



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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No. **K/E/972/1178 of 2015-16**

Date of grievances : 04/01/2016

Date of order : 11/03/2016

Total days : 67

IN THE MATTER OF THE GRIEVANCE NO. K/E/972/1178 OF 2015-16 IN RESPECT OF PARESH JAYANTILAL MALDE, SHRI BALAJI KRUSHNA CHAWL, R.NO.8, LOTHAVADI, MOTHAGAON RETIBANDER, DOMBIVLI (W) 421 202, REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING BILLING DISPUTE.

Paresh Jayantilal Malde,
Shri Balaji Krushna Chawl,
R. No.8, Lothavadi,
Mothagaon Retibander,
Dombivli (W) - Pin- 421 202,
(Consumer No. **R020290090963**)

..... (Hereinafter referred as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its
MSEDCL, Addl. Executive Engineer,
Dombivli (W) S/dn-III, Kalyan Circle-I

..... (Hereinafter referred as Licensee)

Appearance : For Consumer– In person & Shri Sachin M.Pathare- CR.

For Licensee - Shri V.N.Gannade, AEE, Dombivli (W) S/dn-III

(Per Shri CU Patil-Executive Engineer-cum-Chairperson)

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

The consumer Shri Paresh Jayantilal Malde, residing at Shri Balaji Krushna Chawl, room No.8, Lothevadi, Mothagaon, Retibander, Dombivli (W), holding connection for his residence with consumer No. R020290090963, approached to IGRC with Form ‘X’ dated 26/10/15 for the billing dispute in the month of July 2015 which is received for 3340 units.

In response to the above ‘X’ form, the IGRC has not provided any remedial action within two months period specified for it. Hence consumer approached to CGRF by submitting his grievance in Schedule “A” dated 4/1/16 which was registered by allotting No. K/E/972/1178 dated 4/1/16. The consumer claimed for the correction of the excess bill of 3340 units received in the month of July 2015 against his previous consumption which is within the range of 100 to 150 units. The hearing of the above matter was scheduled on 18/1/16 at 13:15 hours and it was informed to the Nodal Officer of Kalyan Circle-I vide letter No.005 dated 8/1/16 with its copy to the consumer.

On 18/1/16, AEE of Dombivli (E) S/dn –III was not present and hence it was adjourned immediately to 20/1/16.

On 20/1/16 the AEE of Dombivli (W)-III S/dn submitted reply vide letter No.68 dated 20/1/16 stating that the details of electricity bill of Shri Malde (Consumer No. R020290090963) is submitted by him to the Nodal Officer, vide his letter No.2000 dated 26/11/15 along with lab testing report dated 14/10/15 of the meter under dispute. He also added that as per the directions of the IGRC, the disputed meter of consumer was sent to the manufacturer for detail analysis. Accordingly, the manufacturer also sent the email dated 23/12/15 about analysis of the meter declaring it as faulty meter.

AEE further stated that particular report is also sent to IGRC vide his letter No.1827 dated 6/1/15.

The Forum observed that inspite of receipt of manufacturer's analysis report dated 23/12/15 in which meter under dispute is declared as faulty, the Officers of the Licensee has not initiated any kind of bill revision taking into consideration this particular report. From 23/12/15, till the date of hearing on 20/1/16, neither IGRC has given any further guidelines to the AEE nor AEE of Dombivli (W) III S/dn has also initiated any kind of process for rectification of the bill inspite of manufacturer's analysis report in their hand.

It was quite possible for the Officers of the Licensee to sort out the grievance by rectifying bill under dispute utilizing the provision of MERC Supply Code mentioned at Clause No.15.4 which speaks about the billing in the case of defective meter. The consumer has made various correspondence over the bill under dispute by submitting applications to the Officers of the Licensee dated 10/9/15, 16/10/15 and 17/12/15.

In spite of considering the above circumstances and scenario of the case regarding billing dispute as mentioned above, the Officers of the Licensee disconnected the supply of the consumer's residence on 14/10/15. It was the duty of the concerned AEE to give priority to initiate preparation of bill revision as per the faulty report of the meter and to issue the correct bill to the consumer for further payment etc. However, Licensee has permanently disconnected consumer's supply on 14/10/15. Hence at least after receipt of manufacturer's report dated 23/12/15, it was possible for AEE to rectify their wrong action of PD of the consumer against bill raised then faulty meter, by providing immediate services for correction of bill etc. But no any positive coercive action was initiated by them though the case was first registered with the IGRC and then with CGRF also.

Considering the lethargy shown by billing Officers in the above case, the CGRF during the course of hearing immediately intervened the matter and instructed to the AEE for immediate reconnection of consumer's supply and to report in writing about such reconnection to the Forum on the same day till the finalization of the course of hearing on 20/1/16.

Accordingly, AEE managed from Forum's camp by further giving instructions to his subordinates for the reconnection of the supply of the consumer and submitted the report bearing No.69 dated 20/1/16 to the Forum regarding the details of the reconnection made by them. He also submitted that considering the faulty report of the meter, his Office is immediately proceeding for the revision of the disputed bill of July 2015 on the basis of recorded average consumption of preceding 12 months. Accordingly, he further submitted his compliance vide letter No.98 dated 29/1/16 by informing that the bill of the consumer for the month of July 15 is revised by charging average 106 units on

the basis of recorded average consumption during preceding 12 months. The bill for the revised amount of Rs.3,760/- issued to the consumer on 21/1/16 is also paid by consumer vide receipt No. 5637813 dated 21/1/16 . They also adjusted Rs.150/- paid by consumer towards meter testing charges in the revised amount of the bill. The supply of the consumer has been already reconnected on 20/1/16.

It is observed that the AEE of Dombivli (W) S/dn – III has implemented order of the CGRF (verbal order) dated 20/1/16 in all respects. The Forum arrived at the conclusion that the grievance of the consumer is redressed now completely. The consumer Shri Malde was communicated twice for submitting his letter clarifying that he has no more grievance and Licensee has redressed his grievance completely to his satisfaction. Lastly, when he was conveyed on 03.03.2016 for the same, he replied that by 08th or 09th March-16, he will arrange for the submission of required letter to the Forum. But till this date, he did not turn up before the Forum with any such submission. Hence, relying on the report submitted by the Officers of the Licensee dated 29/1/16, we pass the following order.

This matter could not be decided within time as Licensee was to provide the details sought from time to time, those were provided on 29/1/2016 and their submissions are heard on that day and clarification taken on 03/03/16 **Moreover, the Forum is functioning in absence of regular Chairperson and the Member Secretary is discharging the additional work of Chairperson along with the regular work of Member Secretary.**

Hence the order.

ORDER

The grievance of the consumer is well redressed by the Licensee during the pendency of the case with this Forum and hence grievance is disposed off.

Dated: 10/03/2016.

I agree

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

**(Chandrashekhar U.Patil)
Chairperson-cum- Member Secretary
CGRF,Kalyan**

**** (In the sitting of Forum, the Chairperson is not available. As per MERC Regulations (2006), Clause 4, the technical member shall be the Chairperson of such sitting in which Chairperson is not available and hence in the present case, the technical member performed the role of Chairperson of the Forum).**

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.

