



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/915/1119 of 2015-16**

Date of Grievance : 27/08/2015

Date of order : 22/03/2016

Total days : 209

IN THE MATTER CASE OF GRIEVANCE NO.K/E/915/1119/2015-16 IN RESPECT CHANDRAKANT SHIVDAS BADGUJAR, SHIVDAS MASTER BHAVAN, ROW HOUSE NO.1, SACHDEV NAGAR COMPLEX-II, C-BLOCK ROAD, ULHASNAGAR-03, PIN CODE – 421 003, DIST. THANE REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING BILLING DISPUTE.

Chandrakant Shivdas Badgujar,
Shivdas Master Bhavan,
Row House No.1,
Sachdev Nagar Complex-II, C-Block Road,
Ulhasnagar – 421 003,
(Consumer No.021930002591) (Hereinafter referred as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited
through its Nodal Officer,
MSEDCL, Kalyan Circle-II, Kalyan (Hereinafter referred as Licensee)

Appearance : - For Licensee : Shri Boke, AEE, Badlapur (W) S/Dn.
For Consumer- In person
& Shri Subhash N. Thipse.

(Per C.U.Patil-Executive Engineer – cum- Member Secretary)

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 Chandrakant Shivdas Badgujar, is having his agricultural land at survey No.85/1, Yevagaon, MIDC road, Tal Ambarnath, submitted his grievance for consumer No. 021930002591 to IGRC by submitting Form ‘X’ dated 30/3/15.

IGRC heard the consumer and rejected his grievance application vide order No.2522 dated 26/6/15.

Aggrieved with IGRC decision, the consumer approached to CGRF and submitted his grievance in Schedule-A dated 27/8/15.

The hearing in the above matter was scheduled on 21/9/15 and it was informed to the Nodal Officer of KC-II vide letter No.261 dated 27/8/15 with it’s copy to the consumer.

The consumer's grievance in brief is as given below:

1] He received the connection for his agricultural purpose bearing consumer No. 021930002591 in the month of January 2014. But he received the bill of Rs 21,430/- showing use as Residential and by applying Residential tariff. This first bill is received to him in December 2014. He paid Rs.15,000/- on 9/1/15 under protest.

2] Consumer further added that the second connection is given to him on 29/1/15 after payment of FQ of Rs.5,200/- on 6/1/15 and the new meter is provided at the location of first connection and first meter which was connected for consumer No. 021930002591 was removed and was reinstalled for the second consumer number, i.e.021930002647.

The Licensee submitted their reply vide No.1044 dated 28/9/15, 1308 dated 2/11/15 and letter No.1626 dated 23/12/15.

The AEE of Badlapur (W) S/dn clarified the grievance vide above three submissions which is narrated below:-

Shri Badgujar, applied for two connections, one for residential and another for agricultural pump set. Accordingly, the quotations were issued to him for Rs.2650/- on 22/10/2013 and another for Rs. 5200/- on 24/12/2013. However, consumer has paid residential quotation of Rs.2650/- vide receipt No. 726051 on 29/10/14 and the residential connection was released to him on 30/1/14 with consumer No. 021930002591/3. For this residential connection, first time the bills were issued and that too average bills in November 2014 and December-2014. In January-15 the consumer was served the bill as meter reading (reading 4054 units) and slab benefit over 15 months was given to him by adjusting lock credit of Rs.19184/-.

However, the consumer approached to S/dn Office and lodged the complaint that the first connection given to him is for agricultural pump

set and not for residential use and hence he requested for revising the bill as per agricultural tariff. Accordingly, when the Officers of the Licensee inspected the site, they observed that one small house is built at the corner wherein one caretaker of the consumer was residing. Hence they immediately asked to the consumer for payment of agricultural FQ of Rs.5200/- which is paid by him under protest on 6/1/15. Against it, the second connection was released to him on 29/1/15.

The consumer also paid Rs.15000/- on 9/1/15 under protest out of total bill of Rs.21,430/- served to him for residential use.

AEE of Badlapur (W) S/dn further added that the consumer has utilized the electricity through first connection by meter bearing Sr. No. 49972204 for residential and agricultural, i.e. for both purposes. He also agreed that the second meter bearing Sr. No.60034077 is connected at the location of first meter and agricultural supply was released on 30/1/15. The meter bearing Sr. No.49972204 which was connected during releasing of first connection, i.e. for residential connection is reinstalled, at the small house for residential purpose and consumption pattern utilized through this meter was calculated for the period from Feb-15 to Sept-15 through CPL (for consumer No.021930002591), they arrived the difference of a 5141units - 4390 units, i.e. 751 units for the period of seven (07) months. The average comes to 107 units per month and this is the consumption of the consumer for his residential use only. Accordingly, Licensee submitted the proposal that considering the common use of the consumer for residential and agricultural purpose from the first meter and first connection from the month of February 2014 to January-2015, Licensee derived the consumption of 107 units x 10 months, i.e. 1070 units utilized by the consumer for residential purpose. Licensee further stated that the consumption of 4053

units is recorded by the first meter till the end of January 2015 by deducting 1070 units from total 4053 units, the remaining 2983 units may be billed for agricultural purpose, considering the common use by consumer through the first meter till the release of the second connection on 29/1/2015.

The consumer further argued that the LT line work of 10 poles was erected as per the sanction for agricultural pump set and the first meter was installed in the open field near Bore well instead of installing it on the wall of room / house. The room / house is about 600 ft away from the bore well and the first meter was also installed and connected from the pole which is near to bore well and not from the pole which is near to house. There is a distance of 05 poles between the bore well and room and from the bore well towards room side no poles are erected at all. He also added in his grievance that both the FQs / demand notes were not issued to him simultaneously at the time of releasing first connection and the second FQ was given to him on 6/1/15. On 29/1/15 the staff of the Licensee shifted the first meter from its connection point, i.e. from open field near bore well to the wall of the room and its place meter of second connection for which Rs.5200/- was paid towards agricultural connection on 6/1/15. This fact of exchange of meters at the time of release of second connection is also admitted by the officers of the Licensee. Consumer also added that when the poles were erected for agricultural pump set, how and why MSEDCL released the connection for residential purpose prior to releasing the connection for agricultural pump. In such circumstances, MSEDCL personnel ought to have refused to release the residential connection unless demand note of agricultural pump connection is not paid. There is no explanation on this point from MSEDCL side.

The consumer also added that as mandatory byelaw, it was necessary to start the billing of first connection within two months from the date of connection. If, he would have received the first bill within two months from the date of first connection then it would have possible to adopt the corrective measure in time and would have avoided the billing dispute.

It is observed by the Forum that the second test report submitted by the consumer dated 6/1/15 is for the agricultural pump set of 03 HP and the Officers of the Licensee has given agricultural connection to the consumer on 29/1/15 after the payment of FQ of Rs.5200/-. The meter bearing Sr. No. 60034077 is released for this agricultural connection and this meter is installed at the bore well side and the first meter which was installed at the bore well side, is removed by the Officers of the Licensee and reinstalled it on the wall of the room treating it as a residential connection.

Now the question arises about the proof of common use by the consumer when first meter was installed to him at bore well side, i.e. whether he utilized his residence and bore well also through this first meter or not ? He demanded that the total consumption of the first meter till the release of second connection should be treated as for the purpose of agricultural purpose only and it should be billed by applying only the agricultural tariff.

It was asked for number of occasions during the hearings to the Officers of the Licensee to brought before the Forum the spot inspection report of the site with sketch for illustration purpose, but Licensee did not come up with any kind of such spot inspection report till the final hearing date.

The consumer also prayed that his first meter is running fast and the bill be adjusted. The officers of the Licensee vide their submissions

dated 28/9/15 admitted that consumer's meter (first) is replaced and is forwarded for testing in the lab at Kalyan (R) Dvn, the result of which is awaited. However, till final hearing date and final submission from the Licensee side, which is dated 23/12/15, the Officers of Licensee did not turn up for submission of any kind of such test report with any submission / clarification from their end as per test report of the meter.

In view of the above circumstances and after examining all the replies from the Licensee's side, it is very hard for the Forum to uphold the proposal put up by the Licensee, i.e. to apply 1070 units for residential use and balance 2983 units for agricultural use.

The Officers of the Licensee have totally failed to establish the common use of the consumer through first meter and also the reason for the replacement / exchange of meters at the time of release of second connection.

On the above grounds, it is very difficult for the Forum to conclude in the direction of the Licensee's submission dated 23/12/2015, i.e. to apply some units for use against residential purpose and remaining units for use as agricultural pump set. The Forum arrives at the conclusion that all the units registered in the first meter till the release of second connection should be treated against the use of the consumer for agricultural purpose. Hence the bill issued for Rs.21,430/- should be revised for the total units by applying agricultural tariff. The two different tariffs, i.e. residential and agricultural tariff should be applied separately to the two different respective meters as per the consumption recorded in it from February 2015 onwards.

In addition to the proper billing as per Agricultural tariff for the units recorded in first meter as described above, the consumer in his Schedule-A has also mentioned other reliefs including adjustment of units as

per meter test report, punishment to the Officers of the Licensee and to get appropriate compensation. During the hearing, the parts of compensation and punishment were not discussed and both sides also not argued during discussion.

However, consumer Shri Chandrakant Badgujar approached to the Forum and submitted the letter dated 17/3/16 stating that he is not claiming the relief nos. 3 & 4 (regarding punishment and compensation) sought by him and mentioned at Sr. No.7 in his schedule-A. However regarding relief against meter test result, he stated that at present he is also withdrawing this particular point mentioned at Sr. No. 7 in his Schedule-A with liberty to approach to the Licensee again to avail the reliefs in accordance with the meter test results.

In view of the above submission made by consumer, the Forum has not commentated on the above points mentioned at Sr No.7 by the consumer in the clause of nature of relief sought from the Forum.

This matter could not be decided within time as Licensee was to provide the details sought from time to time, very few details were provided on 29/12/2015 and their submissions are heard on that day and clarification taken on 17/3/16. **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.**

Under these circumstances, the grievance application of the consumer deserves to be allowed.

Hence the order.

ORDER

The grievance application of the consumer is hereby allowed.

The Licensee is directed to revise the bill of Rs.21,430/- by applying agricultural tariff for the total consumed units in the first meter from its date of connection till the release of second connection for residential purpose. The amount of Rs.15000/- paid by the consumer should be adjusted in the above revision of bill & second meter installed on 29/1/15 should be considered for residence and further bills be issued accordingly.

Compliance of the order should be submitted to the Forum within 90 days from the date of this order.

Date:22/3/2016.

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.