



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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NO. K/E/1622/1961 OF 2019-20

Date of registration : 11/10/2019

Date of order : 19/11/2019

Total days : 39

IN THE MATTER OF GRIEVANCE NO.K/E/1622/1961 OF 2019-20 OF SMT.MARIA E.A. BRAGANZA, FLAT NO.104, SHREE VINAYAK SOCIETY, NEAR DEEPALI PARK, VALIVLI, BADLAPUR (W), PIN CODE – 421 503 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT BILLING DISPUTE.

Smt.Maria E.A. Braganza,
Flat No.104, Shree Vinayak Society,
Near Deepali Park, Valivli, Badlapur (W),
Pin Code – 421 503

(Consumer No.021740029387 LT-Res.) . . . (Hereinafter referred as Consumer)

V/s.

Maharashtra State Electricity Distribution
Company Limited

Throughit'sNodal Officer/Addl.EE.

Kalyan Circle –II, Kalyan

. . . (Hereinafter referred as Licensee)

Appearance : For Licensee - 1) Shri.M.N.Karad, Dy.EE, Badlapur (W) S/dn.
2) Ashish Kumar Verma (Cash UDC)

For Consumer - 1) Smt.Maria E.A. Braganza (C.R.)
2) Shri.Anthony Braganza

[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 1961 of 2019, Smt.Maria E.A. Braganza, flat no.104, Shree vinayak society, near Deepali park, Valivli, Badlapur (w), pin code – 421 503 V/S MSEDCL through Addition Executive Engineer Badalapur (W) S/dn. The brief facts of the grievance application are Consumer submitted that, consumer is permanently residing at Vidhyvihar and she is having a residential premises at Valivali, Badlapur but it is unoccupied from the date of it's possession. Consumer further submitted that meter no.08200574520 has been allotted by the Licensee to the consumer from Nov-2014 at consumer's Valivali premises. It is the contention of the consumer that though the electricity supply is provided to this premises, it is kept unoccupied since the date of it's possession. It is also stated by the consumer that from Nov-2014 till Dec-2018 consumer was getting minimum charges bill of Rs.80/- per month which was regularly paid by the consumer. However in the month of Jan-2019 consumer got inflated bill of '138' units. Consumer stated that her meter is accessible outside her house and meter reader can easily take photograph of the same.It is further submitted by the consumer that immediately on receiving the inflated bill, consumer took leave from her office took a photograph of the meter, visited the office of the Licensee. Licensee noticed that the reading was showing unit while photograph on the bill was showing '138' units Licensee corrected bill amount limited to fixed charges of 80/- .According to the consumer this issue occurred again in the month of Feb-2019 showing consumption of 46 units, In march-19 showing consumption of '46' units. For getting the bill corrected again the consumer had to recourse the same time consuming process, which caused harassment and mental agony to her.

It is further submitted by the consumer that on 25/04/2019 Licensee informed to the consumer that proper action has been taken by the Licensee against the reading agency as per MSEDCL Rules and the bill which was wrongly punched in the month of Jan-2019 is already revised. Licensee assured consumer that hence forth consumer will get minimum changes bill and reading in the bill will be changed in the next 1 to 2 months. Licensee therefore requested to close the grievance as it is resolved. Consumer submitted further she had intimated to the Licensee by mail that the bill for the month of April-2019 is also erroneous and asked about the exact amount to be paid by her.

It is the contention of the consumer that no action had been taken by Licensee when successive billing from Jan-2019 to Mar-2019 were inflated. After that from Apr-2019 to June-2019 bills were showing "0" meter reading. However bill for the month of July-2019 again showed 143 units in the reading. However consumer paid Rs.950/- under protest against this bill. Fed-up with all this mental agony consumer approached IGRC. But IGRC did not heed to her request and her grievance was not resolved. Consume therefore approached forum for the following relief:

1. *To direct the Licensees' to restore the status quo in the periodical supply billings from July 2019 and onwards that was prevailing upto the supply month of December-2018 and*

intermittently upto the supply month of June-2019 that was effected due to the initiation of the complaint before the IGRC.

2. *To direct the Licensees' to replace the faulty meter with a healthy and working meter that is dependable and trusted at their own cost, and to calibrate with the base unit, and subsequent readings be periodically undertaken physically on the designated dates by qualified and trained field staff.*
3. *To direct the Licensees' to carry out or perform the debugging and systemic flaws in their billing technology platform that has had a cascading effect in the bills to date as depicted from the erratic and error ridden billing break-ups apart from the faulty and defective readings generated from the meter, as the said has been a norm from the supply bills of January-2019 till September-2019, and the undersigned is apprehending that there will no letup for the subsequent future billings; and in consequence, the Licensees' be further directed to expunge all the faulty records from January-2019 to September-2019 thereby restricting the payment to the amount of "Fixed Charges".*
4. *To direct the Licensees'' to make subsequent billing from October-2019 at the fixed charged only until the installation of the new meter prayed for in Para 2 above.*
5. *To direct the Licensees' to record the payment of Rs.950/- made under protest on 12/08/2019 towards erroneous supply bill for July-2019 and adjust the same against the "Fixed Charges" for the subsequent Supply bills for July-2019, Aug-2019, September-2019 and onwards, until the same is exhausted.*
6. *To restrain the Licensees' from taking any coercive steps to disconnect the supply.*
7. *To direct the Licensees' to pay suitable and reasonable compensation to the undersigned for their tortuous act and civil wrong doing that has caused immense mental agony, harassment and damage due to breaches committed by the Licensee.*
8. *Such further and other reliefs as the nature and circumstances of the case may require be granted.*

After receiving Grievance to Forum, this office served notice to Licensee vide letter no.EE/CGRF/Kalyan/414 dt.11/10/2019.Licensee denied the allegations of excessive billing Licensee stated that proper action has been taken against the reading agency as per MSEDCL's rules. Licensee also submitted that it had informed consumer that the corrective action regarding consumer bill is in process, status on the bills needs to change first and then reading will be updated to which will take 3 to 5 months.Licensee further submitted that disputed bills were revised as per "0" units consumption and in the month of April-2019 all the amount paid by the consumer has been refunded to the consumer only fixed charges are levied on the consumer. It is also submitted by the Licensee that as per spot verification report consumer's meter found faulty hence consumer's bill for the month of July-2019 and Aug-2019 has been revised and effect is

related in the bill of Sept-2019. Licensee therefore requested to close the grievance of the consumer.

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 consumer entitle for further bill revision in addition to Bill revision done by MSEDCL ?
- ii) Whether consumer is entitle for any relief?
- iii) What order?

Reasoning :

We have heard the arguments of both the parties and have gone through the documents on record. Taking into consideration the above facts our observation is as follows :

Complaint is about excessive bill and no reply has been given by the Licensee. Record shows that several mails of protest are send by the consumer but no response was given by Licensee. Licensee replied to the consumer first only when Licensee filed the grievance in IGRC.

Record also shows that earlier bills prior to the disputed bills are much less. The disputed bills/units are not commensurate with the meter readings shown by the consumer on her mobile to the Licensee. Moreover this fact is not denied by the Licensee. In fact Licensee has revised the disputed bills and only fixed charges are levied to the consumer. No evidence has been adduced by Licensee on record to establish that Licensee has taken steps to resolve consumer's grievance with a reasonable time. Consumer was made to run from pillar to post which must have caused mental agony to her.

From Mar-2018 to Dec-2018 reading was showing "0" units, ever from Nov-2014 (date of supply)to 10 Dec 2018 there is no complaint of consumer and consumer was getting the bills as per fix charges of Rs.80/- All the above circumstance led to arrive at the conclusion that there was no use of electricitysupply to the premises of consumer at Valivli, Badlapur. Consumer was made to suffer for the fault from Licensee's side for which consumer should be compensated. Moreover though there is not a direct loss in terms of money caused to the consumer however consumer has been deprived from his legally protected interest, hence consumer is entitled for compensation.

Hence the order

ORDER

- 1) The Grievance application no.1961 is allowed.

- 2) Licensee is directed to set aside all disputed bills issued to the consumer and issue fresh bills showing the amount of fixed charges only without DPC & Interest.
- 3) The amount already paid by the consumer be adjusted in ensuing bills.
- 4) Licensee is directed to take utmost care that such incident should not be repeated in future.
- 5) Licensee is directed to pay an amount of Rs 500/- towards compensation to the consumer by cheque.
- 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.