



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/ 0142/ 0163 OF

08-09 OF SHRI DINANATH S. DHURI REGISTERED WITH
CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN
ZONE, KALYAN ABOUT EXCESSIVE BILLING.

Shri Dinanath S. Dhuri

(Here in after

C/o. The Secretary
Nav Saiprasad CHS, D – 50
New Ayre Road, Dombivli – (E).

referred to
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its
Dy. Ex. Engineer, O&M Sub-Division
No. I (East) Dombivali

(Here in after
referred to
as licensee)

- 1) Consumer Grievance Redressal Forum has been established under regulation of “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. Consumer registered grievance with the Forum on dated 14/11/2008 for excessive billing.

The details are as follows: -

Name of the consumer: :- Shri Dinanath S. Dhuri

Address: - As above

Consumer No : - 020011985689

Reason of dispute: Excessive energy bill

- 3) The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/331 dated 14/11/2008 to Nodal Officer of licensee. They replied vide letter No. EE/Domb/Billing/4110, dated 06/12/2008.
- 4) The Member Secretary & Member of the Forum heard both the parties on 08/12/2008 @ 16 Hrs. in the meeting hall of the Forum's office. Shri D. S. Dhuri, Consumer & Shri D. B. Nitnavare Nodal Officer, Shri S. M. Jadhav Assistant

Engineer, Shri A. K. Dhavale Assistant Engineer, Shri Koli Jr. Manager representatives of the licensee attended hearing.

- 5) Consumer stated that he paid energy bill for the month of Feb. 2006 vide cheque No. 057273, dt. 01/04/2006 of Rs. 362.66. But when he got the bill of March 2006 including Rs. 362.66, he approached to the licensee's office for enquiry regarding his earlier cheque. But it was informed to him that his cheque is not found. So the consumer paid Rs. 810/- vide cheque No. 057274 & requested to licensee to trace the earlier cheque of Rs. 362.66 & to return it to the him. But actually when the cheque was found out by the licensee, the same was also deposited in their account without informing the consumer. Since there was insufficient balance in the account of consumer, the cheque got bounced & the IDBI Bank levied Rs.225/- as penalty to the consumer.
- 6) In another incidence on 01/07/08 consumer paid bill for the month of June 2008 vide cheque No. 187560, dt. 01/07/08 of Rs. 340/-. The said cheque was sent for clearance on 15th July 08
- i. e. after 15 days. The same was also bounced due to insufficient balance in his account & again the IDBI Bank levied Rs.225/- as penalty to the consumer.
- 7) In another incidence he paid bill for the month of May 2008 by cheque No. 187554, dt. 31/05/2008 which was sent for clearance by licensee on 17/06/2008 i. e. after 15 days. The

consumer stated that when he was come to know that his cheque was misplaced, he requested licensee to give him in writing to produce the same to the bank as a documentary evidence for

stop payment of the earlier cheque. But after repeated requests licensee did not give in writing & consumer was unable to inform the bank about stop payment & thus it was happened that the cheque was bounced & the consumer had to bear the penalty of Rs.225/- unnecessarily. The consumer is demanding compensation of Rs. 225/- which he has paid to IDBI due to mishandling his cheque by licensee. Further he has requested to remove restriction on him **“Not to pay further bills by cheque”**.

- 8) Regarding the procedure of cheque collection, submission to the bank for clearance licensee explained that after receipt of the cheque from the consumer, it should have been deposited for clearance within two-three days. But it is noted that the cheque of this consumer is sent after 15 days. Licensee stated that the cheques are taken out from the cheque box every day in the evening and on the very next day the list of cheques is prepared and sent to the bank for clearance. Cheques are cleared within three days. The cheque of consumer is bounced due to insufficient balance in the account of consumer & for this he himself is responsible.

- 9) Licensee stated that since the Core System was in process in Canara Bank, there was a delay for clearance.
- 10) Licensee explained that once a cheque is bounced, the consumer is not permitted to pay the bill through cheque or DD. He must pay the cash. So the restriction cannot be removed & compensation also cannot be given to the consumer.
- 11) Forum asked licensee to submit the information on which date the cheques of the consumer were forwarded to Canara Bank & clarification regarding DPC charged to the consumer, within seven days.
- 12) Forum further stated that whatever record / xerox copies are submitted to the forum by licensee as well as by consumer, should be in readable condition.
- 13) Forum Observations :**
 - i) It is noted by forum that consumer paid licensee's bill in mode of cheque. He paid the bill for the month of February 2006 vide cheque No. 057273, dt. 01/04/2006 of Rs. 362=66. When he received the bill of March 2006 he approached to licensee's office, he was informed that his cheque is not found. So the consumer paid Rs. 810/- vide cheque No. 057274, dt. 05/05/2006 & requested licensee to trace the earlier cheque of February 06 and return the same to him, if found.

ii) After some days licensee found the earlier cheque No. 057273, dt. 01/04/2006 of Rs. 362=66 i.e for the month of Februry 2006 and it was also deposited by them without informing the consumer. There was insufficient balance in the account of the consumer in IDBI Bank, the cheque got bounced and the IDBI Bank levied Rs. 225/- as penalty to the consumer.

iii) In another incidence on 01/07/08 consumer paid the bill for the month of June 08 vide cheque No. 187560, dt.

01/07/08 of Rs. 340/- . The said cheque was sent for clearance on 15th July 2008. The same was also bounced due to insufficient balance in the account of the consumer in IDBI Bank. Again IDBI Bank levied Rs. 225/- as penalty to the consumer.

iv) In explanation regarding sending the cheques for clearance to the Canara Bank, vide letter No. 4192,dt. 15/12/2008 the licensee has informed that due to non realization of cheque dated 01/04/2006, MSEDCL imposed bank charges Rs. 28/-, interest Rs. 3.62, DPC Rs. 9.71 in June 06 bill.

v) The licensee accepted that Rs. 41.33 will be credited to the consumer in next bill.

vi) When the consumer issuing cheque to anybody, he must maintain the balance in his account which he paid to another party because the cheque is valid for six months

legally from the date of issue. This incidence repeated twice when the consumer is granted 'Zero' balance facility in his account. So the consumer's prayer to refund the compensation amount Rs. 225/- against cheque bounce penalty is hereby rejected.

vii) Forum has instructed to licensee that they should check the record when they submit the consumer's earlier month's cheque and care should be taken in future.

viii) As per consumer's request that restriction on him **"Pay by DD / Cash, No cheques"** in this case, licensee can follow their regular procedure.

14. After hearing & studying all available documents submitted by both the parties, forum come to the conclusion unanimously and pass the following order :

O-R-D-E-R

- 1) The compensation demanded by the consumer for refund of penalty amount of Rs. 225/- is hereby rejected. (Refer para No. 13 (vi).
- 2) Consumer can file appeal against this decision with the Ombudsman at the following address.

*"Maharastra Electricity Regulatory Commission,
606/608, Keshav Building, Bandra Kurla Complex, Mumbai 51"*

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

Date :- 29/12/2008

(Sau V. V. Kelkar)

Member
CGRF Kalyan
Kalyan

(R.V.Shivdas)

Member Secretary
CGRF