



Consumer Grievance Redressal Forum, Kalyan Zone

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No. **K/E/898/1097 of 2015-16**

Date of grievances : 01/07/2015

Date of order : 21/12/2016

Total days : 540

**IN THE MATTER OF THE GRIEVANCE NO. K/E/898/1097 OF 2015-16 IN RESPECT OF ACHCHELAL JALIRAM YADAV, SHOP NO.03, SAI SHRADDHA APARTMENT, OPP. BARDHAMAN PARK, NALASOPARA ( E ), TAL. VASAI, DIST. PALGHAR – 401 209, REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING BILLING DISPUTE.**

Achhelal Jaliram Yadav,  
Shop No.03,  
Sai Shraddha Apartment,  
Opp. Vardhaman Park,  
Nalasopara ( E )  
Tal. Vasai , Dist. Palghar,  
Pin Code 401 209,

(Consumer No. 001907553350) ..... (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/898/1097 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 is that, the consumer's premises had PD arrears in respect of consumer No. 001903208992. He got a provisional final bill of Rs.4,540/- which he paid vide receipt No. 2826964 dtd 25/11/14. The bill is wrong in view of Section 10.5 of Supply Code. The expression provisional final bill is contradictory expression.

3] It is further the grievance that then he applied for electricity connection on 19/12/14. The Section Officer Tulinj-1 Shri Prashant Shinde issued estimate quotation on 1<sup>st</sup> of February, 2014 (2015) causing delay of 06 weeks.

4] Further that the estimate quotation issued is wrong which was not revised despite protest notice given on 7/2/15. The Addl.EE vide Ltr No.

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ADD/EE/NSP/E NO. 267 dated 27/2/15 took a wrong stand. Only 1.3% of the estimate was recoverable. Hence consumer is entitled for refund of Rs.3000 -39= 2969.

5] It is further the grievance that the letter CE/KLZ/TECH/DyEE-I No.505 dtd 29/1/15 directing to stop issuing quotation under 1.3%. Supervision scheme for CRA ( Service connection charges) and release all the new connections under DDF/Non DDF Scheme through the allotted agencies only is not justified. Consumer contractor as per his choice. There were several other allegations also made.

6] Licensee in it's reply contended inter-alia that consumer approached to Vijay Nagar-I Section Officer for obtaining new connection whereupon the section Officer did his duty by verifying his official record to ascertain about PD arrears if any and indeed found the same. He then prepared PD report and submitted it to NSPE Sub/Dvn. Which in turn prepared PD final bill of an amount of Rs.4,540/- which was served on the consumer. The consumer also paid it without any dispute. There is neither any violation of any provision nor issuance of wrong bill nor cheating.

7] So-far-as alleged delay is concerned it was contended that the consumer submitted A-1 application to CFC Virar on 19/12/14 at Achole, Nallasopara ( E ). He should have submitted the same to Tulinj 01, Section Office as per clause 2.1 of condition of Supply 2005 to avoid delay. Thus he himself chose the path of delay deliberately.

8] The A-1 application submitted to CFC Virar reached at Nallasopara ( E ) Sub/Dvn on 30/12/2014 and then at AEE Tulinj -1 on 3/1/15 resulting in delay of 16 days . AEE Tulinj Mr. Prashant R. Shinde issued letter of joint inspection on 3/1/15 and its notice was affixed on consumer's premises mentioning the date of inspection as 5/1/15 at 11:00

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a.m. Call was made on telephone number mentioned in A-1 Form but nobody responded.

9] On 15/1/15 Mr. Prashant R. Shinde visited consumer's premises for joint inspection but consumer did not remain present. AEE Mr. Shinde called up on the telephone number but to no response.

10] On 23/1/15 the consumer approached Section Office whereupon AEE Tulinj -1 made joint inspection and FQ was served on 24/1/15 within two days. But consumer paid the FQ amount on 12/2/15 after 19 days of issuance of FQ and produced the receipt on 14/2/15 on which day meter was issued to him. Thus there was no delay.

11] So-far-as that estimate quotation amount of Rs.3000/- is concerned, it is the contention that it was correct as per schedule of charges for new underground connection. No extra charges are recovered.

12] The Licensee denied all the allegations and contended that there were no violation of any Regulation etc.

13] Heard. The consumer vide his letter dated 30/11/2016 communicate that orders may be passed on the available record.

14] Now, the first point is with regard to PD bill. The consumer has stated in grievance sheet merely that the PD bill is wrong being violative of 10.5 of Supply Code 2005. Further the expression provisional final bill is self contradictory.

15] Now at the outset 10.5 speaks about charges remained to be paid by a deceased consumer or the erstwhile owner . In the present matter consumer does not state anything in that regard, whether he is a transferee or heir of deceased erstwhile owner. The record simply shows that earlier there was a connection bearing consumer No. 001903208992 to the premises viz shop no.3, Sai Shraddha Apts in the name of M/s. Pratibha Enterprises. The

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said connection became PD on 5/3/14. The present consumer applied for new connection on 19/12/2014. Present consumer has not stated anywhere nor explained with evidence that the arrears in respect of previous connection were not concerned with him and that he came in occupation on a particular date under any kind of transfer after the P.D. was done . This being so, the consumer can not invoke 10.5 and has to pay whatever dues found at PD.

16] The second question is about the amount of estimate quotation. The Licensee has reproduced the schedule in the reply. It is clear there from that quotation is issued as per schedule.

17] Now, coming to the question of delay in giving supply, the A-1 form was submitted to the CFC Virar on 19/12/14 and supply was connected on 14/2/15. Thus, at the outset it is clear that supply is not given within one month.

18] The Licensee seeks to explain the delay by contending in the first place that consumer gave A-1 form to CFC Virar, though he should have given it to section Office at Tulinj -1. It is to be noted, however, that the A-1 form has been submitted in compliance of 4.2 of Supply Code, 2005 which authorizes among others the CFC to accept A-1 form. As such the said reason given is not available to the Licensee. The further reasons assigned that the letter of Joint inspection was affixed on the premises, that the Section Officer visited the premises accordingly on 5/1/15 but nobody on behalf of consumer was present, telephonic calls were not responded etc. are not substantiated by record. Then it is pointed out that quotation was given on 24/1/15 but the amount was paid on 12/2/15. This period has gone by on account of consumer's fault. The reason given by him that he had disputed the estimate quotation does not come to his help on this question. Hence the period from 24/1/15 to 12/2/15 is to be excluded which comes to 19 days. Thus from the

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total period from 19/12/14 to 12/2/15 i.e. of 55 days one month period plus 19 days are to be deducted and the actual delay comes to 06 days. The delay would be at the most of one week. Accordingly, the consumer is entitled for SOP compensation for one week.

19] 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.

20] In the above view of the entire matter, the grievance applicable is liable to be partly allowed.

Hence the order.

**ORDER**

1] The grievance application of consumer is partly allowed.

2] Licensee to pay Rs.100/- by way of SOP / Compensation for delay in giving supply for one week.

3] The remaining part of the grievance stands dismissed.

Date: 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:-

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“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.

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