

**Consumer Grievance Redressal Forum
Maharashtra State Electricity Distribution Co. Ltd.
Bhandup Urban Zone, Bhandup**

Ref. No. Secretary/MSEDCL/CGRF/BNDUZ/

Date:

Case No. 271

Hearing Dt.08/06/2009

**In the matter of average billing and additional demand and
interest on S.D.**

Smt. Ranjanben P. Thakkar.

- Appellant

Vs.

MSEDCL – (Thane)

- Respondent

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri R.M. Chavan, Chairman /
Member Secretary, CGRF, Bhandup.
- 2) Mrs. Manik P. Datar, Member, CGRF, Bhandup.

B - On behalf of consumer

- 1) Shri Pravin Thakkar, Consumer representative.

C - On behalf of Utility

- 1) Shri Ghaitadak- Dy. E.E. Gadkari S/division.
- 2) Mrs. Bhosale, Asstt, Accountant Gadkari S/division.

Preamble :

Consumer registered her grievance with this Forum on 25/05/2009 vide case no. 271. She was aggrieved with the decision of ICRGU, Thane division given on 22nd May 2009 vide letter no. SE/TUC/IGRC/3117. Hence case was registered and hearing was fixed on 08/06/2009. Both the parties were present during the hearing. The hearing was fixed at 12.00 hrs. But Forum has observed that the utility officials appeared for the hearing at 13.30 hrs. stating that they received the papers at 12.00 hrs. It is the duty of Nodal Officer that the information and relevant papers about the case should be provided in time. We hope in future the relevant papers and documents are delivered to the concerned authorities well in advance to save the valuable time of the Forum and the consumer. We would further appreciate if the compliance of utility is also sent to us well in time.

Consumer's say :

Smt. Ranjanben Thakkar is having three-phase residential connection at Raheja Garden, Aspan B, No. 1104, L.B.S. Marg, Thane (W) with 7.5 kw connected and sanctioned load.

Consumer representative Shri Praveen Thakkar represented the case on the behalf of consumer as under :

Appellant had received the bills on average basis from Feb.-08 to June-08 for 50 units/month with R.N.A. status.

Appellant had paid Rs. 8000/- as security deposit to the utility. But it is observed by consumer that though he had paid the S.D., utility is again demanding additional security deposit from her. He also reiterated that security deposit paid by her is not reflecting in her energy bills.

Her electric supply was disconnected on 22/11/08 without giving any intimation notice of fifteen days. Not only that her electric connection had been made P.D. without issuing the final bill. Her electric meter was also removed by utility. Electric supply was reconnected on 25/03/2009 i.e. after 129 days. She was compelled to live without electricity for 129 days i.e. nearly 4 months. Before completing 6 months period, utility made her connection P.D.

Again in the month of April 2009, the utility issued her the bill on average basis i.e. 100 units/month. She sent a letter to utility on 12/09/2009 for issuing of correct bill so that she can pay the correct electric bill.

As per S.O.P. regulation no. 14.3, she is entitled for compensation against non reading of meter from Feb-08 to May-08.

As per under Section 56/1, E.A. 2003, utility did not issued her 15 clear days notice in writing. As per law, notice shall be served separately and shall not be the part of the bill. It is also mandatory on utility to serve the notice by register post.

Interest on S.D. was not awarded to her. It should be awarded as per MSEDCL parameter from 12% to 18%.

As per MERC S.O.P. dtd. 20/01/05 Regulation no. 16.1 states that :

Restoration of supply of electric, where the supply of electricity is disconnected on account of failure of the consumer to comply with her obligations under the Act or these Regulations the Distribution Licensee. shall bear the costs for Restoration of supply to the consumer.

He further inform that she had issued wrong bill and revised bill has not issue to her, utility continuously demanding additional security deposit moreover the interest and DPC on average bill was

not yet revised, so he, requested Forum that reconnection charge of Rs. 100/- may kindly be considered to refund to her.

He further inform that MSEDCL officers, staff, simply harassing her and her connection permanently disconnected and for reconnection she had to run from Raheja Garden to Gadkari, Wagle Estate, and cash counter for payment of bill and reconnection charges of Rs. 100/-. On this account representative of Consumer request the Forum that consumer may given the compensation of Rs. 25,000/- for this harassment and mentally stress and tension without authentic reason.

Utility Say :

No written compliance was given by utility. During the hearing, utility accepted the fact that the bills were issued on average basis from Feb-08 to June-08 for 50 units/ month as meter of the consumer was not visible. Hence status of R.N.A. was appeared on the bills, which was refundable as per MSEDCL procedure. Accordingly it was corrected in the month of July 08 and credit was given to the consumer.

Consumer did not paid any charges against electricity bills, which were issued, to him up to Dec.-08. Hence consumer was appeared in the list of arrears and as per procedure it was disconnected on 22/11/2008.

Respondent issued a notice, but nobody was present in the premises to receive the same.

Observations :

The matter was heard on 08/06/2009. Shri Pravin Thakkar was present on behalf of Appellant and Shri Gaitadk and Mrs. Bhosale were present on behalf of Respondent.

Shri Thakkar while arguing for the Appellant stated that the bills from Feb.-08 to June-08 were issued on average basis and electric supply was disconnected on 22/11/08 without giving prior 15 days notice. Meter was also removed on the same day and connection was made P.D. Appellant also argued that he sent a letter to utility on 12/05/2009 to issue him a correct bill for the payment but utility did not take any cognizance of his letter and disconnected his supply on 22/11/08. His supply was reconnected on 25/03/2009 i.e. almost after 4 months. To reconnect her supply he has to run from office to office of utility. He prayed for compensation of Rs. 25,000/- for mental and physical harassment from utility.

Shri Gaitadak argued for Respondent, the utility accepted the fact that the bills were issued on average basis from Feb.-08 to Nune-08 on R.N.A. status, which was reversed in the month of July-08 and the credit, was passed on to the consumer.

The Respondent also stated that the 15 clear days notice was issued to the consumer. As his premises was locked and nobody was present to received the notice. As the consumer did not paid any bill right from this connection i.e. from 30/08/07, he appears in the list of arrears, and hence it was disconnected on 22/11/08. According to the information received from the society's guard, that nobody is living in the premises, hence it was made P.D. immediately and meter is removed from the place.

From the fact of the case on record it is observed by the Forum that utility's concerned officials were not serious to handle the cases, which were appeared in the Forum. Utility appeared too late in the Forum without any compliance, stating that they received the papers and documents on that day only. It is responsibility of the Nodal Officer to look into the matter very seriously and be present during the hearing to plead the case. Utility is also failed to submit any compliance to the Forum and consumer, which is not in accordance with the MERC Regulations.

Forum observed that, disconnection was made without observing procedure as laid down as per section 56 (I) of EA 2003. Utility replied that consumer was not available to serve the notice. Forum asked the utility whether it was posted on the door of the consumer's premises and made any panchanama before removing the meter. Utility replied in negative. Forum also asked utility that to submit a zerox copy of the notice of disconnection within 2 to 3 days. After lapse of 15 days it was not submitted to the Forum. Hence Forum has no other alternative to consider, as the notice was not issued by utility under section 56 (I) of E.A. 2003. Hence consumer is entitled to received a compensation. Forum has no hesitation to award a compensation of Rs. 2000/- to the consumer.

The other issue of the consumer that she received the average bill from Feb.-08 to June-08 for 5 months. As they were reversed by utility, consumer is demanding for compensation for non reading of meter as per S.O.P.

It was observed by the Forum from CPL that consumer had not made any payment under protest right from her connection and she is demanding a compensation of non reading of meter does not stand any logic and has no merit. In the result, prayer for compensation under S.O.P. for non reading of meter is rejected by the Forum. ICGRU had given him the relief of Rs. 300/- for non reading of meter which is set aside by the Forum.

The D.P.C and interest, charged for non payment of Electric bills issued on average basis during Feb 08 to June 08, if not waived should waived is next billing cycle.

Appellant also raised the issue that though she had already paid the security deposit of Rs. 8000/- utility is demanding additional security deposit of Rs. 240/- from him. He also did not received interest on security deposit as it is reflected in his energy bills. Against this issue ICGRU, Thane had issued the right decision in their point no. 1 & 2, which is accordance with Law and Regulations, hence Forum does not interfere in the matter of S.D.

Consumer also requested for compensation for mental and physical harassment for Rs. 25,000/-. As regards, utility while arguing explained the fact that his premises was not in use as it was confirmed by low consumption of units i.e. 15 units in six months. This confirms that Appellant was not staying in the premises hence her plea that consumer has to stay in dark for four months is without any substance and hence prayer for compensation deserves to be rejected.

Consumer's request for refund of reconnection charges of Rs. 100/- as his supply was wrongly disconnected by Respondent and made it P.D. Forum is agree with the consumer's view and hence utility refund the reconnection charges to the consumer.

ORDER

- 1) Rs. 2000/- should awarded to the consumer for disconnection of his electric supply without any prior 15 days notice as under section 56 (1), E.A. 2003.
- 2) Reconnection charges of Rs. 100/- should be refund to the consumer.
- 3) D.P.C. & interest if charged on average billing during Feb-08 to June-08 should be waived.
- 4) No compensation is to be awarded to the consumer for non reading of her meter.
- 5) Respondent should observed that the reading of all the consumer should be taken as per rules and regulation laid down by MERC.

No order as to cost.

Both the parties should be inform accordingly.

The order is issued under the seal of consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 19th June 2009.

Note : 1) If Consumer is not satisfied with the decision, he may go in appeal within 60 days from date of receipt of this order to the Electricity Ombudsman in attached "Form B".

Address of the Ombudsman

The Electricity Ombudsman,
Maharashtra Electricity Regulatory Commission,
606, Keshav Building,
Bandra - Kurla Complex, Bandra (E),
Mumbai - 400 051.

2) If utility is not satisfied with order, it may go in appeal before the Hon. High Court within 60 days from receipt of the order.

**MRS. M.P. DATAR
MEMBER
CGRF, BHANDUP**

**R.M. CHAVAN
MEMBER SECRETARY
I/C CHAIRMAN
CGRF, BHANDUP**