



Consumer Grievance Redressal Forum, Kalyan Zone
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No. **K/E/885/1083 of 2015-16**

Date of grievances : 18/05/2015
Date of order : 24/05/2016
Total days : 373.

IN THE MATTER OF THE GRIEVANCE NO. K/E/885/1083 OF 2015-16 IN RESPECT OF JAGDISH HARISHCHANDRA GUPTA, SHOP NO.03, NARAYAN JADHAV CHAWL, SAIBABA NAGAR, NALASOPRA (E), TAL. VASAI, DIST. PALGHAR - 401 209, REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING PD RECONNECTION AND COMPENSATION.

Jagdish Harishchandra Gupta,
Shop No.03, Narayan Jadhav Chawl,
Saibaba Nagar,
Nalasopara (E), Tal. Vasai ,
Dist. Palghar,
Pin Code-401209

(Consumer No. **001900781667**) (Hereinafter referred as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its
MSEDCL, Addl. Executive Engineer,

Nalasopara (E) S/dn, Vasai Circle (Hereinafter referred as Licensee)

Appearance : For Consumer – Shri Pandey - Consumer's Representative.

: For Licensee - Shri Jadhav - AEE, Nalasopara (E) S/dn.

(Per Shri CUPatil-Executive Engineer-cum-Chairperson)

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 Shri Jagdish Harischandra Gupta bearing consumer no.001900781667 is having his single phase commercial connection in Shop No.3, Narayan Jadhav Chawl, Saibaba nagar, Nalasopra (E) and filed his grievance in form “X” dated 31/12/2014 to the IGRC of Vasai Circle. Nothing heard by IGRC, consumer approached to this Forum by filling his grievance in schedule “A” dated 15/5/15 regarding billing dispute & illegal disconnection.

The grievance was registered in the Forum by allotting No.K/E/885/1083 dated 18/5/15 and scheduled the hearing on 8/6/15. The letter intimating the hearing date was sent to the Nodal Officer vide No.EE/CGRF/157 dated 18/5/15 along with the copy of the grievance and accompaniments. The copy of hearing letter was also sent to the consumer.

The details of the grievance presented by the consumer enclosing separate sheet along with schedule-A are as below:-

1] Billing dispute was pending since long time and resolved on 25/9/2012 by issuing PD final bill of an amount of Rs.3,220/- which was paid on 25/9/2012 and power supply was restored on 23/1/2013.

2] Secondly, the MSEDCL Official forcibly disconnected supply on 30/8/2013 without prior notice towards wrong arrears of Rs.7,810/-.

The provisional bill issued for an amount of Rs.4,180/- was paid on 26/2/2014 and power supply was restored on 26/2/2014 by another meter bearing Sr. No. 1767418 with initial reading 1695.

3] Again power supply was disconnected without prior notice on 1/7/2014 against the recovery of wrong bill. Consumer submitted complaint to SDO on 8/7/2014, but without resolving the issue properly, the provisional bill of amount Rs.4,460/- was issued in October 2014 after submitting PD report dated 25/9/2014 and meter replacement report dated 26/9/2014.

4] Considering the failure of billing staff to resolve the issue of wrong bill and disconnection of power supply many times that too without prior notice, the consumer approached to IGRC on 31/12/2014. During pendency of IGRC case No.01/15, the notice of disconnection towards non-payment of arrears of amount Rs.2007.68 Ps. was received to the consumer and supply was disconnected on 5/6/2014.

5] At the last consumer approached to CGRF presenting his grievance and prayed for the justice and relief as per the issues given below....

a] To get the correct bill considering the IR as 1695 of replace meter bearing Sr. No.1767418.

b] Restoration of power supply which is illegally disconnected by Licensee.

c] To get the compensation of amount Rs.15,000/- for fulfilling loss / expenses towards maintenance.

d] To get the compensation of amount @ Rs.4000/- per month towards rental compensation due to illegal disconnections.

e] Compensation towards mental, physical and financial harassment due to various irregularities, negligence, malpractice and violation of provisions of MERC Act. Consumer demanded compensation of Rs.5000/-

Grievance No. K/E/885/1083 of 2015-16 **ID No.2015060027**
towards IGRC and Rs.5000/- for physical and financial loss for approaching to
CGRF.

Overall, on the issues described as above (a) to (e), the applicant prays before the Forum for passing appropriate order and directions to the respondent, i.e. MSEDCL Officials for getting the compensation as above.

The scheduled hearing on 8/6/15 was adjourned and finally the case was heard on 23/6/15. The Licensee representative, AEE of Nalasopara (E) S/dn submitted their reply vide letter 0802 dated 22/6/2015 in which they contended that the supply was given to the consumer on 19/2/2002. Also they clarified that as per the CPL, the final arrears of amount Rs.7,600/- were due with the consumer before his supply was permanently disconnected in July 2014.

However, LR also clarified that they have rectified the bill to the tune of Rs.2010/-. CR Shri Pandey not hesitated about such correction and agreed that they will be having no any grievance on the issue of bill amount, if they get the bill for Rs. 2010/-. Both were asked to attend the hearing on next date, i.e. on 7/7/15 regarding the clarification of the issue of bill amount.

On 7/7/15, CR Shri Pandey shown his satisfaction for the bill rectification and said that he is having no anymore grievance on this issue. But, however he pleaded for the relief towards compensation for the points (a) to (e) mentioned in the above paras.

The demand of compensation was discussed at length with CR. He contended that the Forum should entertain his claim for compensation as per provisions laid down in MERC Regulations (CGRF & Ombudsman), 2006

under Clause 8(e) vide which the Forum may pass any other order, deemed appropriate in the facts and circumstances of the case.

As per the Clause 8 (d) the Forum can entertain for the issues of compensation and can direct to the Licensee to pay such amount as compensation as specified the commission in the standards of performance of Distribution Licensees. Such compensation is laid down in the Appendix – A of MERC Regulations (SOP) – 2014.

Also the claims prayed by CR and described in above paras at Sr. No.(5) are repeated below:

- (c) for fulfilling the loss /expenses,
- (d) for loss of rental compensation, and
- (e) for mentally, physically and financial loss

As per the view of the Forum , the consumer might have suffered a loss when the supply was illegally disconnected repeatedly. The shop is for earning his livelihood and the supply was remained disconnected even though the consumer paid the amount. Hence the consumer should be compensated towards mental agony on account of above irregularities as per the Clause 8 (c) incorporated in the MERC Regulations (CGRF & EO, 2006). This Clause empowers the Forum to grant compensation if it deems fit. Clause 8 (c) is reproduced as under:

“ to pay such amount as may be awarded by it as compensation to the consumer for any loss or damage suffered by the consumer ”.

This Forum has come to the conclusion to award a compensation of Rs. 2000/- (Two Thousand only) towards on account of irregularities made by

the Officers of the Licensee regarding disconnections without notice and delayed reconnections as mentioned in above paras and the reconnection charges collected by Licensee on account of disconnections which are incorporated in the pleading of the consumer.

However, the prayer of the consumer to grant the compensation for loss / profits , rental loss and mentally, physically and financial loss cannot be considered as per the Clause 8 (c) laid down in the MERC Regulations 2006 which clarifies that in no case shall any consumer be entitled to indirect consequential , incidental, punitive or exemplary damages, loss of profits or opportunity. As the consumer is not entitled to indirect consequential, incidental, punitive, exemplary damages, loss or profits or opportunity and accordingly the prayer of CR at Sr. No.5 (c, d & e) cannot be considered by the Forum on the above grounds.

This matter could not be decided within time as Licensee was to provide the details sought from time to time, those were provided on 12/04/2016 and their submissions are heard on that day and clarification taken on 16/5/2016. **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 partly allowed.

The Licensee is directed to pay a compensation of Rs. 2000/- (Two Thousand only) by cheque / cash to the consumer as mentioned above.

The Licensee is directed to adjust the amount of reconnection charges recovered from time to time by the Licensee from the consumer, in the next billing cycle.

The compliance of the above order should be submitted within 60 days from the date of receipt of the order.

Dated: 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.

