

**CONSUMER GRIEVANCE REDRESAL FOURM
MAHARASHTRA STATE DISTRIBUTION COMPANY LTD**

Ph. No. 25664314
25664316

Consumer Grievance Redresal Forum
"Vidyut Bhavan", Gr. Floor,
L.B.S. Marg, Bhandup (W),
MUMBAI - 400 078.□

REF.NO. Secretary/CGRF/MSDCL/BNDUZ/Case No. 138/

Date

To

M/s. Shiv Shakti Enterprises,
1, Saipooja Industrial Estate,
Lake Road, Tulshetpada, Bhandup,
MUMBAI – 400 078.

SUB : Registration of your grievances dtd. 03/08/2007.

Dear Sir,

The grievance submitted by you is registered to this Forum vide Sr. No. 138, dtd. 03/08/2007 & hearing date is fixed on 22/08/2007 at 02.30 hrs. at the office of the Consumer Grievance Redressal Forum, Vidyut, Ground Floor, LBS Marg, Bhandup, Mumbai -78.

Therefore, it is requested to attend the hearing on the above date alongwith documents in support of your grievance. In case of failure to attend the hearing on the above date, this Forum shall decide the Grievance Ex-parte on merit, which may please be noted.

Thanking you,

Yours faithfully

**SECRETARY
CGRF, MSEDCL,
BHANDUP**

c.f.w.cs. to :

1. **The Executive Engineer (Office) i.e. Nodal Officer,**
C.G.I.R.C., Office of the Suptd. Engr.,
O&M Circle, **Thane**
2. **The Executive Engineer,**
O&M Divn., MSEDCL.,
Bhandup.

-- He is requested to attend the hearing on the above date alongwith the concerned authority & the details of report related with the grievance of the consumer.

**CONSUMER GRIEVANCE REDRESAL FOURM
MAHARASHTRA STATE DISTRIBUTION COMPANY LTD**

Ph. No. 25624315
25624316
25624322

Consumer Grievance Redresal Forum
"Vidyut Bhavan", Gr. Floor,
L.B.S. Marg, Bhandup (W),
MUMBAI - 400 078.□

REF.NO. Secretary/CGRF/MSDCL/BNDUZ/Case No. 138/

Date

To

The Nodal Officer & Executive Engineer (Office)
Consumer Grievance Internal Redressal Unit,
Office of the Superintending Engineer,
MSEDCL., THANE.

SUB : Submission of point wise compliance
in respect of case No. 138.

As per MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulation 2006 vide clause No. 6.12, the copy of grievance registered at Sr. No. 138 is being forwarded to your office for submission of issue wise compliance. The hearing date of the case is fixed on dated 22/08/2007 at 02.30 hrs. However, the Nodal Officer shall act as the co-ordinator for filing the reply, making submission, providing issue wise comments on the grievance, submitting compliance status / reports etc. Therefore it is requested to submit point wise compliance to this Forum in respect of the case in consultation with concerned authority within 15 days from the date of issue of this letter or one week before the date of hearing which ever is earlier.

The copy of compliance should also be provided by you to the consumer before hearing.

**SECRETARY
CGRF, MSEDCL,
BHANDUP**

c.f.w.cs. to :

The Executive Engineer, O&M Dn. MSEDCL, Bhandup.

-- for needful action for submission of issue wise compliance & at attend the hearing along all the relevant documents related with the grievance.

CONSUMER GRIEVANCE REDRESAL FOURM MAHARASHTRA STATE DISTRIBUTION COMPANY LTD

Ph. No. 25624315
25624316
25624322

Consumer Grievance Redresal Forum
"Vidyut Bhavan", Gr. Floor,
L.B.S. Marg, Bhandup (W),
MUMBAI - 400 078□

REF.NO. Secretary/CGRF/MSDCL/BNDUZ/Case No.138/

Date :

To

The Nodal Officer & Executive Engineer (Office)
Consumer Grievance Internal Redressal Unit,
Office of the Superintending Engineer,
O & M Circle, MSEDCL., THANE.

SUB: Hearing for issue of Interim Order under Threat of
disconnection of supply in respect of case No. 138.

Consumer has put up his grievance with this Forum for issue of supplementary bill of Rs. 9.00 lacs to M/s. Green World Magnum Enterprises for no reasons associated with it, as claim made is doubtful and needs third party inspection to clarify the said matter. Also his supply was disconnected two times without following the provisions of Act 2003 & the Regulation.

In view of the above, urgent hearing is fixed on 02/01/2007 at 15.00 hrs. at the office of the CGRF, Bhandup and opportunity is being provided to you to attend the hearing to clarify your side.

**SECRETARY
CGRF, MSEDCL,
BHANDUP**

c.f.w.cs. to

The Executive Engineer, O&M Divn., M.S.E. D.C.L., Mulund.

- He is requested to attend the hearing with all the relevant documents on the above date.

Copy to :

M/s. Green World Magnum Enterprises,

Shop No. 8, Sagar Garden,

Mulund (W), MUMBAI – 80.

- He is requested to attend the hearing.

**Consumer Grievance Redressal Forum
Maharashtra State Electricity Distribution Co. Ltd.
Bhandup Urban Zone, Bhandup**

Ref. No. Secretary/MSEDCL/CGRF/BNDUZ/

Date :

Case No. 138

Hearing Dt. 23/08/2007 & 07/09/2007

In the matter of bill revision

M/s. Shiv Shakti Enterprises

- Applicant

/

Vs.

MSEDCL, Bhandup

- Respondent

Present during the hearing

A - On the behalf of CGRF, Bhandup

- 1) Shri S.L. Kulkarni, Chairman, CGRF, Bhandup.
- 2) Shri S.B. Wahane, Member Secretary, CGRF, Bhandup.
- 3) Mrs. Manik P. Datar, Member, CGRF, Bhandup.

B - On the behalf of Appellant

- 1) Shri Ravi Anand, Consumer representative.
- 2) Shri G.B. Singh, Consumer representative
- 3) Shri H.V. Singh, Consumer

C - On the behalf of Respondent

- 1) Shri V.R. Nalwade, Dy. E.E., MSEDCL, Bhandup.
- 2) Shri R.S. Shinde, MSEDCL, Bhandup.

The consumer registered his grievance with this Forum on 3rd August 2007 vide case No. 138. The hearing date was fixed on 23/08/2007 at 02.30 PM. But the consumer approached this Forum on 13/08/2007 for interim order for stay on disconnection of electric supply till correct bill was issued. On hearing the case on the same day Forum asked him to submit his written prayer to issue an interim order. Unfortunately the supply of said consumer was disconnected on 14/08/2007 before Forum could issue appropriate orders. Forum decided to issue an oral interim order for reconnection of supply on 14/08/2007. The order was to pay 50% of the amount of the provisional bill to reconnect the electric supply. The consumer agreed to pay this amount. When consumer approached Dy. Executive Engineer of concerned division, he refused to accept the part payment. As consumer was not able to pay the entire 50% amount as per the order of Forum. Hence consumer rushed to Executive Engineer of O&M Division, Bhandup to explain his grievance. On humanitarian ground Executive Engineer of Bhandup division accepted the cash amount of Rs. 1,25,000/- requesting him to pay the balance of 50% amount before the hearing date i.e. 23/08/2007 (before C.G.R.F. Bhandup).

Consumer's say submitted during the hearing on 23/08/2007 :

- 1) Consumer directly approached this Forum as there was a threat of disconnection of electric supply. Consumer requested the Forum to issue an interim order for stay on disconnection till the correct bill was issued.
- 2) Though the meter was in working condition, utility issued him the energy bills on average basis for abnormal long period of seven months.
- 3) As utility was issuing him the bills on lower side for an abnormal period, it is but natural that he would receive an exorbitant bill after receiving actual reading recorded by the meter. In this case, he received the bill of Rs. 2,91,260/-, which he was unable to pay in the prescribed period.
- 4) In this case, utility did not serve 15 days notice to the consumer before the disconnection of supply as per provisions of E.A. 2003.

5) The notice dated 21/07/2007, which was issued by the utility, was not even having outward number, hence it was not considered as notice. The expiry date of the notice was 05/08/2007. Utility did not disconnect the consumer's supply immediately on expiry date of notice, but did so on 14/08/2007. The consumer wondered if this delayed disconnection was valid action on the part of utility and whether it was mandatory for them to atleast give 24 hrs. fresh notice to the consumer before disconnecting the supply.

6) The consumer further adds that as the case was pending before CGRF (date of hearing was fixed on 23/08/2007). Utility cannot disconnect the supply of the consumer till pendency of the case. But in this case supply was disconnected on 14/08/2007, which indicates that the utility over ruled the order of the Forum.

7) Neither the Nodal Officer nor the Executive Engineer was present for the first hearing before CGRF. Had Executive Engineer given an application to the Forum for remaining absent?

8) As per the directions of the Forum, point wise compliance should be issued atleast 4 to 5 days before hearing. The consumer got the utility's compliance on 22/08/2007 in the evening, which shows that the officials from the utility are not complying the orders of the Forum.

9) The point wise compliance given by utility was not point wise. It was false, illegal and an eyewash of the Forum.

10) What is the meaning of over flow status of reading of the meter?

11) Though the meter of the consumer was working properly and the consumer did not give any application for complaint about meter working why was it changed?

12) Despite replacement of the meter done in Oct-2006, consumer continued to receive bill on average basis. The replacement of meter was not fed to the computer for seven months. As per provisions of S.O.P., it should have been

accurate from 3rd billing cycle. As S.O.P. was not maintained by utility, compensation should be awarded to the consumer for wrong billing.

13) Utility did not provide replacement slip of old for new meter which indicates readings of new and old meter, with meter numbers and reason for replacement.

14) Single phase meter was made P.D. and removed on 03/05/2006. But the reading of that meter was shown on average basis in CPL till Nov-2006.

15) Utility levied bill adjustment charges in the month of May – 2007, which was unjust, as there was no fault of consumer.

16) To support his say, the consumer referred to the General Commercial Circulars No. 37, 42 & 50 issued by MSEDCL on 29/04/2006, 06/06/2006 & 22/08/2006 respectively. The consumer reiterated that the action should be taken against utility as per their own circulars, which make obligatory for field officials to issue bills on actual meter readings and not on average readings.

17) The consumer further alleged that his supply was reconnected without collecting the reconnection charges by which utility officials want to show that the supply was never disconnected.

SAY OF THE UTILITY :

Point wise compliance issued by utility on 22/08/2007

1) M/s. Shivshakti Enterprises having meter No. 992047 was billed as per reading (2325 units) upto the month of September 2006.

2) The meter No. 992047 was replaced on 29/09/2006. The final reading on that meter was 16456 units and new meter No. 703061 was installed with initial reading of 0000009 units.

3) From October – 2006 to April – 2007, bills were issued to the consumer on average basis with 2707 units per month due to meter change status.

4) Meter replacement entry was taken by I.T. section in the month of May – 2007 and bill was issued to the consumer as per actual reading as below :
14131 units per old meter (16456 – 2325) + 63919 (63928 – 9) = 78050 and average bills previously charged were refunded.

Additional point wise compliance issued by utility on 01/09/2007 for case No. 138 is as follows:

1) Nodal Officer is always obeying the order of the Hon. Forum. But due to some unavoidable circumstances he could not be able to attend the case. He went to Palghar Court to attend official Court case.

2) As per utility's view compliance statement was correct prior to September – 2006. Consumer was billed on average basis in the month of September – 2006, he was billed as per actual recorded reading by refunding previous average bills.

3) Over flow means the recycling of the meter reading for example – if meter is having 5 digit, after completing the readings upto 99999, it again starts from 00001 and it calls over flow. This has not harmed consumer's billing since this mechanical error is corrected immediately.

4) The meter of the said consumer was working properly but as per the Hon. MERC order; it was decided to replace the old electro magnetic meters by electronic meter. This change was made in respect of all the consumers.

5) From the month of Oct – 2006 to April – 2007 consumer was billed on average basis as the new meter replacement report was not fed. But in the month of May – 2007, consumer was billed as per actual recorded reading by refunding previous average bill for 78050 units. Details of 78050 units were as follows :

| A) <i>For old meter No. 992047</i> | | | |
|--|-------------|---|---------------------------------|
| Reading | 2325 | 16456 | 14131 units |
| | Sept - 2006 | Final reading of old meter during replacement in October. | Shown in the month of May-2007. |
| B) <i>For new meter intial reading - 9</i> | | | |
| Units recorded from Oct – 2006 to May – 2007 = 63919 – 9 = 63919 | | | |
| A + B = 14131 + 63919 = 78050 Units. | | | |

6) Generally utility provides replacement slips to the consumer with final and initial reading. But during the month of Sept – Oct – 2006 meters were replaced in mass scale, hence it was not confirmed that whether the replacement slip was given to the consumer or not. Generally meters are replaced in the presence of the consumer.

7) Single phase meter was removed on 03/05/2006 but the average bills were issued to the consumer upto Nov-2006. Utility admitted the mistake and agreed to revise the bill accordingly and credit adjustment will be given in subsequent monthly bill.

8) Utility further stated that they served the 15 days notice and it was not necessary to issue second notice to recover old bill arrears else to disconnect the supply in case of consumer's failure to pay the arrears.

OBSERVATIONS

1) The Forum instructed the utility officials to reconnect the energy supply of the consumer after receipt of 50% bill arrears.

2) During the period bill were issued with inaccessible and no meter status. However, the utility issued necessary corrected bill in the month of Sept-2006 and resolved the grievance of the consumer.

3) In October – 2006 electro magnetic meter was replaced by static meter on 29/09/2006. However, the utility officials concerned did not take due cognizance

of replacement. As per record submitted by the utility, the meter replacement report was submitted on 16/05/2007, i.e. late by about 8 months. During this period the consumer continued to get average bills on lower side compared to his actual consumption. The consumer brought this position to utility's office with a written complaint letter dtd. 22/11/2006. The utility continued to ignore it and finally woke up in the monthly energy bill of May – 2007 by sending him the energy bill of correct meter reading and also taking cognizance of final reading of replaced meter. As latest bill of May – 2007 was of 78050 units (i.e. 14131 of old meter + 63919 of new meter) this consumption was of accumulated units of 8 months. Although utility sent to him the correct bill, it charged delayed payment charges (DPC) and interest. The consumer has objected to this on the plea that he was all the while pointing out to the utility not to issue average bills. This plea appears to be quite justifiable and utility will have to waive the extra charges. The utility will have to fix up the responsibility against the concerned officials over the gross negligence in this behalf.

4) The applicant has further submitted that before disconnection of his energy supply he was not given 15 days mandatory prior notice by utility officials. However, from the record produced by utility officials it is seen that the consumer was actually served mandatory notice on 23/07/2007 with IT outwarded number 161. Surprisingly copy of this communication (notice) has also been produced by the consumer to the Forum.

5) The consumer has pointed out that he had complained to CGRF on 4th August 2007 about average billing and possibility of disconnection. However, pending his application to CGRF the utility had disconnected his supply. On perusal of CGRF record, it is revealed that the consumer had pointed out to the CGRF his grievance of average billing, which was registered on 04/08/2007. However, he had not made any specific request for any interim order for possible disconnection. The CGRF had fixed up hearing of his case on 23/08/2007. In the absence of interim order the utility's officials disconnected his supply on 14/08/2007 at 11.00 a.m. The consumer approached the Forum on 14th August 2007 for reconnection of his disconnected supply. The Member Secretary and Member of the Forum in the absence of the Chairperson gave oral orders of reconnection of disconnected supply (disconnection on 14/08/2007 at 11.00 a.m.)

on the condition of making 50% payment of bill arrears. The case has been heard on 23/08/2007 and 07/09/2007.

6) The consumer's electro magnetic meter was changed to static meter as per policy of utility to change such meter of all the consumers.

7) The consumer wants suitable number of installments to make payment of arrears of bill amount.

8) Consumer has pointed out that the billing of single-phase meter even after P.D. the period for billing was May-06 to Nov-06. The utility also consider the mistake and ready to withdraw the excess billing done.

ORDER

1) As observed above the consumer was negligently being issued energy bills for average consumption although the meter was in working condition. The consumer had been charged DPC + interest for the bills which were not given to him in time such charges i.e. DPC + interest should be waived.

2) For the arrears to be recovered from the consumer, the utility should grant him 5 installments with regular bills.

3) Utility should be withdrawn the excess billing done for the single-phase connection (which was P.D. on 03/05/2006) for the period May-06 to Nov-06.

4) These actions should be completed within one month from the date of these orders and compliance reported to the Forum.

5) The utility should fix up the responsibility on the officials and staff concerned who had failed to take timely cognizance of consumer's report.

The order is issued under the seal of consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 28th of September 2007.

Note : 1) If Consumer is not satisfied with the decision, he may go in appeal 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 go in appeal before the Hon. High Court within 60 days from receipt of the order.

MRS. M.P. DATAR
MEMBER
CGRF, BHANDUP

S.B. WAHANE
MEMBER SECRETARY
CGRF, BHANDUP

S.L. KULKARNI
CHAIRMAN
CGRF, BHANDUP

**CONSUMER GRIEVANCE REDRESAL FOURM
MAHARASHTRA STATE DISTRIBUTION COMPANY LTD**

Ph. No. 25624315
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Consumer Grievance Redresal Forum
"Vidyut Bhavan", Gr. Floor,
L.B.S. Marg, Bhandup (W),
MUMBAI - 400 078

REF.NO. Secretary/CGRF/MSDCL/BNDUZ/Case No. 138/

Date :

To

M/s. Shiv Shakti Enterprises,
1, Saipooja Industrial Estate,
Lake Road, Tulshetpada, Bhandup,
MUMBAI – 400 078.

SUB : Decision issued in respect of case No. 138.

Dear Sir,

In response to the grievance put up by you with the Forum vide case No. 138 dt. 03/08/2007 hearing is completed on dated 07/09/2007 & the order passed on vide this office order No. 00169 dtd. 28/09/2007 is enclosed herewith for your information please.

Thanking you,

Yours faithfully

Encl : As above

SECRETARY
CGRF, MSEDCL,
BHANDUP

-2-

-2-

c.s.w.r. to :

- 1) Chief Engineer (L.M.),
M.S.E.D.C.Ltd., H.O.,
Prakashgad, Bandra (E),
MUMBAI – 400 051.
- 2) The Chief Engineer, MSEDCL, BNDUZ, Bhandup.

Copy f.w.cs. to :

1. The Executive Engineer (Office) & Nodal Officer,
Consumer Grievance Internal Redressal Cell,
Office of the Superintending Engineer,
O&M Circle, MSEDCL, Thane.
2. The Executive Engineer, O&M Division, MSEDCL, Bhandup.

**CONSUMER GRIEVANCE REDRESAL FOURM
MAHARASHTRA STATE DISTRIBUTION COMPANY LTD**

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Consumer Grievance Redresal Forum
"Vidyut Bhavan", Gr. Floor,
L.B.S. Marg, Bhandup (W),
MUMBAI - 400 078.□

REF.NO. Secretary/CGRF/MSDCL/BNDUZ/Case No. 130/

Date

To

Shri Mahesh Kumar K. Agarwal,
Shop No. 2, Kalyan Road,
Near Aasbibhi Dargah,
BHIWANDI – 421 302.

SUB : Registration of your grievances dtd. 15/06/2007.

Dear Sir,

The grievance submitted by you is registered to this Forum vide Sr. No. 130, dtd. 15/06/2007 & hearing date is fixed on 03/07/2007 at 11.30 am. at the office of the Consumer Grievance Redressal Forum, Vidyut, Ground Floor, LBS Marg, Bhandup, Mumbai -78.

Therefore, it is requested to attend the hearing on the above date alongwith documents in support of your grievance. In case of failure to attend the hearing on the above date, this Forum shall decide the Grievance Ex-parte on merit which may please be noted.

Thanking you,

Yours faithfully

**SECRETARY
CGRF, MSEDCL,
BHANDUP**

c.s.w.r. to :

**Nodal Officer/ The Superintending Engineer,
I.C.G.R.C., O&M Circle, Bhiwandi.**

-- He is requested to attend the hearing on the above date alongwith the concerned authority & the details of report related with the grievance of the consumer.

**CONSUMER GRIEVANCE REDRESAL FOURM
MAHARASHTRA STATE DISTRIBUTION COMPANY LTD**

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"Vidyut Bhavan", Gr. Floor,
L.B.S. Marg, Bhandup (W),
MUMBAI - 400 078.□**

REF.NO. Secretary/CGRF/MSDCL/BNDUZ/Case No. 130/

Date

To

The Nodal Officer & *Superintending Engineer*,
Consumer Grievance Internal Redressal Unit,
MSEDCL., **Bhiwandi**.

SUB : Submission of point wise compliance
in respect of case No. 130.

As per MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulation 2006 vide clause No. 6.12, the copy of grievance registered at Sr. No. 130 is being forwarded to your office for submission of issue wise compliance. The hearing date of the case is fixed on dated 03/07/2007 at 11.30 pm. However, the Nodal Officer shall act as the co-ordinator for filing the reply, making submission, providing issue wise comments on the grievance, submitting compliance status / reports etc. Therefore it is requested to submit point wise compliance to this Forum in respect of the case in consultation with concerned authority within 15 days from the date of issue of this letter or one week before the date of hearing which ever is earlier.

The copy of compliance should also be provided by you to the consumer before hearing.

**SECRETARY
CGRF, MSEDCL,
BHANDUP**

