



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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EE/CGRF/Kalyan/

Date of Registration: 29/11/2016

Date of Order : 29/03/2017

Total days. : 90

IN THE MATTER OF GRIEVANCE NO. K/E/1083/1304 OF 2016-2017 IN RESPECT OF M/S. LUDHANI ESTATE (EVERSHINE ESTATE), 100 FEET ROAD, VASAI ROAD (W), OPP. BIKANER SWEETS, TAL. VASAI, DIST. PALGHAR, PIN CODE 401 202, CONSUMER NO. 001690656341, REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT BILLING DISPUTE.

M/s. Ludhani Estate (Evershine Estate),
100 feet road,
Vasai Road (W),
Opp. Bikaner Sweets, Tal. Vasai
Dist. Palghar-Pin Code 401 202.

(Hereinafter referred as Consumer)

V/s.

Maharashtra State Electricity Distribution
Company Limited
through its MSEDCL, AEE,
Vasai Circle, Vasai (W).

(Hereinafter referred as Licensee)

Appearance : For Consumer – Mrs. Vidhya Pote & Leena Chopade- CR

For Licensee - Rajesh Laddha-

Sanjana Kargutkar-

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

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] This is a billing dispute. The consumer contends that they received a bill for the period March 2013 to July 2015 for 63005 units. In that period consumer has paid Rs.2,46,500/- for consumption of 2328 units for which no credit is given. The meter status was changed several times from March 2013. That being so when the status of meter was shown faulty bill was issued in July 2015 for 25099 units amounting to Rs.2,87,250/-. Thereafter in October 2015 again an increased bill for Rs.1,17,344/- was received. Consumer does not understand how there was sudden increase in the bill. Therefore, consumer prayed for correction in the bill.

3] Licensee-MSEDCL in reply contended that the connection in question is for a residential Co-op Housing Society and being used for lift. Water pump etc. as such it is needless to say that there would be high consumption. It is further the contention that there had been proper billing till February 2013. The progressive reading of February-2013 was 92340/-. Taking into consideration the said reading as the basis the future bills of the consumer have been revised. The Licensee produced copy of CPL and referred to the same. Further the Licensee points out that bills were tendered to consumer till June 2015 which they have paid. The bill for June 2015, Rs.11,890/- has been paid on 15/7/15. There was no dispute till then.

Thereafter bill for July 2015 was prepared and issued after considering the present reading 15,5,345 and earlier reading 120396 units and after adjusting the bills already paid under RNA status. In particular a total amount of Rs. 80,693.69 was adjusted and bill for July 2015 was issued for Rs.2,87,250/-. The society raised dispute about the bill hence there was detail checking. It was, however, found that the bare reading taken for billing viz. 120296 was not correct. Instead the correct base reading was 92340 whereupon considering the same as base reading and current reading 155345 the total units come to be 63005 and in fact the bill amount increased by 1,17,346.09 and accordingly bill was issued after deducting payment already made by consumer. The bill issued is after regularizing the bills and not arrears of bill hence Section 56 (2) is not applicable.

4] The Licensee further contends that facility of installment has already been granted to the consumer.

5] We have heard both the sides at length. Meter was also get tested and is found to be correct. We have also gone through copy of CPL. As we find though there are several allegations made and also some lapse shown on the part of the Officials of Licensee, the issue merely appears to be of incorrect billing which was later on corrected. CPL shows that for long period the meter was shown in faulty status and tentative bills were being issued and paid by the consumer from time to time. At times, the meter is shown locked. In July 2013 bill was issued on the basis of progressive reading and considering base reading as such the bill amount came to be quite high which lead to agitation from consumer. There is no substance in the contentions of the consumer that amount paid by them was not given credit. Consumer tried to mislead by showing some entry in account which was in fact of technical nature, we therefore find no room for correction in the bills though

inaction in regular meter reading on the part of the MSEDCL Officials causing inconvenience and mental agony to the consumer has to be compensated.

This matter could not be decided within time as hearing was going on each and every date and parties wanted to produce some documents and therefore, delay is caused.

Hence the order.

ORDER

- 1] Grievance application of the consumer is partly allowed.
- 2] Claim of consumer about disputed bill is not upheld. However, Licensee is directed to recover the said arrears of bill amount, dividing equally for the months for which it is prepared i.e. it is for 29 months and it be covered in further 29 months. In the said arrears no any DPC, interest or penalty be added.
- 3] Accordingly, Licensee to work out and inform the consumer about the schedule of payment and consumer to pay it regularly. So long such payment is done by consumer regularly there cannot be any coercive action of disconnection.
- 4] Licensee to comply this aspect of informing the schedule to the consumer within 45 days of this order and to submit the compliance about it, thereafter within 15 days to this Forum.

Date: 29/03/2017.

(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

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