



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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IN THE MATTER OF GRIEVANCE NO. K/E/326/365 OF 2009-2010 OF MRS. ANURADHA KISHOR RANADE, KALYAN (WEST) , REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT EXCESSIVE ENERGY BILL.

Mrs. Anuradha Kishor Ranade
C-504, Silver Residency,
Lal Chowky, Agra Road,
Kalyan (West) : 421 301

(Here in after
referred to
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its Dy. Executive
Engineer, Kalyan West Sub/Dn No. II

(Here in after
referred to
as Licensee)

- 1) Consumer Grievance Redressal Forum has been established under regulation of "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006" to redress the grievances of consumers. This regulation has been made by the Maharashtra Electricity Regulatory Commission (MERC) vide powers

conformed on it by section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, 2003. (36 of 2003).

- 2) The consumer is a single phase LT consumer of the Licensee. The Consumer is billed as per residential tariff. The consumer registered grievance with the Forum on 02/03/2010 regarding the Excessive Energy Bill. The details are as follows: -

Name of the consumer : Mrs. Anuradha Kishor Ranade

Address: - As above

Consumer No : 020024047017

Reason for Dispute : - Regarding Excessive Energy Bill

- 3). The batch of papers containing above grievance was sent by Forum vide letter No. EE/CGRF/Kalyan/0094, dt. 02/03/2010 to the Nodal Officer of the Licensee, and the Licensee through Dy. Executive Engineer MSEDCL Kalyan West Sub/Dn No. II filed reply vide letter No. DYEE/KLN(W)/Sub.Dn.II/Billing/603, dt. 09/03/2010.

- 4) The original hearing was fixed on 22/03/2010 at 16.00 hrs. but on administrative ground the same was postponed on 30/03/2010 at 16.00 hrs. Later on as per request of consumer the same was again postponed on 05/04/2010 at 15.00 hrs. and intimated both the parties accordingly. The Members of the forum heard both the parties at length on 05/04/2010 @ 15.00 Hrs. in the meeting hall of the Forum's office. Shri Kishor P. Ranade, Consumer Representative, Shri D. B. Nitnavare, Nodal Officer, Shri S. S. Bakshi, Dy. Ex. Engr., Mrs. S. N. Ratnaparakhi A. A., Mrs. M. N. Paranjape, LDC Representatives of the licensee, attended hearing. Minutes of the hearing including the submissions made by the parties are recorded and the same are kept in the record.

Submissions made by the parties in respect of grievance since already recorded will be referred to avoid repetition.

- 5). According to the consumer till July 2005 she was getting regular electricity bills. Due to heavy rains and flood on 26th July 2005 her meter was totally damaged and electricity was discontinued. After restoration of electricity since meter was damaged she was getting average consumption bills, even after about one and half years. Her old meter No. 75980 was changed on 23/02/2008 vide meter No. 9000386263 on 23/02/2008 , however thereafter also licensee was giving average bills. It is contended on 06/10/08 consumer received bill of eight months of the amount of Rs. 11,688.41, whereas in the month of August her bill was Rs. 722.12 and the consumption of units were 175. In the month of August meter reading was 2442 and of Sept. 2675 was very much excessive. It is contended actual consumption of consumer is about 225 units per month. It is the grievance of complainant that licensee give her average electricity consumption bill Instead actual consumption and giving bill of eight months inclusive interest and DPC is unreasonable. It is the contention of consumer that during the course of correspondence her supply was discontinued for no fault on her part. She had to get the supply restored visiting the office frequently thereby she suffered trouble and harassment. Consumer apprised this position to the officials of the licensee but in vain and eventually she lodged grievance bearing No. 8/09 with IGRC Kalyan who in turn, by order dt. 19/12/09 set aside bill of August 08 of 1566 units for Rs. 10,924.00 and bill of Sept. 08 for 2850 units for Rs. 29,097.00 directing the licensee to issue average bills without charging interest, DPC/penalty. Dissatisfied with the order of

IGRC consumer lodged this grievance. It is the grievance of consumer that licensee did not issue bill as per actual consumption of electricity and that bifurcation of the bill amount is not done properly and that order of IGRC does not speak on the compensation/penalty on account of trouble she suffered due to frequent discontinue of electricity. Consumer therefore prayed to direct the licensee to pay compensation/penalty for delay of replacement of faulty meter, issuance of unreasonable bills and frequent discontinuation of electricity.

- 6) Licensee opposed the allegations made herein above contending that after damage of meter average slab wise consumed electricity bills are given without charging DP, interest and penalty. It is further contended that correct consumption bills are issued as per the order of IGRC. So far compensation/penalty, according to the consumer does not arise since it was natural calamity thereby there was shortage of meters. It is contended as per the provisions of Law and Regulations bills are issued. It is averred that therefore the grievance being devoid of substance be dismissed in limine.
- 7) On perusal of the record and hearing both the parties following points arise for the consideration of Forum and findings thereon for the reasons recorded below :

Points	Findings
a)Whether licensee issued electricity bills correctly ?	NO
b)Whether licensee is liable to pay compensation to the consumer ?	Yes
c)What Order ?	As per Order below

Reasons

- 8) According to the consumer her average consumption of electricity is around 225 units per month, however licensee in their bills by way of average consumption mentioned 212 units in the month of Oct. 2008, 404 units in Sept. 08, 175 units in June, July, Aug. 08. It is her grievance that her actual consumption per month is about 225 units. By letter dt. 19/10/05 it is averred that average consumption 575 units per month shown is also improper. Vide letter dt. 28/11/08 it is pointed out that after change of old meter on 23/02/08 average consumption units shown 356 is also not proper. If considered the overall actual consumption and from this point of view according to consumer licensee should issue actual consumption units bill instead average bill. It is further her grievance that the bills so issued are of months together instead month to month. On perusal the order dt. 19/12/09 IGRC considering the provisions of Law and the Regulations applicable to the facts of the present case, on detail discussion rightly directed the officials of the licensee to revise the bills slab wise without adding DPC, interest and penalty. Dy. Ex. Engr. as seen from his letter dt. 09/03/2010 rightly assessed the consumption of electricity and made calculation to that effect. In this report it is precisely pointed out that DPC, interest and penalty has not been included. This report prepared by the Dy. Ex. Engr. cannot be discarded in as much as it is as per the actual consumption of electricity taking into consideration SOP and the relevant Regulations. We have no hesitation to accept this report as correct answer to the doubt raised and the questions put forth by the learned C.R. for the consumer. In the context licensee will have to be directed to issue

electricity bill as per actual consumption of electricity as required by Law and Regulation.

- 9) So far issuing electricity bills for months together is concerned, it is seen bill of December 2007, January and February 2008 is as per 175 units per month, bill for 381 units is for the months March 08 to September 08. This shows consumer's meter readings were not taken in every two months as laid down vide para 7 in Appendix 'A' of Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2005. As seen from the order of IGRC referred to above, slab wise bifurcation of average consumption units is directed, as the meter was damaged thereby the meter was not OK, therefore question of taking meter reading as mentioned in the above SOP does not arise and as such this SOP is no avail to the consumer.
- 10) Learned CR Mr. Ranade strongly urged before us that frequent discontinuation of electricity during the period for no fault on the part of consumer that too on festivals and examination days, invites the officials of the licensee responsible with penalty/compensation in the light of the provisions of Law and the Rules and Regulations of MERC. It is seen from the record flood due to heavy rains i.e. natural calamity occurred in the month of July 2005. In the flood consumer's meter was admittedly damaged, however it was changed in the month of February 2008 and there after also bills were sent as per average consumption instead actual consumption of electricity. On perusal the record it is seen right from the year 2005 consumer is complaining on giving him bills as per actual consumption and not average consumption. Officials of licensee could

have issued bills of actual consumption of units after installation of new meter in the month of Feb. 2008, however for this they spent time till the decision of IGRC of 2010. This cannot be said to be unintentional inaction on the part of licensee but intentional lethargy. For getting bills as per actual consumption the consumer had to travel from one corner to another for about five years is a matter of great mental agony suffered by the consumer who is said to be a social worker and the N.C.C. Officer, a person having devotion to the Nation. To our view, this is a fit case in which the consumer can be compensated directing the licensee to pay him Rs. 500/- (Rs. Five Hundred only) relying on Sub-clause (e) of Clause 8.2 of Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006.

- 11) In view of the discussion supra, it is clear that the licensee had issued incorrect bills and the same are required to be corrected as per the directions given by the IGRC and that licensee is responsible to pay compensation to consumer. Points are answered accordingly and hence the order :

ORDER

- 1) Grievance application is partly allowed.
- 2) Licensee to issue bills to the consumer as per actual consumption of electricity as required by Law and Regulations.

3) Licensee to pay Rs. 500/- (Rs. Five Hundred only) as compensation to consumer and report compliance within 90 days from the date of receipt of this order.

4) The Consumer can file representation against this decision with the Ombudsman at the following address.

“Office of the Electricity Ombudsman, Maharashtra Electricity Regulatory Commission, 606/608, Keshav Bldg, Bandra Kurla Complex, Mumbai 51”

Representation can be filed within 60 days from the date of this order.

5) Consumer, as per section 142 of the Electricity Act, 2003, can approach Maharashtra Electricity Regulatory Commission at the following address:-

“Maharashtra Electricity Regulatory Commission, 13th floor, World Trade Center, Cuffe Parade, Colaba, Mumbai 05”

for non-compliance, part compliance or delay in compliance of this decision issued under “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2003” within 60 days from the date of this order.

Date : 22/04/2010

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

(R.V.Shivdas)
Member Secretary
CGRF Kalyan

(S.N. Saundankar)
Chairperson
CGRF Kalyan