



**Consumer Grievance Redressal Forum, Kalyan Zone**  
**Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301**  
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Date of Grievance : 10/12/2012  
Date of Order : 30/03/2013  
Period Taken : 90 days

**IN THE MATTER OF GRIEVANCE NO. K/E/668/787 OF 2012-2013 OF**  
**SHRI BHARAT DHANRAJ JAIN, MOHANE, TAL. KALYAN, DIST – THANE**  
**REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM**  
**KALYAN ZONE, KALYAN ABOUT EXCESSIVE ENERGY BILL.**

Shri Bharat Dhanraj Jain  
Mohana  
Mohana , Tal. Kalyan  
Dist : Thane

(Here-in-after  
referred  
as Consumer)

Versus

1) Maharashtra State Electricity Distribution  
Company Limited through its  
Dy. Executive Engineer  
Subdn. I, Kalyan (West)

(Here-in-after  
referred  
as licensee)

(Per Shri. Sadashiv S. Deshmukh, Chairperson)

- 1) This 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. The regulation has been made by the Maharashtra Electricity Regulatory Commission vide powers conferred 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. The Consumer is billed as per Commercial tariff. Consumer registered grievance with the Forum on 10/12/2012 for Excessive Energy Bill.

The details are as follows :

Name of the consumer :- Shri Bharat Dhanraj Jain

Address: - As given in the title

Consumer No : - 020160023083

Reason of dispute : Excessive Energy Bill

- 3) The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/836 dated 10/12/2012 to Nodal Officer of licensee.
- 4) We heard consumer in person and Shri Patil , Nodal Officer, Mr. Bharambe, Assistant Engineer, Mr. Edke, Dy. Executive Engineer for Licensee and reply filed by Licensee alongwith CPL and bill dt. 24/1/2013. On the basis of said argument and material placed before following facts are disclosed.
  - a) Consumer was paying bills as per demand but on 12/3/2012 he complained to the Officers of the Licensees about meter stopped from Sept. 2011. He sought checking of meter paid Rs. 100/- for

accucheck on 12/3/2012. Meter was accuchecked on 16/3/2012 and noticed that it is stopped and no display seen . In this light said meter replaced on 18/3/2012 and in the replacement report' for old meter No. 6501686130 reading is noted 4753. In the bill of Feb. 2012, showing the consumption 1232 units, consumer charged and said arrears shown in March bill for Rs. 3766.

b) Consumer on this aspect complained to the Officer of Licensee on 3/9/2012 which was not dealt till 10/12/2012.

c) This aspect is brought to this Forum by consumer on 10/12/2012. On registration, its notice given to both sides fixing it on 31/12/2012.

However on 27/12/2012 during evening supply of consumer was stopped, meter taken out on the ground that he is defaulter. His persuasion to the concerned staff bringing to their noticed his matter pending before this Forum ignored. Though he sought I/d of the said staff it was avoided. It resulted in lowering his prestige and defaming him. It is claimed act of loud utterance of staff at that time created terror in the mind of consumer's wife. She was scared and was under shock .

d) Consumer approached this Forum stating this development.

e) The consumer approached the Officer of Licensee as supply was disconnected and sought reconnection. He was made to pay Rs. 5000/- towards the arrears and he paid Rs. 175/- towards reconnection. These payment are done on 29/12/2012 and on that date supply was restored.

f) On behalf of the Licensee reply filed on 10/1/2013 Dy. Ex. Engineer Mr. Yedke attended and made submission. In reply Officer agreed to apply average bill for the months Jan 2012 to March 2012 as meter was faulty . Accordingly bill dt. 24/1/2013 pertaining to consumer placed on record with CPL showing the amount of Rs.7338/- is payable to the consumer due to revision of the bills for Jan. 2012 to March, 2012.This bill is brought to the notice of consumer, he was made aware of the mode of calculating and the Licensee is to pay Rs. 7338/- to him. He has not raised any dispute about this mode of calculation or defect in it. Accordingly care is taken by Licensee towards his dispute bill of Feb. 2012 and faulty meter. Accordingly this aspect of dispute / grievance redressed.

- 5) The main dispute which consumer brought to our notice the aspect of meter taken out, supply stopped without any notice though in such circumstances 15 days' notice was to be given. Secondly no heed was given to his plea about matter pending before this Forum and notice issued. In this regard detailed explanation is submitted by Mr. Edke, Dy. Ex. Engineer on 24/1/2013. It speaks that in fact meter was taken out on 27/1/2013 at 5.30 p.m. no notice was given, though, he asked staff to reconnect it during evening of 28/1/2013 when he learnt about matter pending before this Forum, but it is restored on 29/1/2013. It is a fact that taking out meter and stopping supply without notice is not legal, it is in breach of regulations and S.O.P. It's restoration is in the light of payment of Rs. 5000/- and reconnection charges of Rs.175/- on 29/1/2013. Though

Mr. Yedke tried to high light how the consumer has not paid dues from Feb. 2012 and was in arrears in spite of persuasion done. We find it will not cure the legal requirement of 15 days' notice before disconnection by taking out meter. We are in total agreement with consumer that due to said act he has suffered he was victimized by said act. He is running shop in the vicinity and such act resulted in depicting the consumer as evader. He was to continue with family at that place from 27/1/2012 5.30 p.m. to 29/1/2012 without electricity supply which now by all means is essential supply.

We had specifically asked the Dy. Ex. Engineer to provide the details of staff / Engineers involved in this failure but conveniently the names are not provided. No doubt Mr. Yedke tried to show the Jr. Engineer is kept present during hearing. But suffice to say there is breach of mandatory requirement by the Officers of Licence towards taking out meter and disconnecting supply. Though towards mistake orally it is tried to seek condonation but in written reply is different tone i.e. justification.

Consumer has sought compensation towards loss of business, towards his hardship faced and mental agony. Even sought punishment to the concerned, towards it .

We find in the Elect. Act 2010, taking into account the position of consumer, provided for mechanism to take care of their grivances in respect of services provided by Licensee. In this light Hon'able MERC framed Regulation in 2006 and Clause 8 of said Regulation laid down the scope of power of CGRF to deal such situation. In said provision Clause 8.2 is of utmost importance it reads as under ..

8.2 :- If after the completion of the proceeding, the Forum is satisfied after voting under Regulation 8.1 that any of the allegations contained in the Grievance is correct. It shall issue an order in the Distribution Licensee directing it to do one or more of the following things in a time-bound manner, namely :-

- a) to remove the cause of Grievance in question ;
- b) to return to the consumer the undue charges paid by the consumer;
- c) to pay such amount as may be awarded by it as compensation to the consumer for any loss or damage suffered by the consumer; Provided however that, in no case shall any consumer be entitled to indirect, consequential , incidental, punitive ,or exemplary damages, loss of profits or opportunity;
- d) to pay such amount as compensation as specified by the Commission in the standards of performance of Distribution Licensees;
- e) any other order, deemed appropriate in the facts and circumstances of the case.

In the light of above provision we find, due to stopping of supply consume's shop was without supply from 27/12/2012, 5.30 p.m onwards till 29/12/2012. Inconvenience in the running shop and ultimately daily sale affected which needs to be considered under Clause 8.2 (C) and an amount of Rs.1000/- is to be paid to him towards this act by Licensee. Consumer was required to face illegal disconnection due to taking out meter without notice and driven the consumer to pay Rs. 5000/- towards dues and Rs. 175/- for reconnection. Causing mental torture and agony

towards it ,he is to be provided relief under Clause 8 (2)(e), of Licensee is to pay him Rs.4000/- on that count. Said amount be paid by Licensee to the consumer within 45 days from the date of receipt of this order and may recover it from the erring staff.

- 6) This matter could not be decided in time as the Forum was to cope up with existing hands for transcribing this order as regular Stenographer has retired.

Accordingly this grievance is to be allowed.

### ORDER

- 1) Grievance application is allowed.

Licensee is directed to ensure as per the bill dt. 24/1/2013 credit of Rs. 7318/- provided to the consumer adjusting it in the ensuing bills. Further Licensee is directed to pay Rs.5000/- as stated above .The said Rs. 5000/- Licensee may recover from the erring staff. Compliance be done within 45 days and report be submitted .

- 2) 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”.

- 3) Consumer, as per section 142 of the Electricity Act, 2003, can approach Hon. Maharashtra Electricity Regulatory Commission 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” at the following address:-

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

Date : 30/3/2013

I Agree

I Agree

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

(R.V.Shivdas)  
Member Secretary  
CGRF Kalyan

(Sadashiv S. Deshmukh)  
Chairperson  
CGRF Kalyan