



Consumer Grievance Redressal Forum, Kalyan Zone

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

No. **K/E/979/1187 of 2015-16**

Date of Grievance : 03/02/2016

Date of order : 11/05/2016

Total days : 98

**IN THE MATTER CASE OF GRIEVANCE NO. K/E/979/1187/2015-16 IN RESPECT OF PRAMOD SHRIDHAR AMBERKAR, R.NO.10, SUVARNA REKHA CHS LTD., GAVLI NAGAR, KALYAN ( EAST ) REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING DEMAND OF SOP NOT GIVEN IN IGRC ORDE.**

Pramod Shridhar Amberkar,  
R.No.10, Suvarna Rekha CHS Ltd,  
Gavli nagar, Kalyan ( East )  
(Consumer No. 020200204001)

..... (Hereinafter referred as Consumer)

Versus

Maharashtra State Electricity Distribution  
Company Limited  
through its Nodal Officer,  
MSEDCL, Kalyan Circle-I, Kalyan .... (Hereinafter referred as Licensee)

Appearance : - For Licensee- Shri V.B.Pawar -AEE, &  
Shri - P.J. Mali UDC - Kalyan ( E ) S/Dn-I

For Consumer-In person.

(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 applicant Pramod Shridhar Amberkar, residing at R.No.10, Suvarna Rekha CHS Ltd,Gavli Nagar,Kalyan (East), is holding his residential connection bearing consumer No. 020200204001 approached to this Forum, submitting his grievance application in Schedule " A " dated 3/2/16 which was registered by allotting No. K/E/979/1187 dated 4/2/16. The hearing was scheduled on 24/2/16 at 14:30 hours and it was conveyed to the Nodal Officer of KCI vide letter No.30 dated 15/2/16 with copy to the consumer.

The hearing was conducted on 24/2/16 and later on adjourned to 9/3/16.

The consumer came forward with his grievance that though he has received IGRC order SE/KCI / IGRC /194 dated 18/1/16, he is aggrieved by that order as the SOP during March 2014 to January 2016 is not given to him. Hence he prayed to the Forum only for getting the compensation.

The Forum observed the IGRC order and found that IGRC has not mentioned anything about SOP which is prayed by consumer in his Form ' X ' dated 10/12/15.

During the hearing the Officers of Licensee submitted their compliance vide letter No.3800 dated 5/3/16 in which they clarified that consumer's billing grievance is well sorted out. As per the consumer's application dated 3/4/14, his faulty meter bearing Sr. No. 5601472 was replaced in June 2014 and new meter bearing Sr. No. 2765356 was provided at site. However, the consumer was receiving bill from June 2014 to September 2015 with meter change status and the meter number was wrongly feed to the system. Hence, they corrected the meter Sr. No. in November 2015 and issued the bill to the consumer for the period June 2014 to September 2015 considering the new meter's reading consumption during the above period and bill was issued at an average 216 units per month. After consumer's complaint, the meter was tested by acue check meter on 5/12/15 and acue check report was within permissible limit (-2.66%). The Officers of the Licensee agreed that the bill is given to the

consumer is for accumulated reading. However, no any interest is applied on the accumulated bill amount.

Also the Licensee contended that the faulty average billed at the rate of 298, 298 and 350 units in the month of March 2014, April 2014 and May 2014 ( 03 months prior to faulty meter replaced in June 2014 ) has been rectified at an average of 210 units per month and the credit of Rs.2508.59 Ps is also given to the consumer in bill of Feb-2016. Also the accumulated bill is getting recovered from the consumer in 05 equal installments. The Officers of the Licensee further added that the consumer's previous bill for December 2013, January 2014 and February 2014 which was received to him at average of 238, 268 and 298 units respectively, have also been revised at an average of 208 units per month and again credit of Rs.1075.29 Ps is given to the consumer's account.

#### **FORUM'S OBSERVATION**

It is observed by the Forum that the consumer's bill is rectified by Licensee in October 2015 with slab benefits considering 16 months accumulated billing period. The consumer prayed to IGRC for getting SOP / Compensation on 10/12/2015 when he submitted his X form to IGRC. It means that he filed the claim for compensation first time by submitting his application on 10/12/15.

However, in the MERC Regulations 2014 ( SOP ), it is mentioned at Sr. No. 12 as given below:

12.1 - The compensation to be paid by the Distribution Licensee to the affected person is specified in Appendix A of these Regulations.

12.2 - The Distribution Licensee shall be liable to pay to the affected person, such compensation as provided in Appendix A to these Regulations :

Provided that any person who is affected by the failure of the Distribution Licensee to meet the standards of performance specified under these Regulations and who seeks to claim compensation shall file his claim with such a Distribution Licensee within a maximum period of sixty (60) days from the time such a person is affected by such failure of the Distribution Licensee to meet the standards of performance :

Provided further that the Distribution Licensee shall provide information to consumers with regard to its offices/competent authority to settle claims for compensation :

Provided further that the Distribution Licensee shall compensate the affected person(s) within a maximum period of ninety (90) days from the date of filing his claim.

12.3 - In case the Distribution Licensee fails to pay the compensation or if the affected person is aggrieved by non-redressal of his grievances, he may make a representation for the redressal of his grievance to the concerned Consumer Grievance Redressal Forum in accordance with the provisions of Maharashtra Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Electricity Ombudsman) Regulation, 2006 including any amendment thereto as in force from time to time: Provided that in case the claim for compensation is upheld by the Consumer Grievances Redressal Forum, the compensation determined by the Commission in Appendix A to these Regulations will be implemented by the Forum or by the Ombudsman, in case of an appeal filed against order of the Forum before him and is to be paid by the concerned Distribution Licensee: Provided further that such compensation shall be based on the classification of such failure as determined by the Commission under the provisions of Section 57 of the Act and the payment of such compensation shall be paid or adjusted in the consumer's future bills (issued subsequent to the award of compensation) within ninety (90) days of a direction issued by the Forum or by the Ombudsman, as the case may be.

-----

From the above, it is very clear that the consumer should file her claim for getting compensation within maximum 60 days from the time when he was affected due to non-compliance of standard of performance from the Licensee's side. In this present case, the consumer's issue was already sorted out in October 2015 by providing the revised bill to the consumer which was manually prepared and was served to the consumer and that too was prepared by considering slab benefits towards accumulated period of 16 months billing period ( June 2014 to September-15) . The consumer filed her claim on 10<sup>th</sup> December 2015. But his billing grievance was already sorted out by Licensee in October 2015 and this is also reflected in consumer's application dated 23/11/15 in which consumer has admitted that the bill amount of Rs.23,610/- was received to him in October 2015. The same is also reflected in consumer's previous application dated 7/11/15.

From the above, it seems that consumer has “ not filed her claim for getting the compensation ” within 60 days “ from ” the time when he was affected. Also it was well sorted out by the Licensee in October 2015 and no excess billing was imposed by Licensee on the consumer and consumer approached to IGRC for compensation in December 2015. Hence the grievance mentioned in Schedule “ A ” dated 3/2/16, in which consumer prayed for getting compensation cannot be considered on the above grounds and considering the terms laid down in MERC Regulations 2014 ( SOP ) at Clause 12.1, 12.2 and 12.3 as described above.

This matter could not be decided within time as Licensee was to provide the details sought from time to time, those were provided on 09/3/2016 and their submissions are heard on that day and clarification taken on 09/03/16 **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.**

(Chandrashekhar U.Patil)  
Executive Engineer-cum- Member Secretary-cum-Chairperson  
CGRF, Kalyan

**Per Member - ( CPO ) , Mrs. S.A.Jamdar -**

I, Respectfully disagree with the above observations and the conclusion for the reasons stated below...

The clause 12 of Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, period for Giving Supply and Determination of Compensation ) Regulations,2014,speaks about determination of compensation. It is reproduced as under:

12.1 - The compensation to be paid by the Distribution Licensee to the affected person is specified in Appendix A of these Regulations.

12.2 - The Distribution Licensee shall be liable to pay to the affected person, such compensation as provided in Appendix A to these Regulations :

Provided that any person who is affected by the failure of the Distribution Licensee to meet the standards of performance specified under these Regulations and who seeks to claim

compensation shall file his claim with such a Distribution Licensee within a maximum period of sixty (60) days from the time such a person is affected by such failure of the Distribution Licensee to meet the standards of performance :

Provided further that the Distribution Licensee shall provide information to consumers with regard to its offices/competent authority to settle claims for compensation :

Provided further that the Distribution Licensee shall compensate the affected person(s) within a maximum period of ninety (90) days from the date of filing his claim.

Clause 12.1 speaks about the amount of compensation to be paid to the affected person as provided in Appendix-A.

It is also provided that any person who is affected by failure of Distribution Licensee to meet the Standard of Performance specified under these Regulation and to seeks to claim compensation shall file his claim with such a **Distribution Licensee** within the maximum period of 60 days from the time such a person is affected by such failure of a Distribution Licensee to meet the Standard of performance.

The above clause clearly states that if the affected person wants to claim compensation he has to claim within 60 days ( from the time he is affected ) after submitting application to the Distribution Licensee. It does not mean that if the affected person fails to submit the application to the Distribution Licensee within a stipulated time mentioned above his claim for compensation is barred.

According to my opinion, though the affected person fails to submit the application for compensation to the Distribution Licensee still the door of IGRF and CGRF are remained opened to



such person to claim compensation / SOP and such person cannot be deprived from his right.

In the present case ---

1] Consumer made application on 3/4/14 for his faulty meter. Meter was replaced in June 2014 (i.e. two months after the date of his application ).

2] Meter number was wrongly fed to the system. Consumer went on receiving the bills from June 2014 to September 2015 with meter change status. This mistake was corrected by Licensee in November 2015 by correcting serial Number ( after 16 months ).

3] The faulty average bill for the units at the rate of 298, 298 and 350 units in the month of March 2014, April 2014 and May 2014 respectively was rectified in the month of February 2016 by Licensee ( after the order of IGRC ).

Looking at the above sequence it can be concluded that the consumer remained affected till January 2016. Hence, his application for SOP is not time barred.

Moreover, it is also specified in Clause 12.2 that a Distribution Licensee shall provide information to the affected person with regard to its Office / Competent Authority to settle claims for compensation.

This clearly means that it is mandatory on the part of Licensee to provide proper and detailed information to such person regarding claim of compensation. According to my opinion, without having such information about claiming of compensation or SOP, we

cannot expect a layman to claim compensation/SOP within 60 days as soon as such person is affected by failure of Distribution Licensee to meet the Standards of Performance.

Moreover, it is quite natural that the affected person will pursue to the Distribution Licensee to get his grievance rectified first instead of pursuing Licensee for compensation. Hence according to my opinion, it is not proper to interpret the above clause as - “affected person is expected to file claim for compensation within 60 days as soon as such person is affected”.

**Hence according to my opinion, the person remains affected till the time, his grievance is not sorted out by Licensee.**

In this case, consumer made application to the Licensee on 3/4/14. As per Standard of Performance the faulty meter should have been replaced within subsequent billing cycle, however, meter was replaced in June 2014. It means two months period was lapsed. On the top of it, the meter number was wrongly fed to the system by Licensee. Hence, the consumer was receiving bill from June 2014 to September 2014 with meter change status. Again Licensee made consumer to run from pillar to post for the rectification of this mistake. This episode did not end here. The consumer was forced to file his grievance with IGRC. The faulty average bills issued to the consumer @ 298, 298 and 350 units for the month of March 2014, April 2014 and May 2014 respectively was rectified by Licensee after a long period of 16 months ( February 2016 ).

Taking into consideration, all the above points, consumer's claim for SOP / Compensation should be allowed and Licensee is liable to pay compensation to the consumer as per Appendix-A provided in the Regulation 2014.

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

.....  
**ORDER**

**\* As per section 8.1 in the event, where the Forum consists of a single member, the Chairperson shall have the second and casting vote.**

**\*\* 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 .**

**\*\*\* Order is placed under the provisions of MERC Regulations – 2006, Section 4 ( c ) and Section 8.1.**

Hence the order.

**ORDER**

The grievance application of the consumer regarding demand of compensation is hereby rejected.

Date:11/05/2016.

(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.