

Grievance No. K/E/1016/1227 of 2015-16



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
Ph- 2210707, Fax – 2210707, E-mail : cgrfkalyan@mahadiscom.in

No. **K/E/1016/1227 of 2015-16**

Date of grievances : 05/03/2016

Date of order : 21/12/2016

Total days : 299

IN THE MATTER OF THE GRIEVANCE NO. K/E/1016/1227 OF 2015-16 IN RESPECT OF MR. MOOLCHANDRA RAMSARAN PRAJAPATI, ROOM NO.B/05, SITUATED AT JIVDANI MATA, NAGAR CHAWAL, NAGINDAS PADA, NALASOPARA (E), TAL. VASAI, DIST. PALGHAR – 401 209, REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING BILLING DISPUTE.

Mr. Moolchandra Ramsaran Prajapati,

Room No.B/05,

Situated at Jivdani Mata,

Nagar Chawl, Nagindas Pada,

Nalasopara (E)

Tal. Vasai , Dist. Palghar,

Pin Code 401 209,

(Consumer No. 001900509606) (Hereinafter referred as Consumer)

Versus

Maharashtra State Electricity Distribution

Company Limited through its

Dy Executive Engineer,

Sub Divn, Vasai Circle

..... (Hereinafter referred as Licensee)

Appearance :For Consumer–Shri Pandey - Consumer's Representative.

For Licensee- Shri Hanumant Dhok,AEE, NLSP(E)

Shri D.A.Kini,AEE (QC), NLSP (E)

[Coram- Shri A.M.Garde-Chirperson, Shri L.N.Bade-Member Secretary and
Mrs.S.A.Jamdar- Member (CPO)]

Grievance No. K/E/1016/1227 of 2015-16

Maharashtra Electricity Regulatory Commission, is, constituted u/s. 82 of Electricity Act 2003 (36/2003). Hereinafter for the sake of brevity referred as 'MERC'. This Consumer Grievance Redressal Forum has been established as per the notification issued by MERC i.e. "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006" to redress the grievances of consumers vide powers conferred on it by Section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, (36/2003). Hereinafter it is referred as 'Regulation'. Further the regulation has been made by MERC i.e. 'Maharashtra Electricity Regulatory Commission. Hereinafter referred as 'Supply Code' for the sake of brevity. Even, regulation has been made by MERC i.e. 'Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply & Determination of Compensation) Regulations, 2014.' Hereinafter referred 'SOP' for the sake of convenience (Electricity Supply Code and other conditions of supply) Regulations 2014'.

2] The grievance in short is that, the consumer occupied the room No. B/05, Jivdani Mata Nagar Chawl, Nagindas Pada, Nallasopara (East), Tal.Vasai, Dist. Palghar from the original occupier Shri Loturam B. Rajak, in March 2015. Thereafter in the month of October 2015, MSEDCL, served erroneous bill to the consumer of meter replaced in the year 2008. The same was not rectified inspite of filing of complaint No.2475 dated 19/10/2015, on the contrary, disconnected the electricity supply by violating the mandatory provisions of Sec. 56(1) of Indian Electricity Act, 2003. It is further the grievance that concerned S.D.O. asked the consumer to make part payment for restoration of the supply which did by depositing Rs.5000/- under protest vide receipt No.0110962 and Rs.50/- vide receipt No. 0110961 dtd. 10/12/2015. Whereupon, the power supply was restored within time. The request for new electricity connection made vide ID No.

Grievance No. K/E/1016/1227 of 2015-16

000003363635 was turned down saying that one connection was already live at the premises. Consumer, thereupon filed 'U' form along with A-1 form. There was no response.

3] The grievance further is that the staff threatened to disconnect the power supply inspite of consumer after to pay the current bills. They insisted to deposit all dues.

- 1] For direction to MSEDCL for stopping disconnection of power Supply of above said.
- 2] For direction to MSEDCL for revise the energy bill as per provision.
- 3] For direction to MSEDCL for refunding amount Rs.505/- with Interest, this paid with under protest.
- 4] For direction to MSEDCL for compensate compensation Rs. 5000/- towards keeping in dark to applicant.
- 5] For direction to MSEDCL for compensate SOP compensation Towards delay in change of name.
- 6] For direction to MSEDCL for compensate Compensation Rs.5000/- towards mentally, physically and financially Harassment towards filling of case due to wrong practice of MSEDCL.

4] In reply the Licensee submits that, the consumer's energy meter connection in the name of Shri Loturam Rajak, bearing No. 001900509606 is under billing dispute due to accumulation of reading due to inadvertently not feeding meter replacement report in IT system. The meter has been changed on 30/4/2008 but this replacement report inadvertently remained to be fed in the system by, then filling in charge. Average bills were therefore served on the consumer. There were complaints made about the same.

5] It is the defence that in September 2015 the said fact came to light whereupon meter replacement report has been resent to the billing section and fed to IT system. The bill has been then revised in September 2015 by reading slab benefit in 62 months. As such revised bill for Rs.15000/- is served.

Grievance No. K/E/1016/1227 of 2015-16

6] The Licensee further informs that thereafter on 30/10/2015 supply has been disconnected due to nonpayment of bill. Consumer paid Rs.5000/- under protest and Rs.50/-for reconnection charges whereupon supply was restored on 10/12/2015.

7] Heard. The consumer send a letter dated 30/11/2016 requesting to pass order as per available record which we have gone through.

8] Now, admittedly there was replacement of the meter on 30/4/2008 but the meter replacement report came to be sent to billing section and fed in the IT system in September 2015. In the meantime, average bills were being served on the previous occupier. The dues are calculated for the above said period from 30/4/2008 onwards to which the consumer has right by taken occupation in view of Section 56(2) of the Indian Electricity Act, 2003. Licensee cannot recover dues for period beyond two years. The bills served, therefore, from 30/4/2008 are illegal to the extent they are for the period beyond two years from the date of bill. One bill had become due at the end of every cycle. The reason given by the Licensee for not counting the correct bill is their internal fault or negligence which cannot save limitation. The bill raised and served on the consumer there has to be raised by claiming only for two years next prior to the bill date.

Consumer has claimed SOP for delay in change of name. In this connection, we have scrutinized / verified all the record kept before us. However, there is no record to show the date of application for change of name made by the consumer due to which the Forum is unable to calculate the delay. Hence, the claim / prayer made by the consumer in this connection cannot be granted.

9] This matter could not be decided within time as the Hon'ble Chairperson took charge on 20/09/2016 of this Forum and the matter was reheard.

10] In the above view of the matter, the bill in question requires revision. The disconnection done on the basis of the said bill was illegal.

Hence, we pass the following order.

Grievance No. K/E/1016/1227 of 2015-16

ORDER

- 1] The grievance application of the consumer is hereby partly allowed.
- 2] The Licensee is directed to revise the bill considering only two years next prior to the bill date for calculating the dues.
- 3] The prayer for demand of SOP regarding delay in change of name is hereby rejected.
- 3] The bill in question is hereby quashed.
- 4] Licensee may investigate in to the matter of non-feeding of the meter replacement report and fix the responsibility.
- 5] Licensee is directed to pay Rs.2000/- to the consumer for mental harassment.

Dated: 21/12/2016

(Mrs.S.A.Jamdar)
Member
CGRF, Kalyan

(L.N.Bade)
Member Secretary
CGRF, Kalyan

(A.M.Garde)
Chairperson
CGRF, Kalyan

NOTE

- a) The consumer if not satisfied, may file representation against this order before the Hon. Ombudsman within 60 days from the date of this order at the following address.
“Office of the Electricity Ombudsman, Maharashtra Electricity Regulatory Commission, 606/608, Keshav Bldg, Bandra Kurla Complex, Mumbai 51”.
- b) Consumer, as per section 142 of the Electricity Act, 2003, can approach Hon. Maharashtra Electricity Regulatory Commission for non-compliance, part compliance or
- c) delay in compliance of this decision issued under “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2003” at the following address:-
“Maharashtra Electricity Regulatory Commission, 13th floor, World Trade Center, Cuffe Parade, Colaba, Mumbai 05”
- d) It is hereby informed that if you have filed any original documents or important papers you have to take it back after 90 days. Those will not be

Grievance No. K/E/1016/1227 of 2015-16

available after three years as per MERC Regulations and those will be destroyed.

Grievance No. K/E/1016/1227 of 2015-16