



Consumer Grievance Redressal Forum, Kalyan Zone  
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301  
Ph- 2210707, Fax - 2210707, E-mail : cgrfkalyan@mahadiscom.in

No. K/E/845/1032 of 2014-15

Date of Grievance: 26/02/2015

Date of Order : 30/03/2015

Total days. : 33

**IN THE MATTER OF GRIEVANCE NO. K/E/845/1032 OF 2014-15 IN RESPECT OF SANKET SHANTARAM PAGDE, PADMIBAIAPT. ROOM NO.405, 4<sup>TH</sup> FLOOR, NANA NANI PARK, VIRAR (E) REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN, 401 203 . REGARDING REFUND OF EXCESS AMOUNT RECOVERED.....**

Sanket Shantaram Pagde,  
Padmibai Apt. Room No.405,  
4<sup>th</sup> floor, Nana Nani Park,  
Virar (E) ,401 203

**(Consumer No. 001530186276) ..... (Hereinafter referred as consumer)**

**Versus**

Maharashtra State Electricity Distribution  
Company Limited through its  
Dy. Executive Engineer, MSEDCL,  
Vasai Road Sub/Divn.(E).

.... (Hereinafter referred as Licencee)

Appearance : For Licensee: Shri Shri Jadhav- Addl Exe.Engineer,  
Shri R.G.Gharat - Asst. Accounts  
For Consumer: Shri Sanket Pagde - In person

(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 residential supply bearing consumer No. **001530186276**, date of connection is 22/8/2013. Consumer from time to time approached Officers of Licencee, pointing out that he is receiving bills for heavy amount, though his utilization with existing gazettes is less. Even once he faced disconnection, but the aspect of heavy bills continued. It was serious in the month of May and June 2014. Hence as per his contention, Officers of Licencee verified the meter, recovered from him testing fee and meter was ultimately replaced on 12/6/2014. Meter was tested and during the testing it was disclosed that meter is running fast by 60%. On receiving report only for those two months, bill was reset and in the month of September 2014 necessary credit is given. However, consumer approached with the grievances on 23/9/2014,18/10/2014 to the officers of Licencee and filed grievance application with IGRC on 4/12/2014. **Hon’ble IGRC not cared to decide, rather forced consumer to approach this Forum, hence he approached on 26/2/2015, contending that right from beginning meter itself was faulty, his request**

**was not considered and he was made to pay heavy amount in fact total amount recovered is of Rs.28,950/-.**

3] On receiving the grievance, it's copy, along with accompaniments, sent to the Nodal Officer vide this Office letter No. EE/CGRF/Kalyan/037 dated 26/2/2015.

In response, Officers of Licencee appeared and filed reply dated 13/3/2015 on 16/3/2015. In reply only factual aspect is stated, contending that as per the meter testing report, considering 60% fast meter, credit is given for the month of May and June 2014. However, it is not denied that consumer right from beginning after receiving the bill of October 2013 had approached, faced disconnection, sought connection, paid partial amount and grievance is not redressed. Accordingly, Officers of Licencee came up with a limited contention that for the month of May and June 2014, bills are revised, considering 60% fast meter.

4] We heard both the sides at length, considered the documents and papers presented by both sides. On the basis of the material placed before us, following factual aspects are disclosed, those are as under:-

a] Consumer sought connection, it was connected on 22/8/2013 and first bill in October 2013 received for 112 units. Further it is disclosed that in the meantime, as bills of November and December 2013, were, for heavy amount towards units shown as consumed 740 and 572. Consumer was not able to pay it and supply was disconnected.

b] After disconnection consumer paid partial amount towards the bills to the extent of Rs. 10,000/-, 4100/- and paid reconnection charges of Rs.50/- on 25/2/2014 and thereafter supply was connected.

c] Consumer on 7/6/2014, paid an amount of Rs.150/- for testing of the meter.

d] Meter was replaced on 12/6/2014. Said replaced meter, was, sent for testing, to testing department on 19/8/2014. Meter was actually tested on 3/9/2014 and testing report dated 9/9/2014 was submitted.

e] On noting that meter is running fast by 60%, as per testing report, consumer's bill for May and June 2014 was revised on 5/9/2014 and credit is given in the bill of September 2014 for Rs.10,558.03 Ps.

f] However, consumer was not satisfied and he complained to the Officers of Licencee on 23/9/2014 and provided copies to various Officers of Licencee. He repeated it, vide his letter dated 18/10/2014. Lastly consumer approached IGRC on 4/12/2014 enlisting the previous instances, right from beginning and his grievance is not considered. Said grievance of consumer before IGRC not dealt for 60 days, hence consumer approached this Forum on 26/2/2014.

5] Main aspect needs to be considered is whether meter provided to the consumer was faulty from beginning and whether consumer is entitled to revision of bills from beginning.

From the series of letter written by consumer from 23/9/2013 onwards, almost all previous instances are quoted. Consumer clearly mentioned that how he approached the concerned Officers and requested for help as bill received by heavy amount. He has also made it clear that officers endorsed correctness of bill, without providing copy of test report. He has quoted the incident of meter disconnected, due to nonpayment of heavy amount and that he paid amount partially, as he is having child and supply was necessary. He even paid reconnection charges of Rs.50/- on 15/2/2014 and supply was connected. All these aspects though consumer, serially in every complaint quoted, but there is no reply from Licencee on these. Accordingly, previous instances cannot be ignored. We are to treat that consumer's complaint is there from beginning and it is not limited for the month of May 2014 and June 2014.

6] If once it is considered, consumer's grievance, is there, right from beginning then it is necessary to consider the readings recorded in the month of October 2013, November 2013 and December 2013. Consumer is charged for 112, 740 and 572 units respectively for these months and consumer has raised dispute which is not dealt in it's proper spirit.

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Further from January 2014 to April 2014 reading is in between 60 to 63 units and for February 2014 reading is “0”. However, for the month of May 2014 and June 2014 reading jumped up to 675 and 1496 units and consumer received heavy bills. This is factual aspect and considering it, consumer has requested for testing of meter. He paid testing fee of Rs.150/- on 7/6/2014 and prior to it, Officers of Licencee had verified the meter on 5/6/2014 and reported that meter needs replacement. Actually meter is replaced on 12/6/2014 and it was tested on 3/9/2014 and during the testing it is reported that meter is running fast by 60%.

Accordingly, one fact is clear that meter was found running fast. The running of meter should be normal and if it is fast or slow, then it comes under the definition of defective meter and said defects are required to be cured within time and hence while granting the relief by Licencee, it is made limited to three months prior to the dispute. At the same time, responsibility is cast on the Licencee to actually verify the meter time to time and record the correct reading at least once in a three months. Considering the fact that reading for November 2013 and December 2013 and May 2014 and June 2014 found totally for higher units. This particular comparison is done with the reading available, which is not in dispute from July 2014 i.e. after meter replaced on 12/6/2014 and said consumption is ranging from 40 to 92 units and as noted above, aforesaid disputed, readings are not tallying. Those are more than five times. This clearly leads to inference that meter was defective and said defect though consumer tried to bring it to the notice of Officers of Licencee, they have not cured to it. Accordingly, we find that meter is found fast by 60% and only for the month of April 2014 and May 2014 effect is to be given reducing the said 60% fast, is, not acceptable. We find from the aforesaid analysis that meter was totally defective and said defect, consumer was trying to bring it to the notice of Licencee which is not cured. Accordingly, we find this being a defective meter,

consumer cannot be forced to pay the heavy amount and already he was required to pay and now he is entitled to relief.

7] Question comes up how the liability of consumer is to be dealt. It is a fact that supply given to the consumer for the first time on 22/8/2013. First bill itself was issued in October 2013 and meter found fast which was taken out on 12/6/2014. Disputed period, is, from 22/8/2013 to 12/6/2014 and hence there is no question of considering any healthy period, prior to the dispute i.e. prior to the date of connection i.e. from 22/8/2013. However, subsequent consumption is available from July 2014 to February 2015 which is not in dispute and those readings are made available by Licencee and even by consumer. Accordingly, this can be taken for working out average per month and equitably right from the date of connection till June 2014. Bills are required to be revised on the basis of said average for the consumption from July 2014 to February 2015. The said average comes to 62 units (494 divided x 8). Accordingly liability of consumer is to be worked out with this formula, treating consumption per month of 62 units. After considering this average, the liability is to be worked out per month. From the liability so worked out for these months, the amount already paid by consumer is to be taken into account and the liability is to be deducted from the amount already paid and excess amount so paid needs to be refunded by issuing cheque. In respect of refund, we find it is to be refunded with interest from 5/9/2014 as per Bank Rate. Accordingly grievance is to be allowed.

Hence the order.

### **ORDER**

Grievance of consumer is hereby allowed.

Bills issued by Licencee from October 2013 to July 2014 are hereby set aside. Licencee is directed to revise those bills considering the average consumption for those months as 62 units. The liability so worked out be

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deducted from the amount deposited by consumer from October 2013 to June 2014 and balance amount be refunded to the consumer by issuing cheque.

Amount of Rs.150/- received from consumer towards testing be refunded by the Licencee adjusting in the ensuing bills.

Licencee to comply these aspects within 45 days from the date of this order and to submit compliance report within 60 days from the date of this order.

Dated: 30/3/2015.

I agree

I agree

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

(Chandrashekhar 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.

	<b>Name</b>	<b>Organisation</b>
	Shri Sadashiv S. Deshmukh- Chairperson Mrs.S.A.Jamdar – Member	CGRF
	Shri Chandrashekher U. Patil-Exe.Engg.	
	Shri Jadhav-Addl. Exe. Engineer Shri R.G.Gharat – Asst.Accountant.	MSEDCL
Rep ly	Shri Sanket Pagde	In person.

filed by Licencee , its copy provided to the consumer. Matter discussed.

2] Consumer is having supply from 23/8/2013, received first bill in October 2013 and precisely consumer disputed, after receiving the bill of June 2014. Consumer paid amount of Rs.150/- for meter testing on 12/6/2014. On that day consumer's meter was taken out and actually it is tested on 3/9/2014 and testing report speaks that meter was fast as 60% . Considering it, Licencee worked out excess amount charged to the consumer to the tune of Rs.10,558/- in the month of September 2014. However, consumer in grievance to the Licencee dated 23/9/2014, given



history that right from beginning he was complaining as and when heavy bills were issued, he had talked with concerned Engineer and by adjustment though he paid bill. The seriousness continued and hence he claimed that meter was found to be defective according to him or running fast hence sought its testing. It is contended that in the meter testing, it was disclosed that meter is fast. Accordingly, he submitted that when his consumption on an average is between 60 to 70 units per month. The previous bills issued is not correct.

3] On other hand, Officers of Licencee submitted that as per the meter testing report, though meter was found fast by 60% . It is already considered for the month of May and June 2014 and towards adjustment is done and credit is given to extra amount received to the tune of Rs.10,558/-. Accordingly, it is contended that there is no any scope of considering the consumer's grievance, we tried to find out exactly what is defect in the meter disclosed and it is **grade for**.

4] Meter defect is clear and said defect is as per testing report, it was running fast. If this running fast then inspection is required to demonstrate for how many months it was running fast. However, Officers of Licencee are trying to restrict only for two months, but question is of such heavy units noticed from November 2013. In November 2013 units consumed shown as 740 , December 572 and there is no explanation towards it. It is in between 40 units to 42 units from July 2014 to February 2015, which is in between 44 to 90 units and its average can be considered which comes hardly 65 or 70 units per month and this is one of the clue to consider that as this subsequent period is not disputed as connection itself is from August 2013. There is no question of taking note of any previous healthy consumption prior to it. Accordingly, matter is to be decided on its own merit. While considering the refund, as if any then correct --- by Licencee to the tune of Rs.10,558/- is also taken it up.

Dated: 16/3/2015.

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

(Chandrashekhar U.Patil)  
Member Secretary  
CGRF,Kalyan

(Sadashiv S.Deshmukh)  
Chairperson  
CGRF, Kalyan



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Ph- 2210707, Fax - 2210707, E-mail : cgrfkalyan@mahadiscom.in

No. K/E/832/1010 of 2014-15

Date : 16/12/2014

**MINUTES OF THE HEARING OF THE CASE OF GRIEVANCE NO. K/E/832/1010 OF 2014-15 IN RESPECT OF DATTARAM SAHADEO DHANAWADE, VANDRE, POST ASROLI, TAL.MURUD, DIST. RAIGAD-402 401 HELD IN THE MEETING HALL OF THE FORUM'S OFFICE ON 26/11/2014 AT 1.30 HRS. REGARDING INTEREST ON REFUND AMOUNT AS PER SBI BANK RATE.....**

S.No	Name	Organisation
1	Shri Sadashiv S. Deshmukh-Chairperson	CGRF In person. MSDCA's representative
2	Shri Chandrashekhar U. Patil-Exe.Engg.	
3	Mr. Ganesh Manojkumar - Asst. Engineer	

On behalf of Licencee reply is filed, it's copy provided to the consumer.

2] Both sides are heard.

3] It is a fact that consumer was receiving average bills during the period from July 2012 to October 2013. CPL is placed on record, it shows the consumption of 83 units per month during the said period and it is contended that it was issued on the basis of average. Aspect of average was followed as actual change report of meter installed in July 2012 was not entered in the system. It is a fact that in July 2012 old meter was bearing No.54589 and as contended by Licencee it's last reading was 09824 units and new meter installed was bearing No. 41418 and it's initial reading was 0001. According, though this new meter was installed, monthly reading of said meter is not reflected in the CPL till bill of November 2013. In November 2013 reading is recorded in CPL for the said month as 4493 units as a last reading and initial reading is shown as 0001 unit. Accordingly for that month bill was issued and dispute commenced. After the said dispute as consumer could not pay the said bill, his supply was disconnected on 25/2/2014. Said disconnection further resulted into reconnection on 22/4/2014 as consumer without prejudice to his rights agreed to pay dues by installments and at that time new digital meter was installed bearing No. 2878354. It's initial reading was 0001 unit.

In respect of previous meter No.41418 dispute was raised and hence it was sent for testing by the Officers of Licencee on 18/3/2014 with a letter and it is shown as tested on 21/3/2014. In the testing report reading prior to the test is shown as 4396 and reading after test is shown as 4400 units. As against it current reading for the month of February 2014 shown as 4368. PD report of

said meter dated 25/2/2014 is not on record. Previous reading of 4368 reflected as per CPL for March 2014 current reading is shown as 4393. The bill dated 13/2/2014 covers the period from 4/2/2014 till to the date of disconnection i.e. 25/2/2014. In it previous reading is shown as 4312 and current reading shown as 4368. Accordingly, though in the CPL on 25/2/2014 as per the above inference, reading was 4368, but in the meter testing report, it is shown as 4396. Hence there is difference of about 38 units or so. Secondly, it is seen that testing report is totally not giving clear picture. Testing is done on the load of 400 wat lamp. But it is totally silent what was the error prior to the adjustment or what was the error after test. Those columns are not filled in and those are kept blank and remark is given “ above said meter seems to be ok”. Accordingly, this report speaks itself about its nature and manner in which it is prepared. Technically and even factually this testing report found not correct. Testing was not done on the load of 100%, 50% or 10%. In respect of this report, CR commented that this is not at all required to be taken in to account while considering the case of consumer. He submitted that during disputed period from July 2012 to November 2013 and till February 2014 bills are paid as per .83 units shown about it dispute is raised. It is contended that prior to July 2012 or after reconnection from 22/4/2014 average of consumer's consumption not exceeded at any point of time more than 70.5 units per month. At this juncture, we have noted the previous consumption of 12 months from June 2011 to May 2012 and said total consumption is of 907 units and divided by 12 months, average comes to 75.5 units per month. CR submitted that reading after reconnection i.e. from 22/4/2014 is not disputed, it also speaks the trend which is of 64 units per month He contended that if there would have been any consumption at higher side after reconnection, using the new meter it could have supported the inference of Licencee that consumer has consumed more units. Subsequently, consumption reflected in the CPL from May 2014 it was

reconnected on 22/4/2014 and hence from May 2014, bills are issued, consumption for May 2014 is of 100 units. Towards June 2014 it is of 314 units, July 2014 it is for 56 units, August 60 units, September 65 units and October 59 units. He contended that if this subsequent consumption are trend is considered then consumption shown for the dispute period from July 2012 to November 2013 at the rate of 275 units is not correct and he submitted that no testing at all is required in this matter as facts are clear. Bill issued for May 2014 covers the period from 4/4/2014 . In fact in CPL, previous reading is shown as 1 subsequent reading is shown as 1 and bill is issued for 100 units. In CPL there is remark of normal functioning of meter, but in the bill there is remark of RNA (reading not available) Hence these two are not tallying with each other. In this light now matter needs to be decided. The matter is reserved for order.

**Dated: 16/12/2014.**

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

**(Sadashiv S.Deshmukh)**  
**Chairperson**  
**CGRF, Kalyan**



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**MINUTES OF THE HEARING OF THE CASE OF GRIEVANCE NO. K/E/832/1010 OF 2014-15 IN RESPECT OF DATTARAM SAHADEO DHANAWADE, VANDRE, POST ASROLI, TAL.MURUD, DIST. RAIGAD-402 401 HELD IN THE MEETING HALL OF THE FORUM'S OFFICE ON 26/11/2014 AT 1.30 HRS. REGARDING INTEREST ON REFUND AMOUNT AS PER SBI BANK RATE.....**

S.No	Name	Organisation
1	Shri Sadashiv S. Deshmukh	CGRF
2	Chandrashekher U. Patil	
3 4	Shri Dattaram Dhanawade- Mr.Purshottam Gokhale	In person. Consumer's representative

Consumer Mr. Dattaram Dhanwade, his representative Mr. Purshottam Gokhale present. None present for Licencee.

2] Matter taken up. It is informed to our member secretary that Nodal Officer who was working is transferred and hence there is difficulty with the Officers of Licencee to attend, time is sought.

3] With the help of consumer, consumer's representative and material on record, following factual aspects are disclosed:

a] Consumer is having residential supply LT-I one phase under consumer No. 048244000404 from 18/4/1992.. There is no dispute for period prior to July 2012.

c] Dispute is pertaining to the period from July 2012 to October 2013 and meter in the consumer's was changed in July 2012 only. For these 16 months i.e. from July 2012 to October 2013 and old meter was working, but bills were issued showing 83 units per month and it was not as per the actual reading as reading itself was not taken. Consumer paid bills issued for 83 units per month regularly.

d] Consumer received a bill in the month of November 2013 for Rs.24,294/- of 3995 units, it was of huge amount and for heavy consumption

shown. Towards it consumer disputed bill, deposited Rs.2500/- on 2/12/2013 and Rs.3000/- on 31/12/2013. Thereafter consumer received bills covering the period from October to December 2013, showing previous reading 3995 units and current reading 4924, units consumed 293. For January 2014 bill received, showing previous consumption 4229 current reading 4372, consumed units 88 and for February 2014 previous reading is shown 4312, current reading is shown 4368 units and consumed as 56 units. Accordingly average of 5 months is worked out to 83 units.

e] It is contended that consumer addressed letters to the Licencee from time to time. When there was insistence for paying amount and amount was not paid, supply of consumer is disconnected on 25/2/2014.

4] Consumer has written letter dated 10/3/2014, making grievance about disconnection in spite of dispute. He has approached Janjaguruti Grah Manch Raigad and they had addressed letter to Asst. Engineer on 13/3/2014. Thereafter consumer was asked to pay the amount, hence he gave letter on 21/4/2014 undertaking to pay the amount @ Rs.2000/- per month that too without prejudice to his rights. He addressed one more letter on 28/10/2014, seeking bills as per reading shown in the meter. It is contended that none of these letters pertaining to the grievance of consumer is heard and decided.

5] Accordingly, consumer approached this Forum with a grievance on 11/11/2014. He is seeking relief about the failure on the part of the Licencee to record reading regularly per month, issuing bills of extra units, though average of less units.

Let reply of Licencee is to be received and on receiving it further aspect will be discussed and dealt with.

**Dated: 26/11/2014.**

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

**(Sadashiv S.Deshmukh)**  
**Chairperson**  
**CGRF, Kalyan**







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No. K/E/832/1010 of 2014-15

Date :02/03/2015

**MININUTES OF THE DISCUSSION IN THE LIGHT OF LETTER OF CONSUMER DATED 28/2/2015 TOWARDS NON COMPLIANCE OF THE ORDER OF THE FORUM IN GRIEVANCE NO. K/E/832/1010 OF 2014-15 IN RESPECT OF DATTARAM SAHADEO DHANAWADE, VANDRE, POST ASROLI, TAL.MURUD, DIST. RAIGAD-402 401.**

S.No	Name	Organisation
1	Shri Sadashiv S. Deshmukh-Chairperson	CGRF
2	Chandrashekher U. Patil-Exe.Engineer	
3	Mrs. S.A.Jamdar - Member	

Matter discussed. Consumer is dissatisfied towards compliance of the order of the Forum. Recovered amount not refunded by cheque as directed by Forum , but it is being adjusted in the ensuing bills. Compensation amount is yet to be paid. Considering it, as an application towards execution of order issue notice to both sides for hearing on 16/3/2015 at 12:15 hours.

Dated: 02/3/2015.

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

(Chandrashekhar U.Patil)  
 Member Secretary  
 CGRF,Kalyan

(Sadashiv S.Deshmukh)  
 Chairperson  
 CGRF, Kalyan

