



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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No. **K/E/971/1177 of 2015-16**

Date of grievances : 29/12/2015

Date of order : 30/04/2016

Total days : 124

IN THE MATTER OF THE GRIEVANCE NO. K/E/971/1177 OF 2015-16 IN RESPECT OF SHRI CHANDER DAMLA JADHAV, DHANRAJ C PADA, AMBERNATH, PIN CODE 421 501, REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM, KALYAN ZONE, KALYAN REGARDING BILLING DISPUTE.

Shri Chander Damla Jadhav,
Dhanraj C. Pada,
Ambernath,
Dist.Thane,
Pin Code 421 005.

(Consumer No. 020200204001) (Hereinafter referred as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its
MSEDCL, Addl. Executive Engineer,

Ulhasnagar-V, S/dn-I, Kalyan Circle-II (Hereinafter referred as Licensee)

Appearance : For Consumer- Shri Rajput- CR.

For Licensee - Shri D.R.Patil- AEE &

Shri K.G.Jadhav- AA,Ulhas S/dn-I

(Per Shri CU Patil-Executive Engineer-cum-Chairperson)

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

Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation Regulatory 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 Chander Damla Jadhav, residing at Dhanraj C. Pada, at Ulhasnagar-5, is holding his residential connection bearing consumer No.02152407303, approached to IGRC with Form ‘X’ dated 7/9/15 for the PD bill raised for the amount of Rs.14640/- . The IGRC after hearing placed the order vide letter No. 483 dated 14/12/15 and directed to the Licensee and to the consumer to act as per previous IGRC’s order given in the same matter vide letter No. SE/KCII/ IGRC / 903 dated 25/2/15.

Aggrieved by the decision of IGRC, the consumer approached to this Forum by submitting his grievance in Schedule-A dated 29/12/15 which was further registered by allotting No. K/E/971/1177 dated 29/12/15. The hearing was scheduled on 20/1/16 and the letter for hearing bearing No. 420 dated 29/12/15 was issued to the Nodal Officer with copy to the consumer. The hearing was conducted on 20/1/16 and later on 11/02/16.

During the hearing, consumer put up his grievance as narrated below:

- 1] By January 2013, he had paid the total dues
- 2] From February 2013, he is demanding the bill many times.

- 3] However without any notice meter of the consumer has been removed on 4/12/13, hence he is residing at another house at rent of Rs.4000/- per month.

Hence he prayed for the relief given below:

- a] The reconnection should be given immediately.
b] From December 2013 till reconnection the compensation @ Rs. 4000/- per month getting expended as rent for another House should be given.

In the reply Officers of the Licensee contended that office of AEE, Ulhasnagar-05 S/dn has informed vide letter No.80 dated 11/1/16 to the consumer regarding his grievance in which they clarified that the said consumer's meter was permanently disconnected in January 2013 with the remark of lock status. As the house of the consumer was locked, the supply was permanently disconnected without collecting the meter from the site. However, on 4/12/13, the meter of the consumer was collected and credited at Netaji Section Office and after considering the reading (final reading) recorded in it, which was 5143, the final bill for 2396 units for amount of Rs.14,640/- was prepared and handed over to the consumer . The PD final bill was prepared considering the difference of reading 5143 recorded in the meter on 5/12/13 and reading 2947 recorded by the meter in December 2012.

In their further reply vide letter 319 dated 10/2/16, the Licensee clarified to the consumer that as the consumer has not paid the PD final actual bill, the reconnection process or new connection process cannot be initiated.

The AEE of Ulhas-5 submitted another reply vide letter No.332 dated 11/2/16, before the Forum in which he has clarified that as per the instructions given by the Forum, the supply of the consumer Shri Chander Jadhav is reconnected by providing meter of HPL make bearing Sr. No.15011773.

FORUM'S OBSERVATION

After PD, the consumer applied for reconnection vide application dated 24/6/13, after his permanent disconnection in January 2013. The Officers of the Licensee not succeeded about the action taken by them on consumer's application dated 24/6/13.

However, from the CPL it is observed that consumer has paid his last bill on 6/11/12 and thereafter there is no any payment as reflected in CPL. The Licensee has removed his meter in January 2013 without putting any record of PD notice served to the consumer. Hence it was directed by the Forum for reconnection.

However, the dues raised by the Licensee are as per the reading recorded in the meter which is 5143 (final reading) and this reading is also accepted by the CR and he had not shown any dispute about the final reading and raised bill.

The Forum observed that during January 2013, the consumer's premises was locked and hence they removed the meter and declared it PD as he was unpaid from 6/11/12. However, the actual PD final bill raised by Licensee of amount Rs.14,640/- is correct and hence it cannot be kept aside.

The Officers of the Licensee raised the question about minimum fixed charges for the period December 2013 to January 2016. But they have raised the bill of Rs.14,630/- on 15/12/14, i.e. after near about 12 months period from the date 4/12/13 which is actual date of meter removal and taking the said meter in the custody.

It is not understood as to why it is delayed by 12 months though final reading was available with the Licensee in December 2013.

On the above grounds, it was directed for reconnection.

Licensee has not submitted the proof of PD notice and also raised the bill of Rs.14,640/- after the lapse of 12 months from the date of actual removal of the meter, shows negligence. On account of this, the Forum has decided to award compensation of Rs. 2000/- to the consumer as per Clause 8.2 (c) laid down in MERC Regulations, 2006 (CGRF & Ombudsman). The amount of compensation should be adjusted lumpsum in the dues of Rs. 14,640/- and the balance amount should be recovered in further 12 months through equal installments without applying DPC or interest and it should be recovered along with regular current bills from reconnection date which is in February 2016.

The consumer's contention regarding compensation of Rs.4000/- per month towards rental charges cannot be accepted as there is no provision laid down in the MERC Regulations 2006 and as per Clause 8 (c) laid down in this regulation, in no case shall any consumer be entitled to indirect, consequential incidental, punitive or exemplary damages , the loss of profit or opportunity. Hence consumer's demand for compensation cannot be accepted.

This matter could not be decided within time as Licensee was to provide the details sought from time to time, those were provided on 11/02/2016 and their submissions are heard on that day and clarification taken on 11/02/16 **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.**

Hence the order.

ORDER

Grievance application of the consumer is hereby partly allowed.

Licensee is directed to give compensation of Rs.2000/- to the consumer and this amount of compensation should be adjusted lumpsum in the balance amount Rs. 14,640/.

The Licensee should recover the revised dues through 12 equal installments without applying any interest or DPC on it. These installments should be recovered along with current bill from the reconnection date.

The Licensee is at liberty to initiate the action of disconnection etc. as per the rules, if consumer does not respond for the payment as mentioned above.

Dated: 30/4/2016.

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.