



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/293/323 OF 2009-2010 OF SMT. PRATIMA P. BODAS, RESIDENT OF KALYAN (WEST) REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT EXCESSIVE BILLING.

Smt. Pratima P.Bodas
201/C Wing
Niwara Complex, Tilak chowk
Kalyan (W), Dist : Thane

} (Here-in-after
referred
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its
Dy. Executive Engineer
Kalyan West Sub-Dn. No. II

} (Here-in-after
referred
as licensee)

- 1). Consumer Grievance Redressal Forum has been established under "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. The Consumer is billed as per residential tariff. The consumer registered grievance with the Forum on dated 21/08/2009 for excessive billing. The details are as follows: -

Name of the consumer :- Smt. Pratima P. Bodas

Address: - As above

Consumer No : - 020020874423

Reason of dispute: Excessive energy bills

- 3) The batch of papers containing above grievance was sent by Forum vide letter No. EE/CGRF/Kalyan/736, dated 21/08/2009 to Nodal Officer of licensee. The licensee through Dy. E.E. Kalyan Sub Dn.II (W), filed reply vide letter No.Dy.EE/KLN(W)/S.Dn-II/Billing /2492, dt. 07/09/09 as a point wise reply to the grievance application filed by the consumer before this Forum, with a copy to consumer.

- 4). The Member Secretary and Member of the Forum heard both the parties on 24/09/2009 @ 15.00 Hrs. in the meeting hall of the Forum's office. Smt. Pratima P.Bodas and Shri Prabhakar Bodas, Consumer and Shri Nitnavare, Nodal Officer and Shri S.S.Bakshi, Dy. Ex. Engr., Shri Davis, Jr. Engr. and Mrs. S.N.Ratnaparkhi, AA, representatives of the licensee attended hearing. Proceedings of

the hearing including submissions made by both the parties are as follows:

- 5). The consumer submits that though the flat was not in use, the meter was in working condition. MSEDCL was informed by him about the same from time to time. Even though he has been charged on average basis instead of minimum. Consumer paid some such bills. Amount of such paid bills are not adjusted on further bills. Meter was already there. Still he has been charged for new meter. His meter place was found vacant in one of his visit so he felt it was removed, hence he informed the licensee about it, and then they said meter is not removed. Meter was replaced by electronic meter. It was there but it was little aside. However, there was no supply in flat. He again complained to licensee. Licensee sent their staff and set it right. It was due to loose wire. After replacing electronic meter, Licensee collected reconnection charges from the consumer of Rs.25/- vide R.No.7374167 dt.13.8.07 and Rs.150/- vide R.No.7704880 dt.18.12.07. The consumer said he also paid Rs.485/- vide receipt No.7530841 dt.13.8.08. This amount was paid by cheque No.333230 dt.13.8.07 but the licensee informed that this cheque is dishonoured and issued bill for arrears of Rs.933/- including DPC and interest. The consumers stated that he has paid excess amount of about Rs.1000/- and this amount is lying with licensee so he did not feel it necessary to pay electric bill from Jan.08. He wanted to refund the excess amount alongwith reimbursement of Rs.500/- incurred by him against postal expenses, traveling charges from Mumbai to Kalyan and back.

- 6). The CR submits that as per consumer's letter dated 30.10.06, faulty bills for July 99, Sep.99 and April 02 were revised. The bills for May 02 to Feb.05 were as per reading. The bills from April 05 to Sept.05 were revised and a credit of Rs.2426.89 was given to consumer in Dec.05. Faulty bill of Feb.06 is also revised and credit of Rs.321.06 was given in Mar 06. Faulty bills from April 06 to Mar 06 were also revised and a credit of Rs.39.15 given in Jan.07. Also bills from Jan.07 to Mar 07 and May 07 to July 07 are also revised and a credit of Rs.344.83 is given in Sept.07. Thus the CR explained that the licensee has given No. of credits to the consumer from time to time.
- 7). The CR submits that the consumer given a cheque No.333230 dt.13.8.07 for Rs.485/- but it was dishonored due to wrong presentation. Therefore penalty and interest arrived at Rs.259.70. Again the bill of Jan.08 was given faulty which was then revised. The consumer paid Rs.933/- as PD arrears bill + Rs.150/- as reconnection charge. As per CPL consumer is PD in Aug.07. The PD bill issued for Rs.933/- is paid by the consumer in Jan.08 with reconnection charges and reconnected the supply. As it was PD arrears + RCC, it was not refunded.
- 8). The consumer asked the forum to return the cheque said to have bounced and refund the amount along with DPC interest charged on this account. The licensee agreed to do this on production of zerox copies of the pass book and confirming that the cheque submitted to their bank account for clearance. Accordingly, the

consumer handed over a zerox copy of the pass book details and licensee will take action as decided.

- 9). As per instructions, the licensee submitted the detailed statement vide their letter No.Dy.EE/Sub Dn.II/T/GAD/272 dt.25.9.09 duly signed by Asstt. Accountant. According to which there is a credit amount of Rs.181.28 with the licensee on the account of the consumer. In respect of submission of copy of disconnection notice, the concerned Dy.EE informed in writing that the same is not traceable being old case.

10). **The forum observations:**

In present case the sequence of events is as follows :

- a). As per the CPL record the supply was released to the consumer in January 99.
- b) The flat was vacant and the consumer has informed about the same to licensee.
- c) Though the flat was vacant, the consumer was getting regular average bills instead of bill for the fixed charges.
- d) During the above period, the consumer gave a letter dt.30.10.06 to licensee to charge only fixed charges as the flat was vacant.

As the licensee was issuing the bills on the basis assessed average consumption, the consumer did not make the payment. As the consumer has stopped the payments, the connection was P.D. in August 07, meter No. 2291267. The connection was restored in January 08 (as per CPL) with same meter as the consumer made the payment towards PD arrears with RCC Rs. 150.

- e) As per CPL record the licensee replaced the meter at the consumer's premises first in January 05 and again in October 06. Since Oct. 06 meter No. 2291267 is in place and working satisfactorily.
- f) The consumer has paid RCC two times, first Rs. 25 on 13/08/07 vide receipt No. 7374167, secondly Rs. 150 on 18/12/07 vide receipt No. 7704880. The CPL record shows that meter No. 2291267 is in installed position till today.
- g) In Sept. 07 cheque No. 333230, dt. 13/08/07 for Rs. 485 was dishonored for wrong presentation in the Bank by the licensee. Therefore, licensee can not levy penalty charges Rs. 250 and interest Rs. 9.70 to the consumer. Hence licensee should give credit of Rs.259.70 to the consumer in the ensuing bills.
- h) As per the letter No. 2492, dt. 07/09/09, the licensee has taken action for the wrong bills issued to the consumer for the month of July 99, Sept. 99 and April 02 for the complaint received by them vide consumer letter dt. 30/10/06.
- i) The corrective action to settle accounts was taken by the licensee after hearing and as per reconciliation statement submitted by licensee, consumer has got a credit of Rs. 181.23 as on today.
- j). Fixed charges not paid by consumer about two years therefore against fixed charges with interest + DPC as per rule, are to be paid by consumer. Consumer paid Rs.933/- in Jan.08 as PD arrears including fixed charges and RCC Rs.150/-. Therefore action taken by licensee for disconnection due to PD arrears and charging of reconnection charges is justified.

- k).Payment of RCC Rs.25/- is not accounted anywhere but the consumer has produced the receipt. The licensee therefore should give credit of Rs.25/- to consumer in ensuing bills from the date of this decision.
- 11). The consumer has claimed Rs.500/- towards the expenses incurred for travelling to Kalyan and back to Mumbai, postal expenses etc. is hereby rejected as consumer has not produced any documentary evidence.
- 12) In view of the above discussion, the Forum unanimously passes the following order.

O-R-D-E-R

- 1)The grievance application is partly allowed.
- 2)The licensee should give a credit of Rs. 181.23 due to revision of bills from Jan.99 to Aug.09 and Rs. 25 against RCC charges to the consumer in ensuing bills from the date of this decision {as per para 10 (i) & (k) above.}
- 3). The licensee should give a credit of Rs.259.70 to the consumer in the ensuing bills from the date of this decision(as per para No.10(g) above.
- 4). The consumer's pray for reimbursement of Rs.500/- is rejected (as per para No.11).
- 5).The Consumer can file representation against this decision with the Ombudsman at the following address.

“Office of the Electricity Ombudsman, Maharashtra Electricity Regulatory Commission, 606/608, Keshav Bldg, Bandra Kurla Complex, Mumbai 51”

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

- 6) Consumer, as per section 142 of the Electricity Act, 003, can approach Maharashtra Electricity Regulatory Commission at the following address:-

“Maharashtra Electricity Regulatory Commission, 13th floor, World Trade Center, Cuffe Parade, Colaba, Mumbai 05”

for non-compliance, part compliance or delay in compliance of this decision issued under “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2003”

Date : 03/10/2009

(Sau V. V. Kelkar)
Member
CGRF Kalyan

(R.V.Shivdas)
Member Secretary
CGRF Kalyan