



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/095/0108 OF 07-08 OF
SHRI CHANDRAKANT VAMAN DESHPANDE A-11-302
CHANDAN LOKUDYAN KALYAN (W) REGISTERED WITH
CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN
ZONE, KALYAN ABOUT THE VIOLATION OF SUPPLY CODE
REGULATION & INCORRECT BILLING.

Shri C. Deshpande

(Here in after

A-11-302, Lok Udyan,

referred to

Lok Housing & Const. Ltd, Sangle Waqdi

as consumer)

Shil Road Kalyan 421301.

Versus

Maharashtra State Electricity Distribution
Company Limited through its Assistant
Engineer Sub-Dn. III, Kalyan (E)

(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 is Shri C. Deshpande while the electricity bill stands in the name of M/s Lok Housing & Construction Ltd. The consumer registered grievance with the Forum on 28/05/07.

The details are as follows: -

Name of the consumer:- Shri C. D. Deshpande

Address: - As above

Consumer No:- 020020567563.

Reason of dispute:- Violation of Regulations framed under "Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005". (SCR, 2005) & incorrect billing

3) The batch of papers containing above grievance was sent by Forum vide letter No.0999 dated 28/05/2007 to Nodal Officer of licensee. The letter was replied by Deputy Executive Engineer vide letter dated 18/06/07 addressed to Superintending Engineer Kalyan Circle & copy to Forum (received in Forum on 27/06/07).

- 4) All three members of the Forum heard both the parties on 28/06/07. Shri Deshpande, consumer and Shri R. V. Shivdas Nodal Officer, Shri B. P. Bhoje Deputy Executive Engineer, Smt A. D. Jogdev Assistant Auditor representatives of the licensee attended hearing.
- 5) The details of grievances & relief sought for on these grievances by consumer from Forum are given below.
- a) Supply of draft rules & procedure of redressal of grievance to public as per Regulation 3.3 of Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (MFOR, 2006). Maharashtra Electricity Regulatory Commission (MERC) had made it mandatory for licensee to publish said draft rules & make the same available to public in English & Marathi at all cash collection centre & offices of distribution licensee. In none of the collection centers of licensee these draft rules are available. Licensee has asked consumer to collect the same from its office at a price of Rs 20/- per copy. Licensee should be compelled to comply the provision of this regulation of MFOR, 2006.
- b) As per Regulation 15.5.1 of SCR, 2005 the gap between bill date & due date of payment should be minimum 21 days. As an example he quoted two cases pointing breach of this regulation.

Billing month	Bill date	Due date of payment	Gap
March	3/4/07	20/4/07	15 days

2007			
April 2007	27/4/07	16/5/07	20 days

Licensee be asked to scrupulously follow the provision of this regulation.

- c) Meter No. 10041607 was burnt on 27/7/05 & was replaced by meter No. 2314710 on 7/10/06. The licensee had charged bill for this period @ 183 units per month on the basis of average past consumption of 6 months. The licensee should be directed to charge bill for this period @ 126 units per month on the basis of average past consumption of 12 months as per 2nd proviso of Regulation 15.4.1 of SCR, 2005.
- 6) The abstract of reply on above grievances as per letter dated 18/06/07 of licensee is given below.
- a) It has been decided to put important provisions of MFOR, 2006 on notice board of cash collection centers for the benefit of consumer. The copy of MFOR, 2006 is available at a price of Rs 20/- at the office of Superintending Engineer Kalyan.
- b) It is not possible to maintain gap of 15 days between date of bill & due date of payment due to technical reason. However attempts are being made to maintain this gap.
- c) There was no response on billing consumer @ 183 units based on 6 months average consumption instead of average past consumption of 12 months as per 2nd proviso of Regulation 15.4.1 of SCR, 2005. However during hearing on 28/06/07 Shri Bhoys agreed to charge consumer for the period from 27/7/05 to

7/10/06 on the basis of average past consumption of 12 months as per 2nd proviso of Regulation 15.4.1 of SCR, 2005.

7) We now take up each of the above grievance for decision.

a) We take a look on Regulation 3.3 (a) of MFOR, 2006. It reads:-

Every Distribution Licensee shall publish its draft rules and procedures for redressal of Grievances and make the same available to public in English and Marathi at all cash collection centers and offices of the Distribution Licensee, provided that, the Distribution Licensee shall inform consumers through the bills raised on them regarding the availability of such draft rules and procedures.

As per this regulation a duty has been cast upon on licensee to make the copies of MFOR, 2006 available to public in English and Marathi at all cash collection centers and at their offices. There is no mention about cost of supplying copies of MFOR, 2006 but it cannot be concluded that the copies of MFOR, 2006 are to be supplied to public free of cost. Licensee can collect actual cost of Xerox from public for supplying copies of MFOR, 2006.

b) We now examine the Regulation 15.5.1 of SCR, 2005. It reads:-

The due date for the payment of a bill shall be mentioned on the bill and such due date shall be not less than twenty-one days from the bill date in the case of residential and agricultural consumers, and not less than fifteen days in the case of other consumers.

The reply of licensee, mentioning technical reason for not adhering to this gap of 21 days between the date of bill & due date of payment, is devoid of convincing reason. Licensee should maintain the gap of 21 days between the date of bill & due date of payment in future before issuing bills to consumers.

- c) Second proviso of Regulation 15.4.1 of SCR, 2005 states that in case the meter has stopped recording, the consumer should be billed for the period for which the meter has stopped recording, based on the average metered consumption for twelve months immediately preceding the month in which the billing is contemplated.

In the present case meter No. 10041607 was burnt on 27/7/05 & was replaced by meter No. 2314710 on 7/10/06. The last meter reading taken on 16/06/05 was 13964 & meter reading on 17/06/04 was 12406. Thus difference is $13964 - 12406 = 1558$ units. The average monthly consumption, based on 12 months preceding metered consumption, works out to be $1558/12 = 129.83$ Say 130 units. Shri Bhoje agreed during hearing on 28/06/07 to charge consumer for the period from 27/7/05 to 7/10/06 @ 130 units per month.

- 8) Shri Deshpande agreed to above decisions of Para 7.
- 9) After taking all points into consideration, Forum unanimously passed following order.

O-R-D-E-R

1. Licensee should supply to public, on collection of actual cost of Xerox, copies of MFOR, 2006 at all cash collection centers & at their offices.
2. Licensee, in future bills to be issued to consumer, should maintain the gap of 21 days between the date of bill & due date of payment.
3. The bills prepared by licensee & issued to consumer for the period from 27/7/05 to 7/10/06 @ 183 units per month are, hereby, quashed & set aside. Licensee, however, should prepare the said bills @ 130 units per month & send final claim to consumer. Credit of amount already paid against quashed bills should be given while preparing above said bills.
4. Licensee should comply above orders within 60 days from the date of this order.
5. 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.

6. Consumer, as per section 142 of Indian Electricity Act 2003, can approach Maharashtra Electricity Regulatory Commission at the address

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: - 04/07/07

(Sau V. V. Kelkar)
Member
CGRF Kalyan

(I. Q. Najam)
Chair person
CGRF Kalyan

(D. B. Nitnawre)
Member Secretary
CGRF Kalyan