



Consumer Grievance Redressal Forum, Kalyan Zone  
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301  
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**K/E/817/990/2014-15**

Date of Grievance : 20/08/2014

Date of Order : 16/10/2014

Total days : 58 days.

**IN THE MATTER OF GRIEVANCE NO. K/E/817/990 OF 2014-2015 IN RESPECT OF SUHAS D. DESHMUKH CONSUMER NO. 020013042561 A/106, PANDURANG RAVAD, OPPO. Mr. RAJPUT VAIBHAV COMPLEX, DOMBIVLI (W), DIST. THANE REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT EXCESSIVE ENERGY BILL .**

Suhas D.Deshmukh,  
A/106, Pandurang Ravad,  
Oppo. Rajvaibhav Complex,  
(Dombivli (W), Dist. Thane  
(Consumer No.020013042561/2)

.... (Hereinafter referred as Licencee)

Versus

Maharashtra State Electricity Distribution  
Company Limited though its  
The Addl.Executive Engineer,  
Sub/Divn. MSEDCL,  
Dombivli (W)

.... (Hereinafter referred as Licencee)

Appearance : For Consumer –Shri B.R.Mantri-Consumer's representative.

For Licensee - Shri Lahange-Nodal Officer/Exe. Engineer

Shri Bharambe-Dy.Executive Engineer.

Shri R.Y.Mashalkar-Executive Engineer &

Shri R.B.Bagal-Asst. Executive Engineer.

(Per Shri Sadashiv S.Deshmukh, Chairperson)

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. 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 and Determination of Compensation) Regulations, 2014.’ Hereinafter referred ‘SOP’ for the sake of convenience (Electricity Supply Code and other conditions of supply) Regulations 2014’.

2] Consumer is having supply from 30/4/2012 for residence. Consumer received bill of April dated 15/5/2014, wherein consumption for the month is shown as 2187 units. He objected it by filing objection to the Officer of Licencee dated 26/5/2014, then he approached IGRC on 16/6/2014. He communicated that as bill is of excessive units, he is not able to pay it. As bills were not paid, Licencee disconnected the supply of consumer on 16/8/2014 and PD report is submitted on 3/9/2012. Hence consumer approached this Forum for taking the matter urgently on 20/8/2014. Accordingly matter is taken up by this Forum and on hearing both sides, interim order is passed on 11/9/2014, whereby Licencee was directed to reconnect the supply, on consumer depositing Rs.20,000/- and said order is passed without prejudice to the rights of both parties. Accordingly, said amount is deposited on 11/9/2014 and supply is connected on 12/9/2014.

3] Accordingly, as Licencee was asked to appear and make it’s position clear. Licencee filed reply dated 9/9/2014, submissions were made. Even on 10/9/2014, copies of notices issued u/s. 56(1) of the Electricity Act dated 12/6/2014,

14/7/2014 and 13/8/2014 were produced. Accordingly, during the pendency of this matter, as sought by consumer, meter was to be tested about its accurate functioning, Licencee had agreed to test it. Said testing is carried out on 23/9/2014. During the said testing, it is disclosed that meter is not showing any error.

4] In the light of aforesaid progress, both sides made submission in tune with their respective contentions. Accordingly, now this matter is to be decided considering the disputed contentions.

5] Once again some material facts are required to be chronologically noted.

a] Supply to the consumer is for the residence from 30/4/2012.

b] Consumer paid bills up to March 2014 and there was no dispute till then.

c] Dispute started when consumer received bill dated 15/5/2014 for 2187 units which he objected on 26/5/2014.

d] Consumer in this regard was awaiting the reply from Licencee. In the mean time Licencee inspected the spot on 4/6/2014 and meter was tested on 2/8/2014. Prior to said testing consumer has approached IGRC on 16/6/2014.

e] As outstanding bills were not paid, supply was disconnected on 16/8/2014. PD report is submitted on 3/9/2014. Thereafter interim order was passed by this Forum on 11/9/2014 and in pursuance to the said order, consumer has deposited on the very day Rs.20,000/- and supply is reconnected on 12/9/2014.

f] During the pendency of matter, meter of consumer was again taken for testing on 23/9/2014 and during the testing, meter was found not showing any error to conclude that it is defective. It is contended that consumer refused to sign the report though testing is done in his presence. On behalf of consumer, it is submitted that as testing report was not prepared in his presence and testing was not carried out as sought by consumer, he has not signed.

In view of above, a disputed question is coming up as to whether the disputed bill for April 2014 for 2187 units is correct or it is excessive due to jumping of meter i.e. technical defect.

6] No doubt, twice meter is tested, during the first testing and second testing the meter is found correct. Prior to the second testing, it was specifically discussed during hearing before this Forum that meter is to be tested for its correctness of working and not only for its display. Consumer was aggrieved by the working of

meter, as to whether it has any technical /mechanical defect. Accordingly, testing is not done as expected, but Officers of Licencee expressed their constraints as the laboratory, wherein it was tested, there is no such facility. Accordingly, it is clear that meter is not tested on the aspect as to whether meter was having any technical/mechanical defect. This aspect remained unexplained. Though second testing is done in presence of consumer, he has not signed contending report not prepared in his presence . Secondly, now it is contended that testing is not done as prayed. In this light on behalf of Licencee it is claimed that reading reflected in display is correct. Still question comes up as to whether in a particular month the reading shown is of actual consumption.

7] No doubt CPL produced before us speaks that prior to disputed bill or after the said disputed bill, at no point of time supply exceeded three digits or even not more than 302 units. However, in the disputed month of April 2014 consumption is shown as 2187 units. This needs to be considered in the light of previous consumption and subsequent period. For April 2014 consumption exceeded more than ten times of the previous average. There is no explanation available for considering that this is actual consumption of consumer by using any method. Officers of Licencee are just relied on the display in the meter, but they are not able to demonstrate was it possible for the consumer to have utilization of 2187 units in the said month. In absence of it, claim of consumer needs to be considered as he contended that consumption of that quantum is actually not done by him. **Hence, we have no other option then to infer that it is nothing but, a jumping or erratic functioning of meter.** Accordingly, we find that grievance of consumer on this count is to be totally accepted.

8] Now coming to the second limb of argument, it is clear that Licencee opted to disconnect the supply on 16/8/2014 inspite of the fact that complaint was pending before IGRC from 16/6/2014. We tried to put a question during the first hearing on 11/9/2014, as to whether disconnection dated 16/8/2014 was by following legal

requirement of notice u/s. 56 (1) of Electricity Act. In reply, on next date, Officers of Licencee placed on record copy of notices dated 12/6/2014, 14/7/2014 and 13/8/2014. Without any proof of service on consumer and attempt is done to explain about such notices, stating as under in reply dated 10/9/2014 ‘ अशा प्रकारच्या नोटीसची पोहोच पावती घेण्याचा प्रमाणे केला असता बहुतांस ग्राहक पोहोच देत नाहीत.’ (Towards service of such notices issued, attempts are always done to have acknowledgments but many of the consumers are not giving acknowledgment). It is how general statement is made and in this matter it is not demonstrated that notices were tendered and consumer refused to acknowledge the notices. Consumer on the other hand came up with denial that any such notices are ever brought to him or served on him. Accordingly this denial has it's own importance. Thirdly, pendency of matter before IGRC from 16/6/2014 and on the completion of 60<sup>th</sup> days, this coercive action of disconnection is taken which is not keeping in tune with spirit of Law or as notice u/s. 56(1) of Electricity Act, is not served on the consumer. We find action of disconnection under these circumstances is not legal.

9] As per the above conclusion it is clearly seen that Officers of Licencee failed to perceive the seriousness of action of disconnection without even confirming as to whether notice u/s. 56(1) of Electricity Act is actually received by the consumer. It is really disheartening that IGRC not taken note of this particular development as IGRC not decided the matter in 60 days and though IGRC is presided over by the Nodal Officers at least on receiving the grievance filed by consumer before this Forum could have taken care but it is also not done sensitively. We hope that machinery of Licencee manned by Officers is required to take care of consumers sensibly. Accordingly, this grievance is to be allowed.

Hence the order.

**ORDER**

Grievance application of consumer is hereby allowed.

Already supply is reconnected as per interim order of this Forum, on 11/9/2014 which is to be continued. Consumer has already deposited amount of Rs.20,000/- as per interim order and now we direct that for the disputed bill of April 2014 dated 15/5/2014 set aside and it be recalculated, considering metered consumption for previous six months average, which is of healthy period and accordingly fresh bill for the said month be worked out. Such bill along with other outstanding bills be adjusted out of Rs.20,000/- deposited by consumer on 11/9/2014, balance amount be refunded to the consumer by issuing cheque with interest as per RBI Bank Rate from the date of deposit till to the date of payment.

Compliance of above order be submitted within 45 days of this order.

Date : 16/10/2014

**I agree**

**I agree**

**(Mrs. S.A. Jamdar)**  
**Member**  
**CGRF Kalyan**

**(Chandrashekher U.Patil)**  
**Member Secretary**  
**CGRF Kalyan**

**(Sadashiv S. Deshmukh)**  
**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:-

*“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.

