



Consumer Grievance Redressal Forum, Kalyan Zone  
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301  
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**NO. K/E/1617/1953 OF 2019-20**

Date of registration : 30/09/2019

Date of order : 19/11/2019

Total days : 51

**IN THE MATTER OF GRIEVANCE NO.K/E/1617/1953 OF 2019-20 OF THE SHRI.VASHOOMAL KHEMCHAND, SHOP NO.847, ULHASNAGAR – 2, DIST. THANE, PIN CODE- 421 002. REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT BILLING DISPUTE.**

Shri.Vashoomal Khemchand,  
Shop No.847, Ulhasnagar – 2,  
Dist. Thane, Pin Code- 421 002  
(Consumer No.021510101372, LT-II Com.)

... (Hereinafter referred as Consumer)

V/s.

Maharashtra State Electricity Distribution  
Company Limited  
Through it's Nodal Officer/Addl.EE.  
Kalyan Circle-II, Kalyan

... (Hereinafter referred as Licensee)

Appearance : For Licensee - Shri.M.S.Gavali, AEE, Ulhasnagar S/dn.-III

For Consumer - Shri.J.S.Rajput (C.R.)

[Coram- Shri.A.P.Bhavthankar -Chairperson, Shri.A.P.Deshmukh-Member Secretary  
Mrs.S.A.Jamdar- Member (CPO)].

1) 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. [Electricity Supply Code and other conditions of supply Regulations 2005]. 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.

2) Consumer complaint no.1953 of 2019, Shri. Vashoomal Khemchand, Shop No.847, Ulhasnagar – 2, Dist. Thane, Pin Code- 421 002 V/s Addl. Executive Engineer, Ulhasnagar-III S/dn. Complaint of Disconnection of supply and wrong revision of bill. Above name consumer filed grievance application directly before CGRF on 28/03/2019, alleging that notice was given to him for disconnection for non-payment of arrears. Also complained about high bill of Rs. 1,40,780/- for '12031' units in m/o Mar'19. Consumer stated that his shop was under repairs, so there was no use of electricity. On the said complained CGRF passed its order on 24/04/2019 giving relief to him. In its order CGRF directed Respondent Utility to revise the bill only for period from Apr-2017 to Mar-2019 and remaining amount should not be recovered as per section 56(2) of IE Act. forum also granted 24 installments for payment of accumulated bill. Consumer alleged that Respondent Utility has not revised the bill as per direction of forum and supply disconnected without notice. Consumer demands revision of bill according to forum's previous order and strict action on Respondent Utility officials.

After disconnection consumer again filed grievance directly to CGRF on 30/09/2019. After filing the said grievance application, this office issued notice to Respondent Utility on 03/10/2019, giving direction to Respondent Utility to file reply on or before 15/10/2019.

After service of notice Respondent Utility appeared and filed reply on 22/10/2019 and filed rejoinder on 04/11/2019. Respondent Utility submitted that, they have already revised bill as per forum's order no. K/DOS/106/1862 of 2018-19 dt.24/04/2019. Respondent Utility distributed accumulated units from Apr-17 to Mar-2019 and credit B-80 of Rs.21,460/- already passed in consumer bill. Respondent Utility also granted 24 installments to consumer but consumer not paid the bills hence connection is disconnected. In its rejoinder Respondent Utility also contends that consumer has received '12031' units bill in month of Mar-19, this bill was revised for period Feb-2016 to Mar-2019 by giving slab benefit and Rs.21,460/- credited to consumer in month of May-2019. The slab benefit was given for 38 months, but if they limit slab benefit to 24 months then the credit amount comes to Rs.15,809/-. Hence if Respondent Utility revises the bill for 24 months then there will be less credit of Rs. 5,651/- to consumer. Respondent Utility further contends that consumer billed in month of Mar-2018 as per normal status hence for revision of bill revision for Feb-2016 to Mar-2019 period is acceptable by their system and as per manual system credits amount comes to Rs. 15,809/- only, hence already passed credit of Rs. 21,460/- is correct and higher. Respondent Utility prays for rejection of complaint.

I have perused document filed by consumer and Respondent utility carefully following point arose for my consideration to which I have recorded by finding to the points the reason given below.

**Points :**

- i) Whether forum has powers to entertain the grievance application of same consumer on same matter for non-compliance of previous order?
- ii) Whether bill revision done by Respondent Utility is correct as per previous order?
- iii) Whether consumer is entitle for any relief?
- iv) What order?

**Reasoning :**

I have given opportunity to the consumer and representative and the grievance was heard on 22/10/2019 and 04/11/2019. The forum has already passed order in the matter and gave direction to revise the bill for period of Apr-2017 to Mar-2019. The consumer approached this forum again for non-compliance of the said order hence after careful thought, the forum has admitted the grievance. From the bill revision report it is clear that, Respondent Utility has given slab benefit of 38 months and amount is credited to consumer, but this bill revision is not as per direction given by the forum. There is accumulation for period of Feb-2016 to Mar-2019 for '12608' units. If we calculate per month consumption, then it comes to '337.79' units/months i.e. '338' units/month. Respondent Utility has given only slab benefit, whereas the forum's order clearly states that Respondent Utility is entitle to recover charges for period Apr-2017 to Mar-2019 at the rate '338' units/month and bill for period Feb-2016 to Mar-2017 is not recoverable. Respondent Utility is claiming all '12608' units form consumer by way of slab benefit whereas they are entitle to recover  $338 \times 24 = 8016$  units only, as per section 56 (2) of IE Act 2003. Respondent Utility claims that there was normal consumption in month of Mar-2018, but that readings is not as per average consumption of consumer, because for 26 months the accumulated units are '120' only, hence we cannot rely on this reading. Hence there is scope for further bill revision. If Respondent Utility system does not accept such bill revision then they have to pass the credit manually. Respondent Utility should take care that Forum's orders are implemented within stipulated time & confirm that bill revision is per order only before disconnection. Hence I am inclined to allow the grievance and proceed to pass order.

Hence the order

**ORDER**

- 1) The Grievance application no 1953 is hereby allowed.
- 2) Respondent Utility shall revise the bill for period Apr-2017 to Mar-2019 taking '338' units/months average.
- 3) Bill for period of 14 months i.e. Feb-2016 to Mar-2017 is set aside.
- 4) Respondent Utility grant 12 installments without DPC and Interest.
- 5) After payment of outstanding installments connection to be reconnected immediately.

- 6) Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

Date: 19/11/2019

Sd/-  
(Mrs.S.A.Jamdar)  
Member  
CGRF, Kalyan

Sd/-  
(A.P.Bhavthankar)  
Chairperson  
CGRF, Kalyan

Sd/-  
(A.P.Deshmukh)  
MemberSecretary  
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 available after three years as per MERC Regulations and those will be destroyed.