



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
Ph- 2210707, Fax - 2210707, E-mail : cgrfkalyan@mahadiscom.in

K/E/969/1175/2015-16

Date of Grievance : 11/12/2015
Date of Order : 30/04/2016
Total days : 142

IN THE MATTER OF GRIEVANCE NO. K/E/969/1175 OF 2015-2016 OF SHRI PRAMOD CHAWLA , CONSUMER NO. 030820003345, PLOT NO. 61, KEDIA IND ESTATE, DHEKU VILLAGE, KHOPOLI REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING EXCESSIVE ENERGY BILL .

Shri Pramod Chawla, (Shri Chaman Lal Chawla)

401 A. Tulsi Mangalam,

Plot No.51, Sector-12,

Kharghar,

New Mumbai - 410 210.

(Consumer No. 030820003345) (Hereinafter referred as Consumer)

Versus

Maharashtra State Electricity Distribution

Company Limited

through its Nodal Officer,

MSEDCL, Pen Circle, Pen (Hereinafter referred as Licensee)

Appearance : For Licensee : Shri Avinash Nandgave-DyEE, Khopoli S/dn.

For Consumer- Consumer's Representative, Shri Chimanlal Chawla.

(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 Pramod Chamnlal Chawla was holding 03 phase Industrial connection for 19.5 HP vide consumer No. 036820003345 at Plot No.61, Kedia Industrial Estate, Dheku, Khopoli, approached to IGRC MSEDCL, Pen Circle for the bill amount of Rs.69,310/- issued to him by Licensee for the period September 2013 to April 2014. IGRC heard and placed the order vide letter No. 4506 dated 02/12/15 and rejected the consumer’s plea and directed the consumer for payment of balance amount of Rs.44,310/- (remaining due with him after payment of Rs.25,000/- by tenant of the consumer who was running business on leave and Licensee basis at above connection address.)

Aggrieved by the decision of IGRC, consumer Shri Chawla approached to this Forum by submitting his grievance in schedule “A” dated 8/12/2015 which was registered by allotting No.K/E/969/1175 dated 14/12/15. Hearing was scheduled on 29/12/15 at 1300 hours and the same was conveyed to the Nodal Officers, Pen Circle vide letter No. 407 dated 14/12/15 (with copy of the letter to the consumer).

On 29/12/15, Nodal Officer of the Pen Circle attended the hearing and submitted their submission vide letter 4912 dated 23/12/15. However, from consumer's side the mail was sent by CR Shri Chamanlal Chawla with a request for giving adjournment to the case as it was not possible for him to appear before CGRF. Considering his request, the matter was adjourned to 20/1/16 and thereafter for various reasons it was adjourned to 28/1/16, 4/2/16 and lastly on 16/2/16.

The grievance of the consumer, submitted by him along with Schedule "A" is narrated below:

- a] The Executive Engineer Panvel will issue notice to the leave and Licensee to pay electricity bill, based on the terms and conditions stipulated in the registered agreement. Since he is an actual consumer of the electricity.
- b] The Executive Engineer Panvel will approach Executive Engineer Pune to recover the bill amount as arrears from their allied units situated at Bosari Pune. He has intimated the address of their allied units in Bosari Pune to Executive Engineer Panvel.
- c] A suitable disciplinary action will be instituted against the defaulting staff.
- d] He had given this factory on Leave and Licenses basis to Mr. Nalesh Joshi of Aaron Chemicals Pune from August 2013 to October 2014. This person was running factory illegally during this complete tenure without payment of monthly electricity bill, joining hands with the MSEB Khopoli staff. He had been given to understand by MSEB sources that if the electricity bill is not paid for two months the electricity stands disconnected but nothing happened in his case. It is sufficiently evident that the MSEB staff at Khopoli was dancing to the tune of Leave and Licensee. Further he have every reason to understand from the circumstantial evidence that the factory was running for one year on "cash and operate" basis. The MSEB staff failed to comply with the bill system as prescribed by MSEB Regulatory commission and failed to generate monthly electricity bill for one year to favour the actual consumer.

- e] The moment he came to know about corrupt way of functioning his factory by the leave and Licensee, he wrote letter to MSEB Khopoli to disconnect his electricity. The MSEB staff took no action. It is pertinent to note that the MSEB disregarded his letter being rightful owner of the establishment and instead continue favouring the Licensee / tenant. It clearly shows an existence of deep rooted corruption between the Licensee and MSEB. The MSEB Khopoli has issued one electricity bill only for the entire period of one year that too only after the Licensee had finally vacated his factory. It is a deliberate act to dupe him financially.
- f] He learnt with surprise during investigation of Executive Engineer Panvel on 6/10/15 that his electricity was permanently disconnected (PD) by MSEB Khopoli. He was not aware of this fact. He take a strong objection of this illegal disconnection of his electricity on PD basis. According to MSEB rules, it should give clear 15 days notice. MSEB staff entered in his factory without his consent and knowledge and took the meter away. He do not know date and time of removal of meter. He failed to understand why high degree of secrecy is maintained from him while removing his meter on PD basis. They concealed the meter reading of entire period.
- g] He complained to Executive Engineer Panvel against an illegal functioning of Khopoli Office. He investigated the case on 6/10/15 and recorded their statements. He was given electricity bill during this investigation from Sept-2013 to April 2014 amounting to Rs.69,308/-. How about bill from April 2014 onward till the date of vacation ?
- h] He came to know during investigation by the Executive Engineer that the Licensee had paid Rs.25,000/- by cheque on account. However, this cheque was bounced and the Licensee claims that he has paid cash of equal amount on the following day to avoid criminal litigation. Why MSEB Khopoli accepted part payment from a defaulter who failed to pay electricity bill regularly. This clearly shows that the Khopoli staff was hand and glove with the Licensee.
- i] He had two meters single phase and 3 phase in one box. This is a deliberate omission of not registering the 3 phase and whereas single phase is registered.

The line man comes to the premises every month to take reading of both the meters which is again circulated to various internal departments to initiate monthly bill. They initiated bill for one meter and ignored second meter.

The consumer also submitted his rejoinders dated 28/1/16 and 15/2/16 which contains near about the same grievance cum allegations as narrated above.

The Licensee replied the matter vide Letter No.SE/PC/Tech/IGRC/04912 dated 23/12/15 as given below:

1] Capt. Chaman Lal Chawla (Retd.) is having factory at Gala No.195, plot No.61, Kedia Industrial Estate, Dheku, Tal. Khalapur, Dist. Raigad. There is Commercial Single Phase Meter (Cons. No. 041406002924/PC-0) in the name of Shri Pramod Chaman Lal Chawla. Its supply date is 21/2/09.

2] There is industrial 03 phase Meter (Cons. No. 030820003345/PC-0) in the name of Shri Pramod Chaman Lal Chawla. This meter was unbilled.

3] During inspection, it was observed that the connection was unbilled. Then Khopoli Sub Division issued a manual bill of Rs.69,310/- to the consumer for the period of Sept-2013 to April-2014.

4] The consumer paid an amount of Rs.25,000/- as part payment on 05.05.2014.

5] A hearing in this matter was arranged at IGRC, Pen on 21/11/15. After hearing all the facts, IGRC has given decision that consumer has to pay remaining Bill amount Rs.44,310/- which was communicated to the consumer vide letter bearing numbered 4506 dated 02/12/2015.

On the next adjourned dates DyEE of Khopoli S/dn attended the hearing and submitted his reply vide letter NO.168 dated 25/1/16 and letter No.291 dated 10/2/16. His reply is as under:-

1] Shri Pramod Chawla is holding single phase commercial connection at the given address (Consumer No. 041406002924), the date of connection of which is 21/2/2009.

2] The same consumer paid security deposit on 15/7/11 for availing 03 phase industrial connection at the above mentioned address (consumer No.030820003345) and releasing of disconnection was dealt by then DyEE and Section Officer.

3] In December 2014, due to some internal wiring problems, reasons, the meter board was burnt and before this occurrence fire incident also , the meter details of 03 phase connection were not feed to the system for billing purpose and the then DyEE and Section Officer were not the same who were on duty at the time of releasing the connection.

4] The then DyEE issued the manually prepared bill of Rs.69,310/- for the period September 2013 to April 2014. This bill was issued on 6/10/15. The cheque for amount of Rs.25,000/- issued by consumer / user was bounced.

5] However, the amount of Rs.25,000/- is found paid by the consumer's party as verified from the receipt traced in S/dn record (receipt No IAC25511 dated 5/5/2014).

In the letter No.291 dated 10/2/16, the DyEE of Khopoli S/dn submitted his clarification to some of the points raised by the Forum as given below:

1] The manual bill was handed over to the tenant of Mr.Chawla (Rs.69310/-)

2] Inspection report (meter reading report) was not in warded in S/dn Office nor found in Section Office.

3] As per undersigned's view the complaint of the appellant is not regarding the Bill amount (as he agrees energy has been utilized by tenant) but whether who should pay the bill (according to him MSEDCL should make his pay the bill).

4] Sir, as the MSEDCL's energy has been utilized, it is justifiable to recover Rs. 44310/- (Total Rs.69310/-paid Rs.25,000/-). On last hearing date, i.e. on 16/2/16, the consumer seriously prayed for his reconnection first. The Forum also observed that -----

1] Consumer remained unbilled for the period September-13 to April-2014.

2] An accumulated bill for Rs.69,310/- was raised by the Licensee in October -2015.

3] The bill was manually prepared by the Licensee, but Licensee is not able to show any record (like meter issue register, NSC report of the consumer, Entry in F-1 register, PD report of the consumer showing meter details including final reading if any.... etc) from which the bill is prepared.

4] Officers of the Licensee failed to prove the authenticity / reliability of the raised bill and not a single record / any document is placed before this Forum to prove it.

5] The supply of the consumer was disconnected without giving any notice or any kind of information regarding billing details to the consumer.

In view of the above lacunas from the Licensee's side and considering the prayer of the consumer, this Forum has placed the interim relief order dated 16/2/16 with direction to the Officers of the Licensee to reconnect the supply of the consumer within 24 hours from the receipt of interim order and that too without accepting any amount for reconnection charges or any other charges / dues. Also the Officers was asked to submit report of reconnection within next 03 days from the date of interim order.

Accordingly, DyEE of Khopoli S/dn submitted the reconnection report of the consumer vide letter No.324 dated 17/2/16 and informed that the consumer has been reconnected on 17/2/16 by installing 03 phase meter of Genus make bearing Sr. No.6493765.

The final order in the above grievance is being placed now. The detail observation of the Forum is as given below”

FORUM'S OBSERVATION:

Though the IGRC dealt with Leave and Licence record submitted by the consumer Shri Chawla , the Forum has not entertained this part in the hearings as the tenant was not a consumer of Licensee.

It is very clear that consumer remained unbilled from September 2013 onwards. At the time of fire incident, occurred in December 2014, Officers of the Licensee have not initiated any action for updating the said consumer 's record in the billing system. The manually prepared bill for the period September 2013 to April 2014 of Rs.69,310/- is also issued in the month of October 2015, that too after the period of 18 (Eighteen) months from the last month April 2014 considered for billing.

The consumer's date of payment regarding security deposit for availing 03 phase industrial connection is 15/7/2011. The NSC report or any Meter / NSC entry details is not shown by the Officers of the Licensee. Hence exact date of connection is not coming before this Forum. Forum also failed to know that while preparing the manual bill, how the period commencing from September 2013 is considered, when the date of SD payment for availing connection is 15/7/2011. The gap of 26 months from the date of SD payment is also not explained by the Officers of the Licensee.

Also, as already considered while placing interim relief order, the following reports / documents / record is not shown by the Officers of the Licensee which includes:

- 1] Copy of meter issue register
- 2] NSC report of the consumer
- 3] Entry in F1 register
- 4] PD report of the consumer with meter reading details.
- 5] The panchnama / spot verification report in December 2014,
when the fire incident to the meter cabinet of the consumer was occurred.

Hence, overall the Officers of the Licensee failed to prove any authentic single record or any document for the proof of consumption recorded in the meter at the consumer's site.

Though, in the manual prepared bill, the past reading is shown as 585 and the current reading is shown as 8483 for meter Sr. No.46666, the Officers of Licensee has failed to show its authenticity.

The consumer has not denied about the release of connection given by the Licensee to his industry. But, he handed over the business to the Leave and Licence holder from August 2013 onwards till October 2014 and this tenant during the complete tenure was running the factory without payment of electricity bills.

It is an admitted fact that Rs.25,000/- has been paid on the Consumer Account of 03 phase connection on 5/5/2014 and the dispute was for the payment of balance amount of Rs.44,310/-.

On the above grounds, it is very hard and difficult for the Forum to say that the bill manually prepared by the Officers of the Licensee in October 2015 is correct as the Officers of the Licensee have failed to show its authenticity from any direction. So without observing any single document / record, the bill raised by the Licensee cannot be upheld at present stage. Hence, the Licensee should keep aside their manually worked out billing details with the payment record of amount of Rs.25,000/- paid by consumer and Licensee should start afresh billing now, from the date of reconnection which is dated 17/2/16 as reported by the SDO, Khopoli, S/dn.

The SDO Khopoli S/dn has raised some issues in his letter dated 17/2/16 and enquired to the Forum about his data feeding problem to IT system. The Forum already clarified in its interim order for reconnection of supply without any reconnection charges. Also there is security deposit already existing in the consumer's account No.30820003345. Hence Licensee should initiate appropriately for commencement of billing from 17/2/2016.

Also, it cannot be ascertained that how much energy has been utilized by the consumer during disputed period as it is already clarified by DyEE of Khopoli S/dn that they have failed to produce any documents which may support the authenticity of issued bills. Hence at this stage, the Licensee should keep aside the balance amount bill under dispute with the entry of payment made by consumer in his Account.

This matter could not be decided within time as Licensee was to provide the details sought from time to time, those were provided on 16/02/2016 and their submissions are heard on that day and clarification taken on 22/2/2016. **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

The grievance application of the consumer is hereby allowed.

Licensee is directed to keep aside the balance dues raised by them with the consumer and Officers of the Licensee are at liberty to

open the issue of balance dues only after proving the authenticity /reliability of the accumulated bill for Rs.69,310/- raised in October 2015. The due procedure will have to follow while opening the issue of dues again within the stipulated time framed.

The entry of payment of Rs.25,000/- made by consumer should be kept in the record of consumer's account without showing it as debit / credit in the new bill commencing after reconnection given on 17/2/2016.

Date:30/04/2016.

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 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”

c) 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.

