



Consumer Grievance Redressal Forum, Kalyan Zone  
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301  
Ph: – 2210707 & 2328283 Ext: - 122

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**IN THE MATTER OF GRIEVANCE NO. K/E/312/349 OF 09-10 OF SHRI SIDDHARTH AKARAM WAGHMARE, VITTHALWADI (EAST) , REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT INTEREST CHARGED BY LICENSEE.**

Shri Siddharth Akaram Waghmare  
Vinayak Colony 14/4,  
Near S. T. Depot,  
Vitthalwadi (East), Kalyan

} (Here in after  
referred to  
as Consumer)

**Versus**

Maharashtra State Electricity Distribution  
Company Limited through its Dy. Executive  
Engineer, Kalyan East Sub-Division No. 2

} (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 (MERC) 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 single phase LT consumer of the Licensee. The Consumer is billed as per residential tariff. The consumer registered grievance with the Forum on 23/11/2009 regarding the Interest charged by licensee . The details are as follows: -

Name of the consumer : Shri Siddharth Akaram Waghmare

Address: - As above

Consumer No : 020210920341

Reason for Dispute : - Regarding the Interest charged by Licensee

- 3). The batch of papers containing above grievance was sent by Forum vide letter No. EE/CGRF/Kalyan/940, dt. 23/11/2009 to the Nodal Officer of the Licensee, and the Licensee through Dy. Executive Engineer MSEDCL Sub-Division II, Kalyan East filed reply vide letter No. DYEE/Sub.Dn.II/3571, dt. 14/12/09.

- 4) The Chairperson & Member Secretary of the forum heard both the parties at length on 16/12/2009 @ 15.00 Hrs. in the meeting hall of the Forum's office. The consumer Shri Siddharth Waghmare, Shri Nemade, Dy. Ex.Engr., Shri Taiwade, AE, Shri Davis, Jr. Engr., Shri G. M. Rathod, AA representatives of the licensee, attended hearing. Minutes of the hearing including the submissions made by the parties are recorded and the same are kept in the record. Submissions made by the parties in respect of grievance since already recorded will be referred to avoid repetition.

- 5). The consumer was allotted meter No. 9006399591 bearing consumer No. 020210920341 on 10/11/2002 to his house situated in Vinayak Colony, Khadegolivali, Kalyan. According to consumer without any fault on his part electric consumption bill was not given to him though repeatedly he demanded and that all of a sudden in the year 2006 i.e. after a period of 45 months bill was given. It is contended in the said bill licensee charged interest on the bill amount. By letter dt. 11/04/08 consumer requested the licensee to allow him to pay bill amount by installments deleting the amount of interest. Dy. Executive Engineer Kalyan East Sub/Dn. by letter dt. 21/05/08 informed the consumer to deposit the bill amount as it is, however, as the bill amount was excessive, consumer could not deposit the same. Thereafter the licensee permanently disconnected the meter on 15/05/08 for arrears of Rs. 20,715/- . This was agitated by the consumer before IGRC but in vain. Consumer therefore, lodged this grievance with a request to direct the licensee to allow him to deposit bill amount without interest and as he is financially poor, he may be allowed to pay the amount by installments.
- 6) Opponent licensee controverted the above said contention in toto. According to licensee first bill for the period 45 months for consumption of units 5899 bifurcating slab wise given to the consumer in August 2006 for the amount then due. Consumer deposited some amount, however, he remained unpaid the remaining amount therefore in the month of April 2008 his meter was permanently disconnected for arrears of Rs. 20,715/- vide letter dt. 15/05/08. It is contended since consumer did not pay arrears, question of deletion of interest and to allow him to pay bill

amount by installment does not arise consequently grievance has no merit.

- 7) On perusal of the record and hearing both the parties following points arise for the consideration of Forum and findings thereon for the reasons recorded below :

Points	Findings
a)Whether it is proper on the part of licensee to issue energy bill after four years ?	No
b)Whether it is proper on the part of licensee to charge interest after permanently disconnection of meter ?	No
c)Whether it is proper to allow consumer to pay energy bill by installments ? If yes, by how many installments ?	Yes, within five monthly installments
d)What Order ?	As per Order below

Reasons

- 8) As per the record consumer was allotted electric meter on 10/11/02. Admittedly electric consumption bill for 45 months for units 5899 for the first time was given to the consumer in August 2006. It is the contention of consumer that he repeatedly approached the office of licensee to demand electricity bill, however, he was ignored. As per Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations 2005 Appendix 'A' Clause 7, Sub-Clause (i), reading of

consumer's meter is to be taken once in every two months. In the case in hand consumer being residential user licensee is under obligation to issue bill taking reading of his meter once in every two months, however, bill was issued for the first time for 45 months. At this juncture, consumer inviting our attention to the copies of applications placed on record, submitted that inspite repeatedly approaching the staff, bill was not given. Had he given bill in time, he would have deposited the bill amount within the stipulated period. From the documents on record and the contents in the letter of Dy. EE dt. 14/12/09 we are of the firm view that licensee committed error in not giving bill as per the Regulation referred to above, for which consumer cannot be blamed since he was ready and willing to pay electricity bill. Thus it is not proper on the part of licensee to issue bill to the consumer for a period of 45 months for the first time.

- 9) According to the licensee consumer's meter was permanently disconnected for arrears of Rs. 20,715/- on 15/05/08. It is the contention of consumer that as bill for 45 months given for the first time was running in hundreds he could not pay the same and that his prayer of installment was turned down , therefore, he is not at fault. On perusal the CPL enclosed with letter of Dy. Ex. Engr. dt. 14/12/09 shows meter was permanently disconnected on 15/05/08 for arrears of Rs. 20,715/-. Since consumer consumed electricity he is liable to pay consumed electricity charges as above. By the letter dt. 19/12/09 placed on record licensee claimed Rs. 3,801.86 towards interest till November 09. As stated above on the day of permanent disconnection on 15/05/08 consumer was in arrears Rs. 20,715/- . This amount inclusive of interest on the consumption amount

then due. It appears by letter dt. 19/12/09 the licensee claimed interest on the amount even after permanently disconnection of the meter which to our view is improper. In view of the discussion referred to above, consumer is not liable to pay interest on the amount after PD since staff of licensee was at fault in not issuing energy bill in time and as such licensee is not justified in demanding interest from consumer after permanently disconnection of meter.

10) It is therefore clear that consumer is liable to pay Rs. 20,715/-. According to consumer he being financially poor, is enable to pay this amount in lumpsum and therefore he may be given installments. It is seen from the record since beginning consumer showed willingness to pay electricity bill by installment but the Officers of Licensee showed their inability. As per the Regulation 2005 referred to above, Clause 15-7-1, licensee has discretion to allow consumer the facility of payment of arrears by way of installment. It is seen from the relevant orders given by the Commission time to time that by giving installment the liability of the consumer to pay charges shall not affect. In the case in hand consumer since beginning approaching the office of licensee for demanding bill but unfortunately he did not get. Record shows by applications he showed willingness to pay electricity charges. It is not that he is willful defaulter. His meter was permanently disconnected and now he is in dark. He comes from very poor family. Considering all these extenuating circumstances, we feel consumer deserves the facility of installment to pay the amount Rs. 20,715/- by five monthly installments.

11) As stated above meter of the consumer was permanently disconnected vide report dated 15/05/08 for arrears. He had given application to restore his electric supply but it was not considered as his grievance was pending before this Forum vide letter dt. 18/12/09. Electricity bill was in arrears for the reasons given above and not because consumer was unwilling to pay. Justice demands to show sympathy to such consumers. As per Regulation 2005 Clause 7.2 reconnection of supply cannot be given after a period of six months therefore as per proviso to Cl. 7.2 consumer has to apply for new connection on depositing amount of first installment on or before 07/01/2010. In view of the discussion supra, points are answered accordingly and hence the order :

### **ORDER**

- 1) Grievance application is partly allowed.
- 2) Consumer is directed to pay Rs. 20,715/- to the licensee within five monthly installments. First installment shall be deposited on or before 07/01/2010.
- 3) On depositing first installment as above, consumer to apply for new connection.
- 4) On depositing first installment as above and thereafter on making application for new connection by consumer, on compliance of terms and conditions laid down in Clause 4 of Regulation 2005, licensee to give new connection.
- 5) Licensee to take appropriate action against the erring staff for non taking meter reading and preparing bills in time, under intimation to this Forum.

- 6) 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.

- 7) Consumer, as per section 142 of the Electricity Act, 2003, 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 : 21/12/2009

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

(R.V.Shivdas)  
Member Secretary  
CGRF Kalyan

(S.N. Saundankar)  
Chairperson  
CGRF Kalyan