



Consumer Grievance Redressal Forum, Kalyan Zone

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No. **K/E/952/1158 of 2015-16**

Date of Grievance : 05/11/2015

Date of order : 24/05/2016

Total days : 201

IN THE MATTER CASE OF GRIEVANCE NO. K/E/952/1158/2015-16 IN RESPECT OF KESHAVRAO S. MAGAR (DECEASED) C/O PANKAJ KESHAVRAO MAGAR, A BLOCK 334/668, KURLA CAMP, ULHASNAGAR-4, DIST. THANE REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING LT BILLING DISPUTE.

Keshavrao S. Magar (Deceased),
C/o. Pankaj Keshavrao Magar,
A Block 334/668, Kurla Camp,
Ulhasnagar - 4,
Dist. Thane.

(Consumer No. 021514140224) (Hereinafter referred as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited
through its Nodal Officer,

MSEDCL, Kalyan Circle-II, Kalyan (Hereinafter referred as Licensee)

Appearance : - For Licensee - Shri Dongre - AEE, Ulhas -IV S/Dn.
For Consumer-Consumer's Representative, Shri Rajput.

(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 son of consumer deceased Keshavrao Sitaldas Magar, i.e. Shri Pankaj Keshavrao Magar, residing at Block A, 334 / 668, Kurla Camp, Ulhasnagar-04, applied to the Chairman of IGRC , KCII by submitting Form ‘X’ dated 28/8/15 for the billing dispute of his residential connection bearing consumer No. 021514140224. The IGRC has not conducted any hearing and hence consumer approached to this Forum by submitting his grievance in Schedule ‘A’ dated 5/11/15, which was further registered by allotting No. K/E/952/1158 dated 5/11/15. The hearing was scheduled on 30/11/15 at 13:00 hrs under letter bearing No.361 dated 7/11/15 was served to the Nodal Officer of KCII with copy to the consumer. The hearing was conducted on 30/11/15 and later on adjourned to 14/12/15, 6/1/16, 13/1/16, 3/2/16 and lastly on 8/2/16.

The grievance of the applicant is narrated as below:

- a] The excessive billing should be revised.
- b] for last four years continuously faulty bill is issued by Licensee
- c] The Licensee has not considered their reminder dated **18/10/11** and hence this situation has been arisen.

In his Annexure dated 5/11/15 enclosed with Schedule 'A', he further adds that the above consumer number has been connected by meter Sr. No. 760164067. The Licensee has issued him continuously the average bills against faulty status of the meter right from September 2011 till June 2015. During 2011 when deceased Keshavrao was alive he had submitted application dated 18/10/2011 regarding faulty status of the meter and for the receipt of faulty status bills. The letter was addressed to Office of Ulhasnagar-IV S/dn. The cognizance of the application was not taken by the Licensee.

Suddenly in July 2015 they have received the electricity bill for the consumption of 9360 units and for the amount of Rs.1,40,400/-. The verbal complaint was given at Ulhasnagar-5 S/dn and they have given the bill of Rs.9200/- on the provisional basis which was not accepted by him. Hence he approached to this Forum.

During the course of hearing, the Licensee submitted their reply bearing No. AEE / Ulhas-IV /1362 dated 26/11/15. The Licensee contended that above raised bill was revised to the tune of Rs.9200/- after appropriate B80 (-) adjustment. During August 2011 to February 2014, the bills at an average of 157 units and from March 2014 to June 2015, the bills at the rate of 200 units per month were served to the consumer. However, the meter under dispute was in good normal working condition and hence considering

the meter unit difference, the bill for 9360 units is given to the applicant for the total period of 48 months.

Considering the payment made by applicant at the rate of 157 units per month for the period of 31 months (August 2011 to February 2014) and at the rate of 200 units per month for next 16 months (March 2014 to June 2015). Considering the total 8067 units billed as mentioned above and the payment made by applicant, the bill for the balance units, i.e. 9360 units is given to the applicant for the total period of 48 months as mentioned above. Proper slab benefit is also applied during the revision in the bill.

During the inspection in the premises, the meter was found in working condition and after testing on 17/8/15, the meter found working within permissible limits. As per meter reading recorded consumption found in the meter in August 2015 is 340 units, in September 2015, 300 units and in October 2015 234 units. The average consumption pattern as per meter reading is near about 300 units per month. However, during the above referred 48 months, the Licensee has billed on average basis and on lower side (157 and 200 units per month as mentioned above).

The readings recorded in the CPL of the consumer (deceased Keshavrao Magar) enclosed along with above submission shows that in July 2011, the reading recorded of the meter is 678 and reading recorded in July 2015 is 10038 units.

The Licensee in their further submission dated 11/12/15 submitted that as per the instruction of the Forum, they have replaced the meter under dispute on 1/12/15 and tested the same at meter testing unit of Ulhasnagar Divn –II. They contended that as per the meter testing report

dated 1/12/15, meter under dispute is found within the permissible limit and the testing of the meter is carried out in presence of the applicant.

The Officers of the Licensee further submitted that the intermittent readings observed in the meter under dispute is available with them as per the data of photo readings for the respective months. Accordingly, they submitted in their report, the following readings available with them.

July	2011	-	reading - 0678
April	2013	-	reading - 3914
August	2013	-	reading - 4962
April	2014	-	reading - 6501
August	2014	-	reading - 7569
December	2014	-	reading - 8472

Applicant vide his letter dated 14/12/15 contended that he received bill for August 2011 with faulty status. On 18th September 2011 his father has submitted letter dated 18/9/11 for further needful remedial action, but Licensee has not taken the cognizance of this particular letter. Secondly, if the Licensee is stating that meter under dispute is working normally, then why the bills were not issued as per the meter reading for the period from September 2011 to June 2015. Also when reading 678 units is shown entered in the month of July 2011, then how reading as 0001 is shown in the bill for August 2011. Also in October 2011, the reading shown in the bill and also on the photo of meter printed in the bill is 0055? Again in December 2011 the reading shown is 0375. How such reference reading has been reflected in the meter in the progressive months when the reading 0678 was entered in July 2011. If, the record of faulty meter is available with Licensee, why bills during August 2011 to June 2015 were issued without any readings, but issued at an average basis.

The applicant also contended that the meter was tested for the consumption of 01 unit and for the duration of 20 minutes only. From such testing how they concluded the status of the meter which was in service for last 48 months. Hence he prayed for keeping aside the bill.

The Licensee in their further reply dated 3/2/16 clarified that they have raised the bill for the period from September 2011 to June 2015 (for 48 months) as per meter reading consumption which is 9360 units giving the average of 195 units per month. The meter testing report of the meter under dispute is ok and within the permissible limit. But, for some particular months in which the reverse reading is getting observed in the photo meter reading of the bills, particularly in the months of August 2011, October 2011 and in December 2011. However, this is the mistake made by photo reading agency and hence the separate action has been initiated by the Licensee on the particular reading agency.

For the second period including months August 2015 to October 2015, Licensee clarified that the bills issued during this period is as per units consumed and reflected in the photo meter reading and hence correct. Licensee further contended that they have procured photos of the meter available with them in their record.

FOLRUMS OBSERVATION

From the above, it is observed that the Licensee has rectified the billing mechanism for the period September 2011 to June 2015 by deducting the average paid bills of the consumer. Out of total period the applicant has paid the bill at the rate of 157 units per month during the period of August 2011 to February 2014 and at the rate of 200 units per month for the period March 2014 to June 2015.

The meter consumption indicates that the average consumption is 195 units per month. However, for most of the period, i.e. for 31 months, the applicant was issued the bills at an average of 157 units per month (i.e. on lesser side compared with normal consumption).

Also meter testing report is normal and within the permissible limit and under such condition, the Forum cannot express any separate view about the meter status when the Lab Testing report is presented by the Officers of the Licensee before the Forum.

Also, there is no excess billing imposed on the applicant . Over all there is no any space to upheld the applicant's grievance regarding his billing dispute. Hence this particular grievance regarding raised bill cannot be upheld.

Regarding his second pray for getting the compensation, considering the application dated 18/10/2011 which was for meter replacement, the Forum expressed their view as given below:

The electricity connection is not in the name of the applicant Mr. Pankaj Magar. The said connection stands in the name of Mr. Keshavrao Magar (Deceased), who is the father of the applicant.

The applicant's father wrote a reminder to the licensee on 18/10/2011 stating that he had made a complaint to the Licensee that his meter is not working properly, but Licensee did not take cognizance of his complaint and that the applicant was receiving bills with faulty remark.

Even there is no paper on record to show that the applicant has made an application to the Licensee for getting the electricity connection transferred in his name. When the grievance / complaint of the applicant's father (Keshavrao Magar) was pending with the Licensee, he passed away and record shows that the connection still stands in his name.

Thereafter, the applicant Pankaj Magar approached to the Licensee and pursued the grievance / complaint without getting electricity connection transferred in his name. In the light of the above fact, it seems to us that applicant cannot be treated as consumer unless and until he gets the electricity connection transferred in his name.

.... As per Electricity Act 2003, “ Consumer ” means any person who is supplied with electricity for his own use by a Licensee or the Government or by any other person engaged in the business of supplying electricity to the public under this Act or any other Law for the time being in force and includes any person whose premises are for the time being connected for the purpose of receiving electricity with the works of a Licensee, the Government or such other person, as the case may be.

This matter could not be decided within time as Licensee was to provide the details sought from time to time, those were provided on 29/1/2016 and their submissions are heard on that day and clarification taken on 03/03/16 **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.**

Taking into consideration all the above facts, the prayer of the applicant for SOP is to be rejected.

Hence the order.

ORDER

The grievance application of the applicant is partly allowed.

Licensee is directed to recover Rs.9200/- from the applicant by giving 09 equal installments to the applicant without charging any interest

or DPC. Applicant is directed to pay the current bill along with above installments.

The prayer of applicant for SOP is hereby rejected.

The applicant is at liberty to get the electricity connection transferred in his name first and then can pursue the Licensee for getting relief.

Date:24/05/2016.

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.