



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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Date of Grievance : 18/05/2012
Date of Order : 05/07/2012
Period taken : 47 days

IN THE MATTER OF GRIEVANCE NO. K/E/599/708 OF 2012-2013 OF
MRS. SUJATA AJAY RAJE, AMBERNATH (EAST) REGISTERED WITH
CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN
ABOUT EXCESSIVE ENERGY BILL .

Mrs. Sujata Ajay Rajee
Seeta Kunj, Plot No. 529,
Block No. 01, Sai Section
Ambernath (East),
Dist – Thane : 421 501

} (Here-in-after
referred
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its
Dy. Executive Engineer
Ambernath East Sub-Division

} (Here-in-after
referred
as licensee)

- 1) This Consumer Grievance Redressal Forum has been established under “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006” to redress the grievances of consumers. The 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. The Consumer is billed as per residential tariff. Consumer registered grievance with the Forum on 18/05/2012 for Excessive Energy Bill.
The details are as follows :
Name of the consumer :- Mrs. Sujata Ajay Raje
Address: - As given in the title
Consumer No : - 021520606871
Reason of dispute : Excessive Energy Bill
- 3) The set of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/0377 dated 18/05/2012 to Nodal Officer of licensee. The licensee filed reply vide letter No. DYEE/AMB(E)Sub.Dn/Tech/645, dated 02/06/2012 through Dy. Executive Engineer, Ambernath East Sub-Division and No. SE/KC-II/Tech/2791, dt. 18/06/2012 through Nodal Officer Kalyan Circle – II.
- 4) Grievance is already decided by the I.G.R.Cell on 31/03/2012 wherein direction has given for adjusting excess amount received for other meter in Sai Section. There is no dispute about giving credit of excess amount recovered. In short, mode of adjustment is now disputed.
- 5) We the Members of the Forum heard both sides in the meeting hall of the Forum’s office on 18/06/2012 and 26/06/2012. Licensee represented by

Nodal Officer Shri Giradkar, Shri Agrawal, Dy. Ex. Engr., Shri V. H. Kasal, Asstt. Engr. maintained the stand that adjustment is to be given in the meter available in Sai Section and it cannot be adjusted to other meter in other section. It is suggested by the consumer that adjustment be done for meter No. 65016433543 standing in the name of Late Shri Shantaram Raje, grand father of consumer's husband which is not in Sai Section but consumer with her husband staying in the house of said grand father. We find technical difficulty in adjusting the amount for other meter beyond the Sai Section. It is standing in the name of dead person. Under such circumstances we find that said request cannot be considered.

However, consumer then insisted that for the existing meter to which adjustment if it is to be given, said premises is closed, every month bill of Rs. 30/- only i.e. minimum bill is received and hence for clearing of the amount of adjustment it will take years together and hence said amount be provided by cash and further it is prayed it be given with interest.

This matter was argued initially on 18/06/2012, the officers contended amount cannot be given in cash or cheque however liberty was given to the officer of Licensee to place before us the provision of payment of refund only by adjustment and cannot be repaid by cheque. Shri Agrawal Dy. Executive Engineer on behalf of Licensee attended on 26/06/2012, he was not able to throw light on that aspect supported by any circular or directions. However, he placed before us a duplicate bill pertaining to the consumer dated 30/05/2012 wherein bill adjustment is shown of Rs. 30/- and amount available with Licensee shown to the extent of Rs. 7,982=07.

In the light of the stand now taken by Licensee it is clear that amount is required to be adjusted in the sense it is to be adjusted against the outstanding amount. No doubt if any amount is to be refunded then any

liability to pay amount in future arises within reasonable time, then said adjustment can be thought of but when minimum bill is of Rs. 30/- per month which is noted for previous years and months, it will not be just and proper to insist only for adjustment and even it is not legal to keep this amount blocked giving liberty to the Licensee to adjust only Rs. 30/- per month. We find when adjustment is directed and said adjustment is found not possible though it was directed for said meter in the Sai Section, then amount is required to be refunded by issuing a cheque. Adjustment for long period is not at all legal and proper. Hence stand taken by the Licensee is not accepted. Said amount is to be refunded. As noted above already an amount of Rs. 62.97 is shown as adjustment for the month of April and May 2012 and balance is shown to the tune of Rs. 7,952=70. Accordingly we find the amount directed to be adjusted by the IGRC is required to be paid by way of cheque.

Considering this aspect we find it legal, just and proper to direct the Licensee to refund the said amount of Rs. 8015.40 by cheque with interest as per the prevailing Bank Rate till it is paid of. However amount already adjusted to the extent of Rs. 62.97 be reduced and interest be calculated proportionately. Said payment is to be done within 30 days from the date of this order and it's compliance be reported within 45 days.

Hence we pass the following order :

O-R-D-E-R

- 1) The grievance application of consumer is partly allowed.
- 2) As directed by IGRC instead of adjusting the amount to the consumer's present meter, said amount of adjustment be paid to the consumer by cheque and said amount of adjustment which is shown Rs. 8015=40 be

refunded by cheque with interest as per prevailing Bank Rate from the date of the order of IGRC i.e. 01/04/2012 till the date of issuing cheque. However, further amount adjusted to the extent of Rs. 62=97 be deducted and interest be calculated on the proportionate amount for the balance period. Said interest is to be given from 01/04/2012 till to the date of issuing the cheque. Said payment is to be done within 30 days and it's compliance be reported within 45 days from the date of this order.

- 3) The Consumer can file representation against this decision with the Hon. Electricity 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”.

- 4) Consumer, as per section 142 of the Electricity Act, 003, can approach Hon. Maharashtra Electricity Regulatory Commission 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” at the following address:-

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

Date : 05/07/2012

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

(R.V. Shivdas)
Member Secretary
CGRF Kalyan

(Sadashiv S. Deshmukh)
Chairperson
CGRF Kalyan