

MAHARASTRA STATE ELECTRICITY DISTRIBUTION

CO.LTD.

KALYAN

ZONE, KALYAN Office of the Consumer
Grievance Redressal

Phone 1) Forum [redacted] ejashri, **2210707**
2) Jahan [redacted] anji Road, **2328283**

Ext-122.

**IN THE MATTER OF GRIEVANCE NO. K/E/021/0023 OF
05-06 OF SHRI S. N. VAISHAMPAYAN REGISTERED WITH
CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN
ZONE, KALYAN ABOUT THE ASSESSED ENERGY
CHARGES LEVIED BY LICENSEE IN HIS BILL OF
RESIDENTAL CONNECTION & VIOLATION OF
PROVISIONS OF VARIOUS REGULATIONS.**

Shri S. N. Vaishampayan Here in after
Sitaram Niwas, Behind Pitre Bldg. Referred to
Phadke Road, Dombivli (E) as
consumer)

Versus

Maharashtra State Electricity Distribution Here in after
Co Ltd through its Assistant Engineer, referred to

(O & M) Sub-Division Dombivli as
licensee)

- 1) Consumer Grievance Redressal Forum has been established under regulation of “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2003” to redress the grievances of consumers. This regulation has been made by the Maharashtra Electricity Regulatory Commission vide powers conferred 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 L.T. consumer of the licensee connected to their 415-volt network. The consumer is billed on residential tariff. The consumer registered his grievance with forum on 16/6/05. The details are as follows.

(i) Grievance about assessed billing:-

Name of the consumer:- The electricity bill stands in the name of Shri Motiram Sitaram Khandagale. He is the owner of the premises. Shri S.N. Vaishampyan, occupier of the premises, uses electricity for residential purpose.

Address as below.

Shri S.N. Vaishampyan Sitaram Niwas, behind Pitre Building, Phadke Road, Dombivli (E).

Consumer No:- 020011868399

Disputed period:- 27/04/04 to 15/02/05

(ii) Violation of regulations of Maharashtra Electricity Regulatory Commission (Electricity

Supply Code and Other Condition of Supply) Regulations, 2005. (Called hereafter as ESC)

- (a) Violation of regulation No 15.6.3 of ESC about payment of interest by licensee on deposit of consumer.*
- (b) Violation of regulation No 7 of ESC about changing of meter without intimation to consumer & without his presence.*
- (c) Violation of regulation No 20 of ESC about non-availability of copies of ESC & necessary forms.*

(iii) Violation of regulation of Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulations, 2005.

Violation of regulation No 6.3 about not responding to the complaint of consumer for 60 days by internal system of licensee.

iv) Grievance on not testing of new meter by licensee installed at consumer's premises on 15th February 2005.

- 3) The batch of papers containing above grievances was sent by forum vide letter No. 0227 dated 17/06/2005 to Nodal Officer of licensee. The letter was replied by Nodal Officer vide letter No SE/KCK/Tech/320 dated 4th July 2005.
- 4) All three members of the forum heard both the parties on 4th July 2005 from 15 hours to 16 hours in the meeting hall of the forum's office. Shri Shrinivas, representative of

consumer, represented the case of consumer & Shri P.J. Kulkarni Assistant Engineer represented the case of licensee.

- 5) Shri Shrinivas repeated grievances mentioned in consumers application dated 16th June 2005. He submitted that during the period from 27th April 04 to 15th February 05 the licensee had charged consumer on the basis of average consumption of past period, as the meter was reported to be faulty & stuck up & unable to record further readings. The forum observed from consumer's personal ledger that meter was stuck up at meter reading of 21000 & the licensee had charged 382 units in the billing month of June 2004, August 2004, & October 2004 while 420 units was charged in the billing month of January 2005.
- 6) Nodal Officer vide letter dated 4th July 2005 expressed that the provision of billing for the period for which the meter has stopped recording, upto a maximum period of three months as per ESC is not applicable in this case as the period of dispute is prior to the date of 20th January 2005, i.e. the date on which ESC came into force. On this submission of Nodal Officer attention of licensee's representative was drawn, during hearing on 4th July 2005, to the case No 19 of 2004 of Maharashtra Electricity Regulatory Commission where in order has been passed about supplementary/ amendment bills issued by licensee on the basis other than the regular recorded consumption on meters & he was requested to offer remark. Nodal Officer vide letter dated

11th July 2005 expressed that it is not a case of supplementary/amendment bills but a case of regular bills issued for the period from 27th April 2004 to 15th February 2005 on the basis of average bi-monthly readings of 372 units on recorded consumption of 2230 units during past 12 months from March 2003 to February 2004 & hence case No 19 of 2004 of MERC is not applicable in this case. The consumer vide original application dated 16th June 2005 accepted billing for last three months on the basis of monthly average recorded consumption of past 12 months but vide rejoinder dated 13th July 2005 submitted to forum, requested refund of entire amount charged during the period from 27th April 2005 to 15th February 2005 on the ground that result & not a detailed report of fault of meter was given to him by the licensee as stipulated in case no 19 of 2004 of MERC.

- 7) We cannot endorse the views of licensee (though Nodal Officer), that the provision of ESC for billing is not applicable in this case as the period of dispute is prior to 20th January 2005 & the case No 19 of 2004 of MERC is not applicable as this is not a case of supplementary/amendment bills, because it has been clearly mentioned in para 46 of case No 19 of 2004 of MERC that amendment bills issued from 10th June, 2003 (the date of coming into force of Electricity Act 2003) & upto notification of ESC, the analogy of ESC provision should be applied for assessment in the case of stopped meter.

Similarly we also cannot agree with the consumer to refund the entire amount charged during the period from 27th April 2005 to 15th February 2005 on the ground that result & not a detailed report of fault of meter was given to him, because this is a case of stopped meter & the consumer himself has agreed in his original application that the meter had stuck up & was unable to record further consumption. We now look to the proviso 2 of regulation 15.4.1 of ESC, which reads as follows.

Provided further that, in case the meter has stopped recording, the consumer will be billed for the period for which the meter has stopped recording, upto a maximum period of three months, based on the average metered consumption for 12 months immediately preceding the three months prior to the month in which the billing is contemplated.

In this case the average metered consumption of 12 months prior to April 2004 is 186 units per month (The meter stopped recording consumption from 27th April 2004). We, therefore decide that the assessed consumption charged from 27th April 2004 to 15th February 2005 cannot be charged & the consumption at the rate of 186 units per month can only be charged for three months prior to the date of replacement of meter i. e. 15th February 2005.

- 8) Shri Shriniwas mentioned that the consumer pays electricity bill in advance since long time. However, the licensee has not given him interest on the advance payment as per

Reserve Bank rate (violation of regulation No. 15.6.3 of ESC). Nodal Officer vide reply dated 4th July 2005 has submitted that the computerized programme is being suitably modified to accommodate advance payment cases & payment of suitable interest to the consumer on advance payment, as per law.

- 9) The licensee expressed regret vide its reply dated 4th July 2005 for violation of regulation No 7 of ESC about changing of meter without intimation to consumer & without his presence.
- 10) The licensee's representative during hearing on 4th July 2005 accepted lapse on the part of their sub divisional level for violation of regulation No 20 of ESC about non-availability of form C and non-maintenance of the regulation books in the offices of the licensee and promised to avoid such lapses in future.
- 11) It is seen from records that consumer approached internal system of licensee for his grievances on 1st April 2005 received by licensee through forum on 4th April 2005 but licensee took no action within a period of 60 days as required as per Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulations, 2003 & hence consumer was left with no alternative but to approach this forum on 16th June 2005.
- 12) The licensee replied vide letter No. 0406 dated 11/7/05 that as per the forum instruction the meter, installed on 15th

February 2005, was scheduled to be tested by accucheck meter at site on 5/07/05 but due to some problem it was not tested on schedule date. The meter was tested on 11/7/05 & found to be within permissible limit of error.

- 13) The violations of 15.6.3, 7 & 20 of ESC mentioned in paras 8, 9 & 10 respectively and violation of regulation 6.3 of Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulations, 2003 mentioned in para 11 clearly indicate casual approach towards following ESC by staff of licensee & needs serious attention to be paid towards strictly following ESC by staff. The forum cannot interfere in the management and executive function of the licensee but persistent violation of ESC and non-compliance of directives issued by Forum/Ombudsman/MERC, particularly when large number of consumers are effected, require review of such compliances. We leave this to the senior officers such as Chief Engineer & Superintending Engineer of the licensee to suitably train & educate staff to avoid such lapses in future.

O-R-D-E-R

1. The assessed consumption charged by the licensee to the consumer for the period from 27th April 2004 to 15th February 2005 is, hereby set aside & the consumption at the rate of 186 units per month should only be charged for three months prior to the date of replacement of meter i. e. 15th February 2005.

2. The amount paid by consumer to the licensee for the assessed consumption charged for the period from 27th April 2004 to 15th February 2005 should be credited to the account of the consumer in his bill in the next billing cycle & the amount as shown in preceding para 1 above should only be debited to his account in the said bill in the next billing cycle.
3. A suitable computerized soft ware should be developed within 90 days from the date of this order to take care of advance payments made by consumers & payment of interest to them as per Reserve Bank of India rate.
4. Consumer can file appeal against this decision with the Ombudsman at the following address.
Maharashtra Electricity Regulatory Commission, 606/608,
Keshav Building, Bandra Kurla Complex, Mumbai 5.
Appeal can be filed within 60 days from the date of this order.
5. 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: - 17/8/2005

Consumer

(S.H.Chaphekarande)

(Sau V.V.Kelkar)

(I.Q.Najam)

Member Secretary

Member

Chair person

CGRF Kalyan

CGRF Kalyan

CGRF Kalyan