

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

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

Date :

Case No. 173 & 184

Hearing Dt. 17/04/2008

In the matter of Bill revision

Shri Kirit R. Kapadia - Appellant

Vs.

MSEDCL, Bhiwandi - Respondent

Present during the hearing

A - On 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 behalf of Appellant

- 1) Shri P.D. Thakkar, Consumer representative.

C - On behalf of Respondent

- 1) Mr. R.P. Choudhary, Ex. Engr., Bhiwandi circle.
- 2) Mr. Bharate, Asstt. Engr., Bhiwandi Circle.
- 3) Mr. Kele, Manager, M/s. Torrent Power Ltd.

PREAMBLE :

The consumer registered his grievances with this Forum for two cases on 01/04/2008 & additionally on 6th May 2008 respectively which were registered by case No. 173 & 184 respectively. Consumer was aggrieved with the decision of ICGR unit of MSEDCL, Bhiwandi vide Bhiwandi Vide Ref. No. SE/BWDC/Tech/ICGRC/Case No. 137/order No. 00399 dtd. 27th February 2008 & M/s. Torrent Power Ltd. by Ref. No. TPL/ICGRC/Case No. 3/order/, dtd. 11/04/2008. In C.G.R.F both the cases have been heard and decided together as the consumer is the same and the issues are inter related.

CONSUMER'S SAY:

Consumer is having power loom industry with consumer No. 13010224025 at Zenith Compound, Shop No. 2, Kalyan Road, Near Asbib Masjid, Bhiwandi, with sanctioned load of 35 HP and connected load of 34 HP.

Consumer was satisfied with certain points at ICGR unit. An appeal was made by consumer on following points for case No. 173 :

- 1) Bill credit of Rs. 41010/- of February 2002 of revised bill is not adjusted in his bill produce CPL from 1998.
- 2) Govt. Subsidy of Rs. 43292/- of February 2002 is not credited from Jan-2001 to Dec-2002 (clarification was not given).
- 3) The power bill issued for the period of May, June & July 2003 of faulty status. The units 6633 had been charged to the consumer.
- 4) Overload penalty and interest there on should be considered.

5) The meter reading on the closure of factory i.e. on 10/11/2003 was 31245 units as intimated by the consumer. While as per utility's inspection report show 41410 units, which were wrong hence, difference of units of 10152 units should be refunded to the consumer. DPC and interest thereon should be waived.

6) As per MERC regulation 15.3.2, consumer is entitled for compensation for non-reading of meter at the rate of Rs. 200/- per month.

7) I had paid meter-testing fees at Rs. 300/- but meter-testing report was not given to me, hence penalty may be charged to the utility.

8) The compensation of Rs. 1,00,000/- for repeated harassment and mental stress and tension may be awarded to the consumer.

9) As per my application penalty on connected load of 2 HP of Rs. 180/- should be withdrawn from the date of misconduct.

Prayer :

1) Bill should be revised as per above-mentioned points.

2) Compensation as per MERC S.O.P. for non-reading of meter at Rs. 200/- per moth with total amount of Rs. 5000/- should be awarded to the consumer.

3) Compensation for mental harassment and tension should be awarded to the consumer for Rs. 1,00,000/-.

4) Point wise comments issued by utility were not satisfactory and is misleading hence documentary proofs should be submitted to the Forum on each point.

The consumer for the case No. 184 raises the following points.

1) The credit for average billing was passed on to the consumer but DPC and interest there on had not been credited to the consumer. TPL is just avoiding and is trying to misguide while giving billing information.

2) S.O.P. under section 15.3.2 for non-reading of meter for Rs. 200/- per month should be awarded to the consumer.

3) Utility gave me refund of meter testing fees but consumer want meter testing report and not the refund. On meter changed slip the reading was shown wrongly.

Prayer : In the case of (case No. 184)

1) DPC and interest should be waived since Feb-07 to March-08.

2) Compensation for non-reading of meter.

3) Provide old meter testing report.

4) Compensation for harassment and mental tension for Rs. 25,000/-

UTILITY'S SAY (for case No. 173):

- 1) Amount of Rs. 41010/- the credit an subsidy was already given to the consumer in July 2004. The balance amount @ Rs. 1/- per unit will be credited to the consumer.
- 2) The subsidy credit of Rs. 43292/- was adjusted in the month of Sept-2003.
- 3) The average units billed 6633 in the month of July 2003 @ Rs. 1/- per unit will be withdrawn. The subsidy was already given to the consumer in the month of July 2004.
- 4) The reading is taken on 10/11/2003 by the consumer, which was 31245 units. But as per meter change slip provided by M/s. Torrent Power Ltd. the final reading of old meter was 41410 as on 02/11/2007.
- 5) The meter was replaced during Sept-2001. The reading of this old meter is progressive and showing that the consumer had use of electricity. Hence, no revision would be carried out up to August 2001?
- 6) The bills during Jan-2002, July-2002 were issued with rejection status and from May-2003 to June-2003 and from Nov-2003 to Jan-2007 all the bills were issued with lock status.
- 7) The lock status billing credit was already given to the consumer from Nov-2003 to Sept-2006 i.e. for 35 months for Rs. 152912/- in the billing month of Sept-2006.

8) M/s. Torrent Power Ltd. had replaced the meter with the verification of premises not in use and final reading was 41410 units, which has been challenged by the consumer.

9) The bills for October-2006 to Jan-2007 will be withdrawn and Jan-2002 to July-2002 (6633 units) will be withdrawn.

10) No any additional load penalty was charged to the consumer for the above said period.

Compliance against case No. 184 by M/s. Torrent Power Ltd.

1) Average billing from Feb-2007 to October-2007 (till the meter was replaced). In this case consumer's premises was closed as it was mentioned in his complaint. Hence it was not possible to obtain reading.

2) Utility already waived the DPC and interest. The credit of Rs. 5656.06 has been passed in the month of May-2008 bill. This amount includes the meter testing fees of Rs. 300/- since not checked on consumer's requested.

3) The old meter was replaced in 02/11/2007 and the consumer had made the payment for meter testing on 14/01/2008 for testing of old meter. But the new meter was already in existence; hence the old meter testing report cannot be provided.

4) Company has fully complied the order by ICGRU of Torrent Power Ltd. dated 11th April 2008.

5) Compensation for not reading the service upto October-2007 was not justified as the service was closed during the period and all the bills till October 2007 have been reversed treating the service as non-use.

OBSERVATIONS:

A joint discussion between the consumer and the Nodal Officer with entire relevant accounts records was held at the time of the hearing this case.

1) The credit of R.41010/-of Feb2002 of revised bill was not adjusted in his bills. But as per utility the subsidy on that amount was credited to the consumer in July2004 and balance amount @Rs1/- per unit will be given to the consumer.

2) Government subsidy of Rs 43292/- of Feb2002 is not credited from Jan2001 to Dec2002. But utility clarified the matter and showed to the consumer that the subsidy credit of Rs 43,292/- was adjusted in the month of Sept2003 the point. Hence grievance against subsidy was resolved.

3) The power bill issued for the period of May, June & July 2003 of faulty status and units 6633 had been charged to the consumer, but utility agreed to withdraw the amount @Rs 1/- per unit for 6633 units, and consumer was satisfied.

4) Overload penalty and interest there on should be considered: The overload penalty during July 99to Dec99 was withdrawn in the month of April 2000 and credit of Rs.5340/-was given to the consumer. Consumer reiterated that he was charged Rs.7060/-as penalty. Hence balance

amount should be refunded to the consumer. But on observing the CPL from July 99 (CPL is available from July 1999 only) the credit for six months penalty was given to the consumer with interest. Hence there is no need to recalculate to penalty issue.

5) The consumer was disputing about the meter on the closure of factory i.e on 10/11/2003. Which according to him was at 31248 units while the utility was insisting on the reading of 41410 units. However by utility's detailed verifications and also finally when the meter was replaced by M/s Torrent Power Ltd (utility franchisee). The utility accepted consumer's plea of accepting the final reading of 31248 units and agrees to revise the power bill accordingly. Logically the DPC and interest on the consumer should be waived and or refunded.

6) According to the consumer his factory unit was totally closed for 10/11/2003 to Jan 2007 (i.e. period of operation of MSDECL) further his unit resume working from Nov. 2007. This fact has been confirmed by the utility. Hence the bills from 10/11/2003 to Jan 2007 should be withdrawn and revised bills should be issued to the consumer.

7) The demand for SOP compensations as per MERC regulations 15.3.2 for non reading of meter is not considered logical since the factory premises were totally closed and the bills for the period have been squashed. This is an adequate relief to the consumer.

8) As regards consumer's demand for compensations due to mental harassment there are no substantial grounds. Further, his every grievance has been attended to by the utility.

Case No. 184. Grievances against service provider M/s Torrent Power Ltd. (TPL)

The consumer was switched on to MSEDCL's newly appointed franchisee M/s Torrent Power Ltd. with w.e.f from 26/01/2007.

1) Non-checking of old meter. The TPL as a matter of policy changed one and all meters in Bhiwandi town (entire area of TPL's operation) in Nov.2007 and after recording the last reading, old meters were scrapped. All these old meters were scrapped to avoid their misuse. The consumer requested for checking of old meter in Jan2008 with payment of fees late after 2 months when it is physically not possible to do so. Hence testing fees paid by him were refunded to the consumer. However the relevant point was the correctness of the meter reading at the last closure of the factory on 10/11/2003, which has been corrected to 31248 units giving full relief to the consumer, which is acceptable to the consumer now.

2) As regards consumer's request of waiver of DPC and interest on the bills charged on the average basis during the closure of his factory i.e. from Feb 2007 to October 2007 the TPL has informed that average bills charged for the period have been squashed and DPC and interest and other charges have been shown credited in the bill of May 2008.

As regards consumer's request for grant of SOP compensations for non reading of meter during Feb2007 to October2007, it is observed that the factory premises were totally closed in the period and soon after replacement of meter in Nov.2007 the actual meter reading started recorded, the consumer is demanding the SOP in March April 2008. He first raised the grievance before ICGRO. Thus it is time barred being beyond two month since rectification of the lapse.

ORDER

In conclusion, all the grievances of the consumer raised against both MSEDCL (case No.173) and TPL (case No.184) have been sorted out and hence the case is dismissed and closed at this stage expecting the utility to submit point wise compliance of the issues on which it has given specific assurance to the Forum. Utility's response is positively expected within a month from the date of request of this order.

The order is issued under the seal of consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 26th of June 2008.

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 this 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.L. KULKARNI
CHAIRMAN
CGRF, BHANDUP

S.B. WAHANE
MEMBER SECRETARY
CGRF, BHANDUP