



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
Ph: – 2210707 & 2328283 Ext: - 122

**IN THE MATTER OF GRIEVANCE NO.K/E/091/0104 OF 07-08 OF
SHRI VISHWANATH. B. RANE REGISTERED WITH CONSUMER
GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN
ABOUT DISCONNECTION OF SUPPLY & CLAIMING ARREARS .**

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Shri Vishwanath. B. Rane

(Here in after

C/o Parshant Karnik, Shree Complex III,

referred to

C/4 1 Adharwadi Koliwali, 421301.

as consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its Assistant
Engineer Kalyan Sub Division 4, Kalyan

(Here in after
referred to
as licensee)

- 1) Consumer Grievance Redressal Forum has been established under regulation of “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006” to redress the grievances of consumers. This regulation has been made by the Maharashtra Electricity Regulatory Commission vide powers conformed on it by section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, 2003. (36 of 2003).
- 2) The consumer is a L.T. consumer of the licensee connected to their 415-volt network. Consumer is billed as per residential tariff. The consumer registered grievance with the Forum on dated 18/05/2007. The consumer is Shri Vishwanath Rane while the electricity bill stands in the name of Shri Parshant Karnik.

The details are as follows: -

Name of the consumer: Shri Vishwanath Rane

Address: - As above

Consumer No: - 020390643358

Reason of dispute:- No action on change of name application, Disconnection of electric supply by licensee during the period of pending decision with Forum & claiming arrears.

- 3) The batch of papers containing above grievance was sent by Forum vide letter No.0977 dated 18/05/07 to Nodal Officer of licensee. The letter was replied by Nodal Officer vide letter dated 28/05/07.
- 4) All three members of the Forum heard both the parties on 15/06/07 & 2/07/07. Shri V. B. Rane & Shri S. W. Pasarkar representing consumer attended hearing on both days and Shri S. M. Jadhav, Shri M. A. Atre, Shri Sugdeo Raut Assistant Engineers, Shri M. S. Patil Assistant accountant representing licensee attended hearing on

15/06/07. Shri S. M. Jadhav Assistant Engineer, Shri R. V. Shivdas Nodal Officer, Shri M. S. Patil Assistant Accountant representatives of the licensee attended hearing on 2/07/07.

5) Shri Pasarkar, during hearings on 15/06/07 & 02/07/07 made certain submissions orally & through written statements. Brief summary of submissions made in consumer's application & above said statements, which have relevance & direct bearing in the matter of grievance, are reproduced.

a) Shri Rane purchased flat C-4/001 in Shree Complex, Phase III Kalyan (W) in October 2000 from Shri Arjun Khambe. Shri Arjun Khambe who had purchased flat from Shri Parshant Karnik had applied to licensee on 27/08/97 for change of name from Shri Parshant Karnik to Shri Arjun Khambe but no action was taken by licensee. Now Shri Rane is unable to approach Shri Parshant Karnik, in whose name electricity bill stands, to complete licensee's formal procedure of obtaining signature of Shri Karnik & as such he is not able to get change of name affected in the bill.

b) He used to get bills on random average basis showing meter status faulty from October 2000 to July 2006. He received exorbitant bill of Rs 26850/- of the month of October 2006 without any details of claim.

c) Licensee disconnected his supply on 29/05/07 @ 14.45 hours during the period when he was following due process of law to get his grievances solved i.e. when his grievance application was filed with Consumer's Grievance Redressal Forum Kalyan for redressal of grievances. His supply was, however, reconnected on 4/06/07

@ 17.45 hours when he sent a telegram on 1/06/07 to Forum requesting immediate reconnection.

6) Consumer made following prayers in his application & statement submitted to forum during hearings.

a) Licensee should be directed to effect change of name in his bills without insisting NOC or signature of Shri Karnik in whose name electricity bills stand.

b) Licensee should also be directed to issue correct bill as per law to enable him to make payment.

c) Licensee should be asked to pay compensation as detailed below.

i) Out of pocket expenses Rs 1613/-

ii) For inconvenience caused due to disconnection of supply during the period when his application was in due process of law Rs 10000/-

iii) As per Standard Of Performance Regulation, 2005 for not correcting bills in time Rs 1400/-

7) Shri Jadhav during hearing & licensee vide letter mentioned in Para 3 above made submissions. The abstract of submissions are given below.

a) Licensee agreed that application for change of name was received from Shri Arjun Khambe in 1997 but the reason of non process of application at this stage cannot be explained. Shri Jadhav, during hearing, however, agreed that on receipt of application from Shri Rane for change of name licensee would process application after completing certain formalities such as submission of NOC by Shri

Rane from society, submission of copy of agreement of sale of flat etc.

- b) The meter No 19704 was installed at consumer's premises on 19/01/02 but data of this meter was not fed to computer till March 2006. The bills to consumer were being sent from April 2002 to August 2006 on random average assessment basis showing faulty status as meter was not read by meter reader & actual meter readings were not available during this period. Actual meter was read in August 2006 & the reading was 4966. The bills on actual consumption of 4959 (4966-7) recorded through meter No 19704 during the period from April 2002 to August 2006 has now been prepared & credit of 6772 units, as per assessed bills sent to consumer during this period, has been given. The net effect of $(6772-4959)= 1813$ credit units in terms of amount works out to be 18184/-. The credit of interest & delayed payment charges amounting to Rs 2042/- up to May 2007 has also been given. Thus total credit of Rs 20226/- has been shown in the bill of May 2007 & the net payable amount up to the month of May 2007 works out to be Rs 4734/-
- c) Notice claiming arrears up to March 2007 was served to consumer vide letter dated 17/04/07. It was mentioned in the said notice that non payment of arrears would attract action of disconnection of supply. The supply of consumer was disconnected on 29/05/07 @ 14.45 hours. Supply was restored on 4/06/07 @ 17.45 hours after receipt of instruction from Forum.
- 8) We now take up each of the above grievance for decision.

- a) No order is passed by Forum on the point of change of name in the electricity bill since Shri Jadhav, during hearing, has agreed that on receipt of application from Shri Rane for change of name he would process it on completion of certain formalities such as submission of NOC by Shri Rane from society, submission of copy of agreement of sale of flat etc.
- b) Study of Consumer's Personal Ledger (CPL) shows that consumer was charged on random assessed basis from April 2002 to August 2006 showing faulty status of meter up to April 2004 & thereafter status of meter was shown as meter changed up to February 2006. In further billing up to July 2006 meter status was again shown as faulty. The meter was first read in August 2006 with meter reading 4966 & a bill amounting to Rs 25698/- of 4959 units presuming initial reading as 7 was sent to consumer. Consumer disputed this action of licensee on receipt of bill of Rs 26850/- of the month of October 2006. Shri Jadhav during hearing stated that revision of bill is under consideration of licensee & he would submit soon final claim of licensee. He submitted final claim as detailed in Para 7(b) above. The action of licensee of charging 4959 during the period from April 2002 to August 2006 (for the period from date of installing meter i.e. from January 2002 to August 06 (56 months) amounts to charging $4959/56 = 88.55$ say 89 units per month. Shri Pasarkar disputed this on the ground that the meter replacement report was not made available & as such it cannot be concluded that initial reading at the time of installing meter was 7. Thus the claim calculated presuming final reading 4966 & initial reading as 7

can not be taken as conclusive proof of consuming energy by consumer. He demanded calculation @ 42 units per month based on average consumption of succeeding six months from September 06 To February 07. This demand was outright rejected as it was without any base. Shri Jadhav then produced register of meters showing meter No 19704 with initial reading as 2 as on 18/01/02. Charging consumer on metered consumption would be correct & proper as the meter was recording correct energy consumed as the meter was tested by licensee on 10/04/07 & found to be within permissible limit of error. The said meter till date is working properly & connected on the installation of consumer. Thus the action of licensee mentioned in Para 7 (b) is in order.

c) Licensee's action -- on the basis of notice of disconnection served to consumer on 17/04/06 demanding arrears -- of disconnecting supply of consumer on 29/05/07 @ 14.45 hours during the period when he was following due process of law to get his grievances solved is unwarranted & bad in law. The supply of consumer was, however, reconnected on 4/06/07 @ 17.45 hours after issue of order by Forum. Forum issued stay order vide letter No. 1016 dated 4/06/07 on receipt of telegram of consumer of 1/06/07 received in Forum on 4/06/07. The consumer was without supply for 6 days for no fault on his part. We grant compensation of Rs 1000/- for this default.

9) After carefully going through the entire episode, we unanimously, decided to issue following order.

O-R-D-E-R

1. Licensee after receipt of application from Shri Rane should process it for change of name on completion of formalities by Shri Rane such as submission of NOC from society etc.
2. The licensee's action of withdrawing assessed bills of 56 months of 6772 units from January 2002 to August 2006 & charging 4959 units as per metered consumption recorded in said 56 months is upheld & needs no further modification. Thus the final claim of licensee as per billing month of May 2007, based on above action, amounting to Rs 4734/- is correct.
3. The licensee should pay Rs 1000/- (Rupees one thousand) only to consumer as compensation within 90 days from the date of this order.
4. The claim of the consumer for out of pocket expenses & violation of Standard Of Performance, 2005, as per Para 6 (c) i & iii is completely disproved. There is also no basis for awarding these compensation.
5. The stay order desisting licensee to disconnect supply of consumer issued by Forum vide letter No 1016 dated 04/05/07 stands withdrawn.
6. Consumer can file appeal against this decision with the Ombudsman at the following address.

Maharashtra Electricity Regulatory Commission, 606/608,

Keshav Building, Bandra Kurla Complex, Mumbai 51

Appeal can be filed within 60 days from the date of order.

7. Consumer, as per section 142 of Indian Electricity Act 2003, can approach Maharashtra Electricity Regulatory Commission at:-

Maharashtra Electricity Regulatory Commission,

13th floor, World Trade Centre, Cuffe Parade, Colaba, 400005.

for non-compliance, part compliance or delay in compliance of this decision issued under “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressed Forum & Ombudsman) Regulation 2006”.

Date:- 05/07/07

(Sau V. V. Kelkar)

Member

CGRF Kalyan

(D. B. Nitnaware)

Member Secretary

CGRF Kalyan

(I. Q. Najam)

Chair person

CGRF Kalyan