



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
Ph: – 2210707 & 2328283 Ext: - 122

IN THE MATTER OF GRIEVANCE NO. K/ E/220/244 OF 2009-2010 OF SHRI MADHUKAR TUKARAM PATIL REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT EXCESSIVE ENERGY BILL.

Shri Madhukar Tukaram Patil
S102 Kedarling Co.Op.Hsg.Soc.
Ris, Mohopada
Tal. Khalapur, Dist.Raigad

(Here in after
referred to
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its
Dy.Exective Engineer,
Panvel II Division Panvel, Dist.Raigad

(Here in after
referred to
as licensee)

- 1) Consumer Grievance Redressal Forum has been established under regulation of "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006" to redress the grievances of consumers. This regulation has been made by the Maharashtra Electricity Regulatory Commission vide

powers conformed 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 was given a temporary connection of 1 phase L&F by the licensee for Navaratri Utsava for a period from 29.09.08 to 10.10.08. The Consumer is billed as per the appropriate tariff. Consumer registered grievance with the Forum on dated 26.03.09 for compensation for delay in refund of Security Deposit and closure of the account. The details are as follows: -

Name of the consumer :- Shri Madhukar Tukaram Patil

Address: - As above

Consumer No : - Temp. connection.

Reason of dispute: Delay in refund of Security Deposit and closure of account.

- 3). The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/296 dated 26/03/2009 to Nodal Officer of licensee.
- 4). The consumer after making applications to the Dy. Executive Engineer and other concerned officers for refund of S.D. after deducting the electric charges, made a representation to the IGRC Pen Circle vide grievance dated 24/11/08. Thereafter the Chairman of the IGRC heard the parties on 15th Jan. 09 and thereafter the licensee issued cheque dt. 30/01/09 for Rs. 610 and cheque dt. 21/02/09 for Rs. 494, refunding the remaining amount to the consumer, and thereafter informed the consumer about refund of entire remaining amount to the consumer by different cheques vide letter dated 13/03/2009. Thereafter the consumer registered the present grievance with this Forum for grant of

compensation of Rs. 1800 for delay in closing the account and refunding the amount of SD after deducting the electric charges.

- 5). The members of Forum heard both the parties on 29.04.2009 @ 15.00 Hrs. in the meeting hall of the Forum's office. Consumer Shri Madhukar Takuram Patil, Shri Anand Parshuram Vidwans {consumer's representative (CR)}, Shri Bansode, Nodel Officer, representative of the licensee attended hearing. Shri Bansode, Nodel Officer, prior to the hearing requested for time to file reply. Thereafter with the consent of both the parties, submissions were heard with the understanding that the licensee would send its reply after giving its copy to the consumer and consumer may file reply , and would request further hearing, if he feels it necessary. Thereafter submissions of both the parties were heard and same are recorded in the minutes of hearing. The licensee subsequently submitted reply dated 2.5.09 received on 7.5.09. No reply to the said reply and no request for further hearing from the consumer is received thereafter. The submissions made by both the parties shall be considered while deciding the grievance of the consumer and the same are not separately recorded in this decision to avoid repetition.
- 6). The admitted facts are that on the application dated 25.9.08 made by the consumer, the licensee has given a temporary electric connection to the consumer for a period from 29.9.08 to 10.10.08. The licensee took an amount of Rs.5000/- as Security Deposit from the consumer while giving the said temp.electric connection for Navratri Utsav.
- 7). The consumer claims that after completion of the period of temporary connection, the officials of the licensee took away the meter on 11.10.08 at the time when there was no electric supply due to load

shedding, and therefore no meter reading could be taken at the time of taking away the said meter. Thereafter he made application on 17.10.08 giving details of the total units consumed as 581 units up to 5.10.08, 590 units up to 7.10.08, and 594 units up to 9.10.08 and the fact that the meter was closed at 597 on 11.10.08 in the evening due to load shedding with a request to refund amount of SD after deducting the electric charges. He was required to make no. of applications for refund of SD after deducting the electric charges and it is after his such applications and no. of visits to the different offices of the licensee that the licensee finally closed the account on 21.2.09. He was required to bear expenses and waste time in making such applications and visiting the offices of the licensee and it has also caused mental torture to him. He has therefore prayed for compensation of Rs.1800/-, at the rate of Rs.100/- per week for the delay of 18 weeks from 17.10.08 to 21.2.09 for closure of account by the licensee.

- 8). The licensee vide reply dated 2.5.09, claims that the consumer availed single phase temp. connection for Navratra Utsav on 29.9.08 and the said connection was permanently disconnected on 10.10.08. The consumer was informed about the finalization of bill vide letter No.EE/PNL-R/Bill/7822 dt.5.11.08 and it was within prescribed time limit. The consumer has disputed the finalization of the bill. The Redressal of this sort of grievances was inevitably requiring thorough investigation and was time consuming issue. Subsequently after detail investigation, corrective action was immediately taken. The bill was revised as per average assessment of the consumption based on the connected load and was finally informed to the consumer vide letter No.EE/PNL-R/B/802 dt.31.1.09. Thus the provision of SOP (Appendix A

Article 7 Clause-III) can not be applied in this case. It has further assured of no recurrence of such incident in future.

- 9). Considering the grievance made by the consumer, the following points arise for determination and after considering the reply dated 2.5.09 filed by the licensee, submissions made by both the parties and various documents on record produced by the parties, findings thereon are given against each of it for the following reasons.

SN	Points	Findings
1	Whether the consumer is entitled for the compensation for the delay in closure of account and refund of security deposit ?	Yes
2	If so, how much ?	Rs. 1300/-
3	Whether the consumer is entitle for compensation for the expenses incurred for going to the licensee's office, loss of time and harassment ?	No
4	What order ?	As per final order

Reasons

10. As to point Nos. 1 & 2 : The consumer submit that the official of licensee took away meter when there was no electric supply due to load shedding as a result of which the meter reading could not be taken at that time and it resulted in issue of bill for excessive charges. The bill dated 5.11.08 was received by him on 15.11.08. The cashier asked him to wait for 20-25 days on the pretext that the papers were incomplete, even after the Executive Engineer, gave him clear cut instructions. He further submit that he was required to make 5-10 trips to the Division Office for about 3 months for getting the refund and each

trip costed him Rs.30/- apart from loss of time and energy. The licensee made refund by four different cheques from Dec.08 to Feb.09 to refund the amount which it earlier illegally recovered from him. The licensee should have refunded the said amount in lump sum. The staff of the licensee did not co-operate with him and gave him insulting and rude behavior. Had the Nodal Officer not interfered, the matter would have remained unattended and he would not have got refund. He further narrates as to how he was required to move from one office to another in obtaining NOC from Grampanchayat and then submitting the application to the Junior Engineer, Mohapada, making the payment and then after the period of connection was over for making applications for refund of SD and for follow up action. He further submit that inspite of his such persuasion, the licensee lastly paid the cheque for Rs.494/- on 21.2.09 and therefore the licensee be directed to pay him compensation of Rs.1800/- for 18 weeks delay in refunding the SD and closure of the account @ of Rs.100/- week from 17.10.08 to 21.2.09 under clause No.III of Clause 7 in the Appendix A to the MERC (SOP etc.) Regulations 2005.

- 11). As against the above contention of consumer, though the LR could not submit anything at the time of hearing, to the reply dated 2.5.09 contented that the consumer was informed with the finalization of the bill vide letter dated 5.11.08 i.e. within time and since the consumer disputed the finalization of the bill, detail investigation was made and corrective action was taken and the bill was revised as per average assessment based on connected load and the consumer was finally informed about it vide letter dated 31.1.09. It, therefore, claims that the

SOP as per above provision is not applicable to the instant case. It has also assured that no such incident would occur in future.

- 12). It is clear from the copy of the letter dt.17.10.08 filed by the consumer that the consumer by the said letter issued in the office of licensee on 17.10.08, requested the licensee to refund the SD amount after deducting the electric charges of the said temp. connection and he has also given no. of units on different dates such as 5th, 7th, 9th and 11th Oct.08 in the said letter. Therefore, the licensee should have close the account and should have paid the balance amount from SD after deducting the electric charges within one month i.e. by 17.11.08 as per above sub Clause III of Clause 7 of Appendix-A. It is, however, clear from the letter dated 13.03.09 sent by the Chairman IGRC, Pen to the consumer that on its intervention various amounts such as Rs.3073/-, Rs.380/-, Rs.610/- and Rs.494/-, out of the said account were refunded to the consumer vide different cheques dated 06.12.08, 26.12.08, 30.1.09 and 21.2.09 respectively. Thus the first cheque for Rs.3073/- was also issued beyond more than one month from the first application dated 17.10.08 made by the consumer for such refund. Such delay in issuing the said cheque was about 3 weeks from the date of expiry of one month from the date of application made on 17.10.08. It is also clear from the said letter dated 13/03/09 that the last cheque for Rs. 494 was issued on 21/02/09. It means the account of the said connection was closed by the licensee by 21/02/09 which ought to have been closed by 16/11/08. Moreover, the licensee has not filed the letter dated 5.11.08 by which it claims to have informed the consumer about the finalization of the account. It is true that the consumer appears to have disputed the amount of bill and therefore the officers of the licensee may

have been required to investigate in to it but considering the fact that it was temp. connection given for one month only, delay of about thirteen weeks in finalizing the account by the licensee was most inappropriate, excessive and violating the SOP. Therefore, considering such delay caused in finalizing the account and refunding the entire amount of SD after deducting electric charges, to the consumer due to such delay, the consumer is entitle for compensation of Rs.1300/- from licensee for such delay of 13 weeks. Hence the finding in affirmative on point No.1 and point No.2 stands answered accordingly as above.

13). The consumer was given temp. connection for one month only for a religious festival, and therefore in fact there should not have been such complication and mistakes in taking reading and issuing bills. It seems that it was result of negligence on the part of some of the staff of the licensee and therefore the licensee is suppose to take some corrective steps in order to avoid repetition of such occurrence as per its assurance in the reply.

14) As to point No. (3) : Considering the fact and circumstances of the case, we feel that this is not a fit case to grant compensation for the expenses, loss of time and alleged harassment as claimed by the consumer and hence his request for the same is rejected.

15). In view of the findings on Point Nos.1, 2 and 3 as above, the forum unanimously passes the following order.

O- R- D- E- R

1). Grievance application is partly allowed.

- 2). The licensee to pay compensation of Rs.1300/- (Rs. Thirteen Hundred only) to the consumer under Clause iii, article 7 in appendix A to MERC (SOP etc.) Regulations 2005 within a period of 90 days.
- 3) Consumer's prayer for compensation for expenses, loss of time etc. made during hearing is rejected.
- 4) The Compliance should be reported to the forum within 90 days from this decision.
- 5) The Consumer can file appeal against this decision with the Ombudsman at the following address. *"Office of the Electricity Ombudsman, Maharashtra Electricity Regulatory Commission, 606/608, Keshav Building, BandraKurla Complex, Mumbai 51"*

Appeal can be filed within 60 days from the date of this order.

- 6) Consumer, as per section 142 of the Electricity Act, 003, can approach Maharashtra Electricity Regulatory Commission the following address:-

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

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"

Date : 25/05/2009

(Sau V. V. Kelkar)
Member
CGRF Kalyan

(R.V.Shivdas)
Member Secretary
CGRF Kalyan

(M.N.Patale)
Chairman
CGRF Kalyan