



Consumer Grievance Redressal Forum, Kalyan Zone

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No. **K/E/908/1107 of 2015-16**

Date of Grievance : 07/07/2015

Date of order : 23/10/2015

Total days : 109

IN THE MATTER CASE OF GRIEVANCE NO. K/E/908/1107/2015-16 IN RESPECT KASHINATH DAYALDAS, 3 PM, FLOOR MILL SHOP, OPP. BK 129, B N NO. 252, SHEET NO. 86, ULHASNAGAR-1, DIST. THANE REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING BILLING DISPUTE.

Shri Kashinath Dayaldas,
3 PM, Flour Mill shop,
Opp. BK. No.129, B.No.252,
Sheet No.82, Ulhasnagar-1,
Dist.Thane.

(Consumer No. 021510401627) (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, J.L.Borkar, AEE, Ulhas –I S/Dn.
Shri Jadhav – AA –I S/Dn.
For Consumer-Consumer's Representative, Shri Rajput.

(Per C.U.Patil-Executive Engineer – cum- Member Secretary)

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 consumer Shri Kashinath Dayaldas is having LT Industrial 03 phase supply located at Bk.No.252, Sheet No.86 at Ulhasnagar-1 with consumer No. 02151040627. Consumer has received the bill for an amount of Rs.14,100/- for the electricity consumption in the billing month of January 2015 for the electricity consumption recorded during the period from 08/12/14 to 8/1/15. Prior to this, the consumer was receiving the bills on an average of Rs.3000/-.

On receipt of bill consumer submitted the application dated 17/1/15 to AEE of Ulhasnagar-1 S/Dn. This Application was not responded by AEE and hence he approached to IGRC by submitting ‘X’ form dated 4/4/15. Consumer put up in his grievance that his sanction load is 10 KW and CD is 8 KVA. In the bill of January 15, units bill are correct but KVA MD is charged for 20 KVA which was not acceptable to him.

The Licensee clarified during the hearing that MRI data of the meter under dispute was sent to the manufacturer, i.e. to the Secure company on 5/3/15 who replied on 12/3/15 stating that meter is in working normal condition. It was further suggested by the manufacturer to verify the site conditions. The testing of the meter was arranged on 28/5/15. But consumer insisted only for MD testing and refused for pulse testing. Hence meter was not tested and it was in working condition till date.

The IGRC vide order 2520 dated 26/6/15 rejected the consumer's grievance stating that bill issued to the consumer is as per KVA MD recorded which is acknowledged by meter manufacturer, i.e. secure meters and hence IGRC confirmed the January 15 bill issued to the consumer as correct bill. IGRC also further directed to the concerned Officers for testing the meter in presence of the consumer and then for the revision in the bill as per test report.

Being aggrieved by the IGRC decision, the consumer approached to CGRF and submitted his grievance in the schedule "A". His grievance was registered by allotting the No.K/E/908/1107 dated 7/7/15 and hearing was scheduled on 28/7/15 at 13:00 hours. It was communicated to the Nodal Officer about the hearing schedule vide letter No.230 dated 7/7/15 with copy to the consumer.

On the hearing date, the Licensee appeared with its submission vide letter 636 dated 24/7/15 by AEE of Ulhas-I S/Dn. Licensee contended that the meter under dispute was further tested on 14/7/15 as per IGRC directives in presence of the consumer. They produced the meter testing report bearing No. 2995 dated 14/7/15 clarifying that meter under dispute is within permissible limit at all load. Hence Licensee also prayed further that as the bill issued to the consumer is correct, he should be suggested to

pay the bill. They also contended that load test on disputed meter is carried out, therefore, there is no any need of MD test.

The time was granted by the Forum to both the parties for deciding about sending of the meter to the NABL Lab for further testing and accordingly the hearing was adjourned to 13/8/15 and further on 7/9/15.

On 7/9/15, the Licensee appeared with the copy of their reply bearing No.777 dated 31/8/15 which was written to the consumer. Licensee presented their correspondence vide various mails sent to IDEMI at Sion (E) Mumbai. They intimated the amount involved in the meter testing of the consumer which was Rs.3000/- (excluding 14% ST) and Rs.10,000/- for such type of testing in presence of any two witnesses.

It is observed by the Forum that the AEE of Ulhas-I S/Dn has mentioned in above submission about some kind of interim order of CGRF dated 13/8/15. It is to state that CGRF has not passed any such kind of interim order. However, the time was granted to both the parties, i.e. to the consumer and to the Licensee for finally deciding about sending of the meter to the NABL. Accordingly, the matter was also further adjourned to 7/9/15. But no any specific directions vide any kind of interim order giving any type of directions to the consumer regarding 50% payment of arrears before testing of the meter from NABL was given by CGRF. Hence, we failed to understand as to how AEE of Ulhas- I S/Dn has incorporated sentences about such interim order / directions by CGRF in his submission dated 31/8/15.

On the same day of hearing, the consumer's representative submitted the application dated 7/9/15 and requested that the disputed amount is about Rs.6000/-. However considering more amount getting

involved in the meter testing which is Rs.10,000/-, he prayed for the withdrawal of the case on behalf of consumer.

However CR was directed that he should submit in writing withdrawal application which should be duly signed by consumer also. Accordingly, he submitted the letter dated 24/9/15 signed by consumer (and by CR also) and given in writing that

- a] He is ready to pay the bill / dues.
- b] He is ready and willing to withdraw the case on his own and,
- c] He is withdrawing the case without any terms and conditions.

Under these circumstances, the Forum concludes to dispose off the grievance.

This matter could not be decided within time as Licensee was to provide the details sought from time to time, those were provided on 24/09/15 and their submissions are heard on that day and clarification taken on 24/09/15. 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 hereby disposed of as it is withdrawn by the consumer willingly.

Date: **23/10/2015**.

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.