



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/179/203 OF 09-10
OF M/S. R.M.MOHITE AND COMPANY, REGISTERED WITH
CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN
ZONE, KALYAN ABOUT EXCESSIVE ENERGY BILL**

M/s. R. M. Mohite & Co. } (Here-in-after
1) Morbe, Chowk Section } referred to
Khopoli, Dist : Raigad – 410 203 } as Consumer)
2) 17, E, Shiv-Parvati, Nagada Park,
Kolhapur : 416 003

Versus

Maharashtra State Electricity Distribution } (Here-in-after
Company Limited through its } referred to
Assistant Engineer, Khopoli Sub/Dn. } 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 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 a L.T. consumer of the licensee connected to their 415-volt network. The Consumer is billed as per Residential tariff. The consumer registered the grievance in prescribed proforma with this forum on dated 16/02/2009 regarding excessive billing. The details are as follows: -

Name of the consumer : M/s. R. M. Mohite & Co.

Address: - As above

Consumer No. : 031140000330

Reason of dispute: Excessive energy bill

- 3) The batch of papers containing above grievance was sent by Forum vide letter No. EE/CGRF/Kalyan/130, dt. 16/02/09 to Nodal Officer of licensee. The licensee filed reply vide letter No. 487, dt. 24/03/09 at the time of hearing. It also filed CPL of the period from Nov. 04 to Nov. 06 & from Jan. 07 to Nov. 08 alongwith above reply, & also additional reply vide letter No. 579, dt. 9th April 09 after the hearing.

- 4) The consumer has made grievances regarding excess billing & average billing to the concerned Assistant Engineer from time to time & his such last letter to the concerned Assistant Engineer was sent by the consumer in respect of bill

dated 04/07/08, was dated 11/07/08. The concerned Assistant Engineer has not resolved the grievance of the consumer & therefore, the consumer has earlier made grievance before this Forum vide letter dated 03/11/08 & subsequently on the letter sent by this Forum submitted grievance in prescribed proforma with letter dated 16/02/09 & the same was registered on the same day.

- 5) The Members of the Forum heard both the parties on 25/03/2009 @ 15.00 Hrs. in the meeting hall of the Forum's office. Shri Subhash Siyeya Swamy & Shri S. A. More, the consumer's representative (CR), Shri D. R. Bansode, Nodal Officer, & Shri U. B. Howale, LDC for the licensee, attended the hearing.
- 6) Shri S. S. Swamy, the C. R. submitted that the work of Morbe Dam was closed from June 2000 to 24/11/2002 & therefore, there was very less consumption of electricity during the period but still the licensee has issued bills for exorbitant amounts without taking readings. He further submits that the work of the said Dam has been completed by 2006 & since then only Watchman is staying in the concerned premises but still the licensee has been issuing bills for exorbitant amounts without taking readings. He further submits that the consumer has requested the concerned Assistant Engineer to revise such bills for exorbitant amounts & issue bills as per actual reading by sending request letters to that effect from time to

time, but still the licensee has continued issuing bills for exorbitant amounts as a result of which there has been huge arrears. Therefore, the licensee be directed to revise all the concerned bills, refund the excess amount recovered from the consumer.

7) As against the above contention of consumer, the representatives of licensee (LR) submit that the concerned site of such electric supply is on the interior site at a distance of about 1.5 to 2.00 Kms. from the road and the main locality and therefore, the meter readers find it difficult to reach the said site as a result of which some times bills for average consumption without taking readings have been issued. But in Nov. 08, after actual reading is taken, credit of the excess amount recovered earlier on the basis of average consumption, has been given to the consumer & therefore, the consumer is liable to pay the amounts of subsequent bills. He further submits that the consumer has been avoiding paying the bills & also filed the present grievance to avoid paying the amount of the bill & therefore, the present grievance be rejected.

8) Grievance regarding revision of bills issued during the period June 2000 to 24th Nov. 2002 : As per Clause 6.6 of the MERC (Consumer's Grievance Redressal Forum & Electric Ombudsman) Regulation 2005, this Forum can consider grievance of which cause of action has arisen within a period

two years from the date of filing such grievance. The consumer in this case filed the present grievance before this Forum on 16/02/09 or at the most on 05/11/2008 when he sent a simple letter about his grievance (not in prescribed proforma) to this Forum & therefore, at the most this Forum can consider the consumer's grievances of the period from Nov. 2006 onwards. Therefore, this Forum cannot consider the consumer's grievance in respect of bills during the period June 2000 to 24th Nov. 2002 as the same is time barred & hence the same is rejected.

- 9) Grievance regarding excessive billing during the subsequent period : As discussed above, this Forum can consider the consumer's grievance regarding alleged excessive billing at the most from Nov. 2006 onwards. The consumer claims that the work of Dam was already completed by 2006 & since thereafter, only Watchman is staying at the said premises & in spite of the said fact, the licensee has issued bills for exorbitant amounts without taking actual readings & therefore, the licensee be directed to revise all such bills & refund the excess amount recovered from the consumer.
- 10) It is clear from the CPL that the bills for the months Nov. 2006 & Jan. 2007 have been issued to the consumer as per actual reading, and it is only from the month of March 2007 to Sept. 2008 that bi-monthly bills have been issued for

average consumption of 2936 units for two months. However, CPL further shows that the electric charges bill for the billing period of Oct. & Nov. 2008, have been issued for 35624 units as per the actual reading in the newly replaced meter No. 248466 & the reading of the earlier meter, & credit of Rs. 01,69,940=84 recovered in excess earlier, has been given to the consumer. Therefore now atleast from Nov. 2008, the billing has been regularized & therefore, the consumer is liable to pay the subsequent bills. Moreover, in view of the above credit given to the consumer, the consumer is not now entitle for refund of any amount which has been earlier recovered in excess. Therefore, the consumer's request for such refund is liable to be rejected.

- 11) It is noted by forum that as per Maharashtra Electricity Regulatory Commission (Electricity Supply Code and other Condition of Supply) Regulation 2005, Clause No. 14.3 reading of meter "Meter reading shall be undertaken by the authorized representative atleast once in every three months in the case of agricultural consumers, and atleast once in every two months in the case of all other consumers, unless otherwise specifically approved by the Commission for any consumer or class of consumers".

Licensee should follow the instructions of above Clause in future. In this case Meter Reader has not taken readings from March 2007 to Sept. 2008 (as per CPL) due to which

consumer is charged on average basis i. e. 2936 units for two months (in this case billing is bi-monthly). Therefore, as per MERC (Standard Of Performance of Distribution Licensee, period for giving supply and Determination of Compensation) Regulation 2005, as per Appendix 'A' , Clause No. 7.i, the consumer is entitled for compensation. The Clause No. 7.i read as follows :

Supply activity/event	Standard	Compensation Payable
Reading of consumer's meter Once in every two months (all other consumers)	Rs. 100/- for first month or part thereof of delay. Rs. 200/- per month or part thereof beyond the first month of delay.

Therefore, Licensee should pay compensation of Rs. 3,500/- (Rs. Three Thousand & Five Hundred) to the consumer by giving it's credit to the consumer in the ensuing bill, as per above clause within 90 days from the date of this decision. Moreover, licensee should initiate action against concerned employee who has not taken the readings from March 2007 to Sept. 2008.

- 12) There has been number of holidays & consequently less working days during this month. There has been also sudden increase in registration of grievances by the consumers before this Forum since last two months, as a result of which this Forum is forced to hear arguments in two cases on every day & also to decide such cases at the same rate. Therefore there has been Eight days delay in deciding this case.
- 13) After hearing both the parties & considering their contentions & the record produced by them & the findings on the grievances above, this Forum unanimously pass the following order :

O-R-D-E-R

- 1) Application/grievance of consumer is partly allowed.
- 2) Licensee should pay compensation of Rs. 3,500/- (Rs. Three Thousand & Five Hundred) to the consumer by giving it's credit to the consumer in the ensuing bill, as per above clause within 90 days from the date of this decision. Licensee should initiate action against concerned employee who has not taken the readings from March 2007 to Sept. 2008.
- 3) Compliance should be reported to the Forum within a period of 90 days from the date of this decision.

- 4) Consumer can file representation against this decision with the Ombudsman at the following address.

*“Maharashtra Electricity Regulatory Commission,
606/608, Keshav Building, Bandra Kurla Complex, Mumbai 51”*

Representation can be filed within 60 days from the date of this order.

- 5) Consumer can approach Maharashtra Electricity Regulatory Commission on the following address :

*“Maharashtra Electricity Regulatory Commission,
13th floor, World Trade Center, Cuffe Parade, Colaba,
Mumbai 05”*

for compliance in case of non-compliance, part compliance or delay in compliance of this decision passed under “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2003”, under Section 142 of the Electricity Act 2003.

Date : 22/04/2009

**(V.V.Kelkar)
Member
CGRF Kalyan**

**(R.V.Shivdas)
Member Secretary
CGRF Kalyan**

**(M. N. Patale)
Chairperson
CGRF Kalyan**