



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
Ph- 2210707, Fax - 2210707, E-mail : cgrfkalyan@mahadiscom.in

No. K/DOS/55/1499 of 2017-18	Date of registration	: 04/12/2017
	Date of order	: 10/01/2018
	Total days	: 37

IN THE MATTER OF GRIEVANCE NO. K/DOS/55/1499 OF 2017-18 OF SHRI, SADANAND CHAUHAN, KUMUD CO.OPP.HSG.SOCIETY, SANTOSHI MATA ROAD, BEHIND SURESH TOWER, KALYAN – 421 301 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT DISCONNECTION OF SUPPLY.

Shri Sadanand Chauhan,
Kumud Co.Opp.Hsg.Society,
Santoshi Mata Road,
Behind Suresh Tower,
Kalyan – 421 301
(Consumer No.020020412314) . . . (Hereinafter referred as Consumer)

V/s.

Maharashtra State Electricity Distribution
Company Limited
Through it's Nodal Officer/Addl.EE.
Kalyan Circle -I, . . . (Hereinafter referred as Licensee)

Appearance : For Licensee - Shri.V.D.Yadav, AEE, Kalyan (W) S/dn-I.
For Consumer - Shri. Sadanand Chauhan (C.R.)

[Coram- Shri A.M.Garde-Chairperson, Shri A.P. Deshmukh-Member Secretary
Mrs. S.A.Jamdar- Member (CPO)].

1) 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 Redressed Forum has been established as per the notification issued by MERC i.e. "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressed 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 brief details of the case are as follows :
- a) The contention of Consumer is that wrong billing is done for 16 months with faulty status.
 - b) Connection made P.D. without notice.
 - c) Harassment done by Licensee
 - d) For mistake in energy bills SOP to be given by Licensee & to be recovered by engineer Shri. Yadav.
- 3) After receipt of this Grievance, entire case papers were forwarded to the Nodal Officer vide Ltr.No.EE/CGRF/Kalyan/603 dt.04/12/2017 to this letter Licensee replied through it's Additional Executive Engineer, Kalyan (W) S/Dn.-I on date 11/12/2017.
- 4) In its reply Licensee submitted that Consumer Shri Sadanand Chauhan billed as per faulty status for period Sept-2016 to May-2017 but actually meter was working & recording the Consumption. In month of Jun-2017 actual reading '10254' received & Consumer billed as per reading. The said accumulated reading bill was revised by Licensee by giving slab benefit & withdrawing faulty billed units, amount of Rs.31766.80 credited to Consumer. Average use of Consumer is near about '230' units & bill revised as per '256' units as per actual meter reading, hence there is no more scope for bill revision. The said meter was tested in lab in presence of Consumer & meter found o.k. The revised bill issued to Consumer but he did not pay it hence connection is disconnected.
- 5) After going through the documents on record and the reply submitted by Addl.Exe.Engineer, Kalyan (W) S/dn & argument heard from both sides it is seen that Licensee has billed faulty to the Consumer for period Sept-2016 to May-2017 for average of '178' units. In month of Jun-2017 Consumer billed for 2560 units as per reading. As per clause 14.3 of MERC Supply Code Regulation 2005 it is duty of Licensee to take reading of residential Consumer once in every two month. But Licensee has failed to do so. The CR claims compensation (SOP). The regulation 14.3 of MERC supply code regulation 2005 reads as under :-

Reading of meter

Meter reading shall be under taken by the Authorized Representative at least 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 specifically approved by the Commission for any consumer or class of consumers.

For this Licensee contended that the said meter was of 'Flash' company & when there is low load the meter display vanishes but meter keeps recording the consumption. whenever there is proper load on meter the meter display starts again , Hence Licensee has already replaced the meter.

6) So far as SOP is concerned before proceeding to the appendix A to MERC (Standard of performance of Distribution Licensee period of giving supply and Determination of Compensation) Regulation 2014 we have to see Regulation 12 thereof.

MERC SOP Regulation 12.2 read thus:-

12.2 The Distribution Licensee shall be liable to pay to the affected person, such compensation as provided in Appendix A to these Regulations :

Provided that any person who is affected by the failure of the Distribution Licensee to meet the standards of performance specified under these Regulations and who seeks to claim compensation shall file his claim with such a Distribution Licensee within a maximum period of sixty (60) days from the time such a person is affected by such failure of the Distribution Licensee to meet the standards of performance :

Provided further that the Distribution Licensee shall provide information to consumers with regard to its offices/ competent authority to settle claims for compensation :

Provided further that the Distribution Licensee shall compensate the affected person(s) within a maximum period of ninety (90) days from the date of filing his claim.

In the present case the consumer has not filed his claim with Licensee within 60 (Sixty) days from May-2017 until which time meter reading was not taken. Grievance to be redressed here is regarding wrong billing which is independent of the count of non-compliance of 14.3. The claim for Non-Compliance of 14.3 should have been made within 60 days from May -2017 which has not been done. Hence the claim for SOP cannot be considered.

7) As far as accumulated reading is concerned Licensee has already revised the bill for period Sept-2016 to Jun-2017 as per reading. The forum has verified the reading for the month of Jun-2016 as per photo the reading was '7556'. Hence as per forum's opinion there is no more scope for bill revision.

8) As far as disconnection notice is concerned Licensee submitted that the connection was disconnected after issuing notice only, but in support of it they could not produce copy of notice. Hence the forum has opined that the disconnection is done without notice. Hence the forum gives direction to Licensee to take appropriate action against the defaulter as per service regulations. Also some compensation may be awarded for harassment caused there by to the Consumer.

In the above view of the matter following order is passed.

Hence the order.

ORDER

- 1) Grievance application of consumer is here by partly allowed..
- 2) Prayer for revision of bill in question is rejected.
- 3) Licensee to pay Rs.500/- to Consumer by way of compensation for harassment caused on account of wrongful disconnection.
- 4) Licensee is to also fix the responsibility for disconnection without notice and take appropriate action against the defaulter.
- 5) Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

Date: 10/01/2018

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

(A.P.Deshmukh)
MemberSecretary
CGRF, Kalyan.

(A.M.Garde)
Chairperson
CGRF, Kalyan.

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.*

