

**GRIEVANCE NO. K/E782/941 OF 2013-14**



**Consumer Grievance Redressal Forum, Kalyan Zone**  
**Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301**  
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No. K/E/782/941 of 2013-14

Date of Grievance:19/03/2014  
Date of Order : 03/05/2014  
Total days : 46

**IN THE MATTER OF THE CASE OF GRIEVANCE NO. K/E782/941 OF 2013-14 IN RESPECT OF SURAJ K. CHOUHAN, SAMRAT ASHOK NAGAR, OPP. MARUTI MANDI, MOHONE (E), ROOM NO. 221, TAL. KALYAN, DIST. THANE, REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING EXCESSIVE ENERGY BILL.**

Suraj K.Chouhan  
Samrat Ashok Naga,  
Opp. Maruti Mandir, Mohone (E),  
Room No.221, Tal. Kalyan  
Consumer No.020161189163)  
Versus

.... (Hereafter referred as Consumer)

Maharashtra State Electricity Distribution  
Company Limited though its  
Dy. Executive Engineer, MSEDCL,  
Kalyan Circle-I, Sub-Divn.-I,

.... (Hereinafter referred as Licensee)

**Appearance :** For Consumer – In person.

For Licensee - Shri Lahamge-Nodal Officer/Dy.Exe.Engineer.

Shri Bharambe –Asst.Engineer

**(Per Shri Sadashiv S.Deshmukh, Chairperson)**

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 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 and Determination of Compensation) Regulations, 2005.' Hereinafter referred 'SOP' for the sake of convenience (Electricity Supply Code and other conditions of supply) Regulations 2005'.

2] Consumer was having supply bearing consumer No. 020161189163. Supply was available to the consumer from 29/7/2007, meter was there bearing No. 0088478 but said supply resulted in PD in September 2011. Thereafter, supply was made live in February 2012, but at that time new meter was installed bearing No. 1803880.

3] Consumer noticed in August 2013 that there is some defect in the meter and more readings shown of 220 units per month, hence he approached to Licencee with a complaint on 31/8/2013.

4] Consumer received bill dated 31/12/2013, covering the period from 15/11/2013 to 15/12/2013 for Rs. 26,897.73 ps wherein unit consumed shown as 6,409 and deducted previous payment done, bill was issued for aforesaid amount to be payable on or before 20/1/2014.

5] Consumer thereafter approached IGRC on 16/1/2014. IGRC noted that meter was tested on 12/2/2014 and was found correct. Accordingly, IGRC rejected consumer's complaint on 26/2/2014.

6] Consumer faced with bill for payment of arrears and there was a threat of disconnection which was enforced and hence he was required to arrange for

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Rs.10,000/- which he deposited it on 19/3/2014 and thereby supply was restored. Consumer was totally disturbed by the said move of the Officer of Licencee, who has not waited for consumer approaching CGRF, after the order of IGRC. On the very day of said payment, consumer approached this Forum disputing about the bill for excess payment issued.

7] After receiving this grievance application, it was sent to the Nodal Officer along with accompaniments vide this Office Letter No.EE/CGRF/Kalyan 121 dated 19/3/2014. Considering the urgency in the matter towards the threat of disconnection. It is taken up emergently, interim relief granted to the consumer.

8] Officers of Licencee appeared in response to the notice of this Forum and filed reply dated 3/5/2014. It is a fact that during discussion while granting interim relief, it was disclosed that though IGRC observed that meter was tested, consumer claimed that it was not tested in the Laboratory in his presence. In this light, once again said meter is tested in the Laboratory on 7/4/2014 in presence of consumer and meter was found correct.

9] Officers of Licencee placed on record the said testing report dated 7/4/2014 and as stated above, placed even the reply dated 3/5/2014. These two documents were made available to the consumer. Officers of Licencee, at this juncture, clarified that the bill was issued which was for heavy amount, but it was including arrears for 23 months from February 2012 to November 2013. It is contended that though, as claimed by the consumer previous supply which was PD and was made alive in February 2012. New meter was placed when supply was made alive bearing No. 1803880. This meter though installed, actually it was not uploaded to the IT system, thereby old meter Number continued in the record and hence, actual reading reflected in the new meter, was not recorded regularly in CPL. Even bills were issued, but those were approximate and for less units than the consumption of consumer which was noted prior to it's P.D. It is claimed that

actual calculation is done about the consumption when meter of consumer was checked in December 2013. It is admitted that consumer had complained about heavy reading in August 2013 and hence, when meter was verified, said officer noted that existing meter is not uploaded to the system, though it was reflecting the reading of consumption. At that time, when Officers of Licencee noted the consumption and issued the bill for 6,409 units. However, from said units the units actually shown in the CPL from February 2012 were reduced even payment done by consumer during that period on that basis, is, deducted and for the balance bill was issued in December 2013 quantifying to the tune of Rs.26,900/-. Officers of Licencee submitted that the agency employed for recording the readings regularly will be penalized as it has not reported about the actual readings for 23 months.

10] In the light of above, Officers of Licencee explained that the total dues comes to Rs.18,933/- for the said period of 23 months, considering average consumption, at the rate of 270 units per month, that too deducting from the total reading noted in December 2013, the readings recorded from time to time approximately. Even deducted the payment done by consumer.

Accordingly, one thing is clear that for not assessing the consumer on actual consumption for 23 month, he was made to face heavy bill. It is also fact that it is not the Officers of Licencee who suo-moto noted the flaw in uploading the new meter but it was the complaint of consumer, filed in August 2013 led the Officers of Licencee to visit the consumer's place, verify the meter and then they concluded that existing meter therein, is, not uploaded to the system. Accordingly, without any fault, on his part consumer faced the heavy bill and Officers of Licencee treated, they have discharged their legitimate duty in finding out the flaw in uploading and thrusting on consumer, heavy bill including arrears for 23 months. Instead of taking note of consumer's bonafide act of paying bills regularly issued from February 2012 to August 2013 and he complaining about meter on

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31/8/2013, asked him to pay arrears in lumpsum. No any sympathy was shown by any mode to the consumer by the Officers of Licencee. Even IGRC could not perceive the difficulty of consumer. It is a known fact that already Licencee's Director (Operation) has issued a letter dated 18/7/2009 addressed to all Chief Engineers towards dealing such cases wherein consumer is not at fault, allow him to pay arrears by installments extending it to the same quantum of period for which arrears are outstanding. Rather, consumer faced a totally unpalatable situation when his matter rejected by IGRC on 26/2/2014 and the bill issued was forced to be paid including arrears. Consumer was helpless. During the course of hearing, he explained how he was required to face, cutting of supply and was to arrange for payment of Rs.10,000/- till then his supply was not restored. The request of consumer for connecting supply, considering the situation that his son was to appear for examination, supply was necessary, was not heard but when he arranged to pay the said amount by selling his golden ring, then supply was restored. He even submitted that supply was cut off without serving any notice as such. Accordingly, when consumer gave vent to his feelings and when it was noted that Officers of Licencee just relied on accua check report of meter and thrust liability. It was perceived that accua check is not so reliable testing method and when consumer has deposited fees towards testing, it was necessary to test it in the Lab. This was complied during pendency of this matter. Accordingly, the ordeal which consumer has undergone, narrated by him. No doubt, towards this oral narration, we had no opportunity to have the reply from concerned responsible Officer.

11] As noted above, when consumer was made aware of the reply submitted by Licencee, meter testing report placed on record dated 7/4/2014, consumer was asked to make his submissions if any. He was made aware that considering the average consumption which was reflected prior to his supply

resulted in PD, it was of 270 units per month. However, from February 2012, till November 2013, units consumption shown is, hardly of 100 units and at times 200 units per month and accordingly in the light of meter tested which was found OK, position is worked out and considering these, quantum of arrears for the said period is shown as Rs.18,933/-. Consumer is fair enough to concede to this position which is worked out on the basis of previous average consumption. But he submitted that without any fault of him he was required to undergo unpalatable situation narrated above. He, claimed that he should have been given the relief to pay the said amount with some latitude of period. It is a fact that he was asked to pay at a time arrears of 23 months. We find his prayer should not have been ignored. **Sensitivity ought to have been shown by the Officers of Licencee, who in the first instance had not taken care to upload the meter in the system promptly. Secondly, they have not treated consumer fairly when he has pointed out the defect pertaining to meter and then, Officers of Licencee noted the flaw. Officers of Licencee, added to his misery by forcing him to face the situation which consumer narrated as noted above and if, his version is correct, we find no words to react on it.** Considering the fairness exhibited by consumer and as per the above referred letter of Director (Operation) dated 18/7/2009, consumer is to be given time of 23 month to pay off the arrears which were sought for 23 months. Accordingly, the dues which are of 18,933/- if divided for 23 months, then for 22 months, consumer will be required to pay monthly an amount of Rs.823/- and for one month he is required to pay Rs.827/-. This will take care of arrears.

It is a fact that as consumer has raised a dispute in August 2013, regular bill from August 2013 to November 2013 are not paid and those are quantified approximately of Rs. 5328/-. Even the further regular bills for the month of

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January to March 2013 not deposited and those are approximately estimated at the rate of Rs.2000/- per month which approximate figures comes to Rs.6000/-.

Accordingly, these arrears are to the tune of Rs.11,328/- (5,328 + 6000/-) . It is a fact that consumer has deposited an amount of Rs.10,000/- on 19/3/2014 and if it is considered, then towards these regular arrears balance remains approximately of Rs.1,328/- (11,328 – 10,000/-) . Accordingly, this is a due amount towards regular bills i.e. Rs.1,328/-. Bill for April 2014 is also due which consumer is required to pay in this month. In addition, the first installment out of 23 of arrears is of Rs.827/-. Accordingly, we find, consumer is to be given relief in this light and Licencee is to be directed not to charge any interest or penalty to the consumer about the dues of arrears for 23 months or for the bills raised from August 2013 onwards till April 2014. Officers of Licencee pointed out that as per the IT software every month interest on these dues will be reflecting which cannot be separately prepared for this consumer and hence, consumer is to approach the billing section and get the said entry ignored and manually get it corrected towards the dues deducting interest.

In this light, this grievance is to be allowed partially.

Hence the order.

**ORDER**

Grievance of consumer is hereby allowed.

Due to failure on the part of Officers of Licencee, meter replacement report is not uploaded to the system from February 2012 to December 2013 and towards it, bill of heavy amount to the tune of Rs.18,933/- quantified which is for 23 months without any fault of consumer. For payment of it, consumer is given 23 installments, first installment of Rs.827/- payable along with current bill of April 2014 in this month. Thereafter from bill of May 2014 consumer is to pay installment amount at the rate of Rs.823/- per month for further 22 months.

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Thereafter total dues of Rs.18,933/- will be clear. For this amount, Licencee is not to charge any interest and penalty. Secondly, consumer has deposited an amount of Rs.10,000/- on 19/3/2014, which is to be adjusted, as stated above towards unpaid regular bills approximately i.e. Rs.11,328/- and the balance of Rs.1,328/- is to be deposited by the consumer along with the current bill of April 2014. Licencee not to charge any interest or penalty on the regular bills issued from August 2013 which are due for payment.

Consumer to approach the billing section of the Licencee every month on receiving the bills and to get the said bills, which he will be receiving in future which are inclusive of interest, corrected manually, deducting the payment of interest, as IT system will not be able to show the portion of interest deducted. Officers of Licencee are to consider it and without any further in convenience to the consumer deal the aspect.

Officers of Licencee to report compliance of above being followed as directed. Such reports be submitted hereafter once in every three months.

Kalyan  
Dated: 03/5/2014

I agree

I agree

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

**(Chandrashekhar U.Patil)**  
**Member Secretary**  
**CGRF,Kalyan**

**(Sadashiv S.Deshmukh)**  
**Chairperson**  
**CGRF, Kalyan**

**(This matter is dictated in presence of both sides and order was declared on 3/5/2014 and after transcribing it is signed by us).**



**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-

- c) 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.

- d) 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”*

- e) 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.

