



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/315/352 OF 2009-2010 OF SMT. SHOBHABEN SURESH POPAT, KALYAN (WEST) , REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT EXCESSIVE ENERGY BILL.

Smt. Shobhaben Suresh Popat
Flat No. 101, Brindawan Apartment,
Thankar Pada,
Kalyan (West) : 421 301

(Here in after
referred to
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its Dy. Executive
Engineer, Kalyan West Sub/Dn No. III

(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 30/12/2009 regarding the Excessive Energy Bill. The details are as follows: -

Name of the consumer : Smt. Shobhaben Suresh Popat

Address: - As above

Consumer No : 020020796210

Reason for Dispute : - Regarding the Excessive Energy Bill

- 3). The batch of papers containing above grievance was sent by Forum vide letter No. EE/CGRF/Kalyan/1002, dt. 30/12/2009 to the Nodal Officer of the Licensee, and the Licensee through Dy. Executive Engineer MSEDCL Kalyan West Sub/Dn No. III filed reply vide letter No. DYEE/KLN(W)/Sub.Dn.III/ 99, dt. 13/01/2010.

- 4) The Members of the forum heard both the parties at length on 19/01/2010 @ 15.00 Hrs. in the meeting hall of the Forum's office. Shri Hasmukh Popat Consumer, Shri V. P. Varma Jr. Engr., Shri T. A. Davis, Jr. Engr., Smt. A. V. Jogdev A. A. 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) Consumer vide letter dt. 30/01/08 informed the Assistant Engineer that the electricity bill issued in respect of the meter 9002163825 for three months of 4018 units of the amount of Rs. 21,339 was unreasonable and

excessive as according to consumer their average consumption was within 180 to 220 units per month therefore, the bill issued needs to be revised. Since the Assistant Engineer did not respond, vide letter dt. 27/10/09 addressed to the Dy. Ex. Engr. consumer requested him to revise the bill, however bill was not revised and eventually bill including Delay Payment Charges (DPC) and interest was issued of the amount of Rs. 25,245.09. As the consumption was more than the average meter was checked, however nothing found mistake with the meter and again consumer was given bill of excessive amount. According to consumer had the concerned officials revised the bill he had no reason to make part payment thereafter to charge DPC, interest etc. therefore because of the error of the part of the officials he had to pay more amount. It is further the contention of consumer that on 30/12/09 without giving him copy of testing report he was asked to deposit excessive bill amount, he was compelled to deposit bill amount else they would disconnect electric supply. According to consumer without any fault on his part officials of the licensee issued excessive bill, did not revise though he frequently visited the office therefore he had no alternative but to lodge the grievance. Consumer therefore pray to direct the licensee to revise the bill giving the tariff slab benefit deducting the DPC and interest.

- 6) Licensee controverted the allegations leveled by the consumer. It is contended that as per the request of the consumer meter tested on 24/11/09 and it was found OK i.e. within permissible limits. Bill issued to the consumer in August 07 for three months of 445 units of the amount Rs. 1333.02, Sept. 07 of 123 units Rs. 320.54, bill issued in the month of Dec. 07 for three months of 4018 units of the amount Rs. 23,591.53 i.e.

seven months consumption 4586 units of the amount Rs. 25,245.09. The units were divided by seven months to give step credit vide B-80 thereby amount of Rs. 2104.33 was adjusted. So far interest and DPC according to the Licensee since meter was OK and that consumer did not pay the amount as per the meter reading, no fault lies with the officials of the licensee. It is contended that without notice electricity supply cannot be disconnected, therefore question of threatening the consumer to disconnect the supply also does not arise. In short, according to licensee consumer avoided to make payment as per the bills and when he insisted, he was requested to deposit the amount by part payment and eventually bill amount was accumulated and the same was termed as arrears. In spite of this according to licensee, as the bills was given for three months twice the same was bifurcated and interest so also the DPC was not charged, consequently consumer should not have any grievance therefore licensee pray to reject the grievance application. Step credit vide B-80 of the amount of Rs. 2104.33 was given to the consumer for the seven months bill and accordingly bill was revised to Rs. 23,140.76. It is contended by the licensee that the concerned clerk had wrongly shown Rs. 6552.89 towards interest however the same was withdrawn and Rs. 110.59 will be credited towards DPC in the ensuing month.

- 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 licensee is justified in issuing bill for consumption of electricity of three months ?	NO
b)Whether licensee is entitle to recover electricity charges as per consumed units ?	Yes
c)Whether licensee is liable to pay compensation to the consumer ?	Yes
d)What Order ?	As per Order below

Reasons

- 8) On perusal the first application given by consumer to the Asstt. Engr. dt. 30/01/08 mentions used units 4018 for three months i.e. Oct., Nov., Dec. 07 was unreasonable and excessive in as much as average consumption is 180 to 220 units per month. Therefore, he requested the Asstt. Engr. to revise the bill accordingly. According to licensee consumption of unit was as per the meter reading and that when meter was tested and found OK, the bill was as per the consumption of electricity. Testing Report placed on record dt. 18/12/09 indicates consumer's meter was examined in Lab. on 24/11/09 and was found within permissible limits. This report has not been challenged. The meter was tested in Lab by the competent Junior Engineer, has no reason to give false report therefore this report will have to be accepted, thereby the meter was OK and the bill was as per consumption of electricity. Now point crops on whether licensee can issue bill for three months. As per Maharashtra Electricity Regulatory Commission (Standard Of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2005

Appendix 'A' Clause 7 (i) reading of domestic consumer's meter is to be taken once in every two months failing which compensation is to be awarded. This indicates it is mandatory to issue bill in two months. In the case in hand, bill of 4018 units was issued for three months and earlier bill of 445 units of August 07 was also for three months. It is therefore apparent licensee in contravention to the SOP issued bill for consumption of three months thereby licensee is not at all justified in issuing bill of three months.

- 9) So far consumption of electricity is concerned, according to consumer his average consumption is 180 to 220 units per month whereas the consumed units shown 445 in the month of Aug. 07 and 4018 in the month of Dec.07 is absolutely excessive and unreasonable. Consumer by applications dt. 30/08/08 and 27/10/09 did not point out anywhere that the meter was defective. When according to consumer meter was not defective, on perusal the CPL filed on record with reply dt. 30/12/09 point out in Dec. 2006 units were consumed 293, Jan. 07 - 435 units, Feb. 07 - 440 units, March 07 - 651 units, April 07 - 684 units, May 07 - 90 units, June 07 - 432 units, July 07 - 432 units, Aug. 07 - 445 units, Sept. 07 - 123 units, Oct. 07 - 224 units, Nov.07- 224 units shows consumption varies. Except 90 units of May 07 and 123 units of Sept. 07 in rest of the months consumption is more than 220 units. In the month of April 07 consumption reached to 684 units. In earlier bills i. e. prior to June 07 consumption was not as mentioned in application dt. 30/01/08 as average consumption i.e. 180/220 units. When the meter was OK as per the testing report considering the earlier average consumption hardly can be said that consumed units shown in the bill were excessive. Possibility of using more

electricity in the material period in view of the position discussed supra, cannot be ruled out. Under the circumstances we find no force in the submission of the consumer that bill for the relevant period was excessive and unreasonable.

- 10) Licensee vide their reply dt. 27/01/2010 averred that the amounts of bill of 445 units for three months i.e. June, July, Aug. 07 and units 4018 for Oct., Nov. Dec. 07 have been bifurcated and tariff slab benefit is given to the consumer. It further indicates that Rs. 110.59 towards DPC will be shown in the ensuing bill. CPL filed on record page 2 shows Rs. 2104.33 shown to the credit of consumer. It indicates licensee have not charged interest and DPC in the bill under dispute therefore the consumer should not have grievance on this aspect. Licensee is therefore entitled to recover electricity charges as per consumed units mentioned in the bill under dispute.
- 11) As stated above, officials of the licensee failed to issue electricity bill after taking meter reading to the consumer as per the Standard Of Performance (SOP) referred to above resulting in creating complications and thereby raising doubt on the functioning. In this context the erring officials are necessary to be saddled with compensation. As per the SOP cited, consumer being of residential category meter reading is required to be taken once in two months failing which compensation to be awarded to the tune of Rs. 100/- for first month after lapse of two months for causing delay. As per the record and the reply of licensee dt. 27/01/2010 bill of Rs. 1333.02 of 445 units was given for the months June, July, Aug. 07 (for three months) and again in the month of Dec. 07 bill of 4018 units of the amount of Rs. 23,591.53 was given (for three months) i.e. Oct., Nov., Dec. As such concerned meter reader committed mistake twice in not recording

meter reading as per the SOP as above therefore compensation of Rs. 100/- will have to be paid to the consumer for the mistake occurred twice totaling to Rs. 200/-. The licensee therefore can very well be directed to pay compensation as above to the consumer within 90 days from the date of this decision and further to take appropriate action against the erring officials as per the rules under intimation to this Forum. Having considered the grievance from all points of view we unanimously feel that the licensee is not at all justified in issuing bill of three months and consequently liable to pay compensation.

12) During the pendency of grievance consumer had apprehension that officials of the licensee may disconnect her electric supply, therefore on her application this Forum on 30/12/09 directed the licensee not to disconnect electric connection.

13) Grievance application therefore cannot be said to be wholly meritless and the same will have to be partly allowed. Points are therefore answered accordingly and hence the order :

ORDER

- 1) Grievance application is partly allowed.
- 2) Stay Order issued by this Forum vide No. EE/CGRF/Kalyan/1008, dt. 30/12/09 is hereby vacated.
- 3) Licensee to pay Rs. 200/- (Rs. Two Hundred only) as compensation to the consumer within 90 days from the date of this decision.
- 4) Licensee to take appropriate action against the erring officials and report compliance within 90 days from the date of this decision.

5) 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.

6) 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 : 09/02/2010

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

(R.V.Shivdas)
Member Secretary
CGRF Kalyan

(S.N. Saundankar)
Chairperson
CGRF Kalyan