the assessment and analysis report

prepared & filed by the Utility is also perused by this Forum. This is a case of no display meter & hence reading not taken & new meter installation not done due to non-availability of meter in the stock and the consumer gets average consumption monthly bill which is accumulated. It is admitted fact that the period of disconnection is within than 6 months, therefore as per Regulations the consumer is entitled to reconnect the supply as his earlier connection was made PD within 6 months and therefore the supply of the consumer was reconnected after payment of arrears.

It is brought to the notice of this Forum that the consumer was agreed to adjust the security deposit and paid arrears amount of Rs.99,480/- on 11.09.2017. The consumer was live on site but actually it was not live through IT system & hence not getting the monthly electricity bills to the consumer. The consumer was live after PD but old meter having No display meter was again installed to the consumer. And Licensee has showing assessment of 37,900 units for 15 months period, which is amounting to Rs.6,03,810/- if further appears that the consumer was agree to pay the said bill in installment but since the grievance is filed before this Forum and all reasonable method and calculation was adopted to feet in the circumstances. The consumer show that the monthly consumption was assessed the final instruction given by this Forum the period Oct.2017 to Jan.2019 & the assessment of monthly consumption calculated 5051.4 units per month calculation should have been done by the Utility for 15 months period. and the bill recovery as stood within 24 months from the date of dispute pending earlier is within stipulated time of 24 month. To my view the Respondent Utility can recovered the arrears of the bill of re assessment of 5501.4 units monthly consumption should have been assessed for 15 months and the amount should be paid by the consumer in 6 equal monthly installments without charging any interest, DPC and penalty. After depositing the first installment and relevant charges & as per Rules & Regulations the supply shall be restored at the consumer premises as desired by the consumer for running Stone Crusher. The contention of the consumer raising other dispute not entertained by this Forum as no detailed analysis report of MRI available.

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

Hence I am inclined dissolved the issue accordingly and proceed to pass following order.

ORDER

1. The consumer complaint of 36/2019 is partly allowed.
2. The Respondent Utility shall recover the arrears of bill by calculating the monthly consumption units 5051 for 15 months period from Oct.2017 to Jan.-2019.
3. The consumer shall pay the said bill in 6 equal monthly installments.
4. The Respondent Utility shall not charge Interest, DPC & penalty to the consumer. The reconnection charges should be recovered alongwith deposit as per MSEDCL Rules & Regulations. The new meter shall be provided immediately after depositing the first installment.
5. No other charges shall be applicable to the consumer
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 13th 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

I agree / ~~Disagree~~

Sd/-
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MEMBER
CGRF:PZ: PUNE

Sd/-
A.P.BHAVTHANKAR
CHAIRPERSON
CGRF: PZ:PUNE

Sd/-
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