



Consumer Grievance Redressal Forum, Kalyan Zone

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No. **K/Others/1038/1250 of 2015-16**

Date of Grievance : 30/03/2016

Date of order : 24 /08/2016

Total days : 148

IN THE MATTER CASE OF GRIEVANCE NO. K/Others/1038/1250/2015-16 IN RESPECT OF NILIMA BUILDERS (SECRETARY), NILMA APARTMENT, BLOCK C-23, 89, ULHASNAGAR-421 003, DIST. THANE, REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING BILLING DISPUTE.

Nilima builders (Secretary),
Nilima Apartment,
Block C-23, 89,
Ulhasnagar-421 003,
Dist. Thane.

(Consumer No. 021510540473) (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 Thete, AEE, Ulhas-III S/Dn.
Shri Joshi AA, Ulhas-III S/Dn.
For Consumer-Shri Rajput- Consumer's Representative.

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’.

2] The facts in brief are that :-

a] The consumer is having 03 phase connection which is common for water pump, staircase and lift since 1990 at building namely Neelima Apartments, C-23/89, Ulhasnagar, bearing consumer No.021510540473.

b] The grievance of the consumer is regarding billing dispute for the month of December 2015 for an amount of Rs. 2,26,018/- showing consumption of 13976 units, as according to the consumer it is a defective meter.

c] The consumer therefore, approached Licensee for rectification of the bill, but licensee did not heed to his request and on the top of it, according to the consumer, Licensee threatened to disconnect its supply.

d] The consumer prayed for revision of his bill, taking into consideration its previous consumption pattern. Consumer therefore, approached IGRC on 27/1/16. However, consumer’s grievance was not resolved by IGRC. Consumer therefore, approached the Forum on 9/2/16.

3] On receiving the grievance application, the notice was issued to the Nodal Officer vide this Office letter No.EE/CGRF/Kalyan /159 dated 5/4/16 and its copy was sent to the consumer. The Licensee appeared and filed reply along with documents, CPL and bills.

4] Licensee submitted that the consumer's meter is tested at Meter Testing Lab and further submitted that –

a] after testing of the meter the report is showing OK status. Hence Licensee cannot revise the said bill.

b] Licensee states that the bill is as per reading. However, Licensee taken out the MRI of the said meter and following abnormalities were found in the consumption by MRI data and by photo images taken by meter reader as under:-

Sr.No.	Month & Units consumption as per photo images (Kwh)	Month & Unit consumption as per MRI (Kwh)
1	June 15- 1200	1 July 15- 2552
2	July 15- 803	1 Aug 15- 2593
3	Aug 15- 931	1 Sep 15- 2515
4	Sep 15- 806	1 Oct 15- 2420
5	Oct 15- 494	1Nov 15- 2318
6	Nov 15- 700	1 Dec 15- 2209
7	Dec 15- 13976	1 Jan 16- 575 (Up to 12 Jan 2016)

c] For the above abnormalities in the consumption pattern of the consumer (as per the images taken by the meter reader and as per MRI data) Licensee referred the matter to Executive Engineer, Ulhasnagar by letter dated 27/1/16.

d] Licensee again on the next date of hearing submitted that a bill of Rs.2,26,020/- was issued to the consumer for the consumption of 13976 units, however, the said meter was showing 187729 reading for the month of December-2015. Hence, MRI was taken out by the Licensee and it was noticed that the reading on the meter was correct (i.e.187729). The Licensee in this connection submitted that the above discrepancy occurred because of the negligence of the meter reader.

e] Licensee further submitted that it has prepared B80 by giving credit of Rs.19913.99 Ps. and informed the consumer to pay the balance amount of Rs.2,28,960/- by letter dated 8/2/16. In the said letter, Licensee also informed to the consumer to pay this amount within 48 hours to avoid disconnection.

5] On receiving this letter consumer approached Licensee and requested for installments to pay the above said amount. Accordingly, as per letter of Licensee bearing No. 374 dated 17/5/16, consumer paid all the Amount by March 2016.

6] According to the Licensee, the grievance of the consumer is resolved by revising / rectifying the bill and hence, stated that consumer's claim be dismissed.

7] We have gone through the arguments advanced by both the sides and also the record placed before us and we have observed that:

a] Licensee issued a disconnection notice to the consumer on 21/1/16 for an amount of Rs.2,30,540/-. At the same time, record (Office note dated 5/2/16) shows that the Licensee has admitted the discrepancy between the MRI reading and reading on the images /photos taken by meter reader. This contradiction / discrepancy shows a great negligence on the part of Licensee for which consumer had to suffer a lot.

b] One more office note of Licensee on record dated 2/2/16, informing the consumer under RTI Act “ the manufacturing company has not provided the test report along with (consumer’s disputed meter No.243681) meter. The said meter was tested in the meter testing Lab at Ulhasnagar on 25.1.2008. However, the report is not available”. This shows absolute irresponsibility and insensibility of Licensee towards consumer. The record also shows that the notice of disconnection issued to the consumer on 8/2/16, informing consumer to pay the amount within 48 hours is also absolutely illegal, and must have caused mental agony to the consumer.

c] By granting installments to the consumer, though Licensee is stating that it has considered the consumer’s application for installment, we feel that in fact Licensee wanted to hide its mistake after observing MRI report.

d] Though the disputed bill has been revised and consumer has paid all the amount, consumer is entitled for compensation. Under Clause **8.2 (e)** of MERC (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulations, 2006 ” Forum can pass order mentioned below:

.... (e) any other order, deemed appropriate in the facts and circumstances of the case.”

Taking into consideration all the above points, we find it fit to allow the grievance application of the consumer.

Hence the order.

ORDER

Grievance application of the consumer is hereby allowed.

The Licensee is liable to pay Rs.3000/- to the consumer as mentioned in Para No.7 (d) by cheque within 45 days from the date of receipt of this order.

Compliance of this order be done within 45 days on receiving the Order and it's report be submitted to the Forum within 60 days from the date of receiving this Order.

This matter could not be decided within time as the Forum has heard the grievance from both sides, however, in the meantime, the then the Executive Engineer-cum-Member Secretary has been transferred. Moreover, this Forum is functioning in absence of regular Chairperson and regular Member Secretary, the present Member Secretary in charge is discharging the additional work of Chairperson along with the regular work of Member Secretary from 28/6/2016, in addition to his regular portfolio as Executive Engineer Enquiry MSEDCL for Kalyan Region.

Date: **24/8/2016.**

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

(L.N.Bade)
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.