



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/E/812/981 of 2014-15

Date of Grievance : 28/07/2014

Date of order : 25/08/2014

Period Taken : 28 days.

IN THE MATTER OF GRIEVANCE NO. K/E/812/981 OF 2014-15 IN RESPECT OF B.D.GUPTA, (THROUGH TENANT SMT.INDUMATI NAGESH GUDE-USER), ROOM NO.11, BHARAT BHUVAN, JOSHI BAUG, KALYAN, DISTRICT-THANE, REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING ABOUT EXCES BILL ISSUED U/S.126 of I.E.ACT, 2003.

Shri B.D.Gupta,
(Smt. Indumati Nagesh Gude (Tenant User)
Room No.11, Bharat Bhuvan,
Joshi Baug, Kalyan,
District-Thane
Pin Code 421 301
(Consumer No.020020063468)

... (Hereinafter referred to as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its
Nodal Officer/Dy.Executive Engineer,
MSEDCL,
Kalyan Circle-I, Sub/Divn-III.

.... (Hereinafter referred to as Licencee)

Appearance for Consumer : **In person.**

For Licencee : Shri Bharambe Dy.Executive Engineer,

: Shri Pathak- Asst. Accountant.

(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 approached this Forum on 28/7/2014, alleging that though supply to the consumer is residential and consumption is less than 300 units per month, still Officers of Licencee compelled her to pay as per commercial rate, in the light of a fact that in the said premises consumer was found running tuition classes, thereby issued bill for Rs.11,780/- on 31/12/2013. Consumer approached the concerned Engineer, challenging it on 5/12/2013 but it was of no use, hence consumer approached IGRC on 20/2/2014 and IGRC rejected the consumer's complaint on 9/6/2014.

3] On receiving this grievance, it's copy along with accompaniments sent to the Nodal Officer vide this Office Letter No.EE/CGRF/Kalyan/0291 dated 30/07/2014.

In response to it, Officers of Licencee appeared and filed reply on 13/8/2014. In the said reply claim of consumer is dealt and clarified that consumer's grievance is noted, supply is, in the residential premises, consumption is less than 50 units and that said premises is not used or supply is not used for commercial purpose. Accordingly, the disputed bill issued to the consumer, covering the period from December 2013 to July 2014 withdrawn. Even the observation about bill issued

u/s.126 is, also withdrawn and those corrections will be carried out in the bill of August 2014.

4] Accordingly, Licencee made the position clear and redressed the grievance, disputed bill, section 126 of Electricity Act invoked or withdrawn. This is done when consumer has knocked the doors of Officers of Licencee, IGRC, but no relief was granted. However, at least when matter reached this Forum, Officers of Licencee shown sensitivity and acted as per Law, thereby disputed wrong bill is, withdrawn. Consumer too, expressed the feeling of inconvenience caused and ultimately relief is granted due to approaching this Forum. We find this could have been avoided by the Officers of Licencee. No more grievance is agitated or insisted by the consumer ,we refrain from expressing our views pertaining to the Officers of Licencee ignoring the order of MERC and even the Licencee. Such act definitely is not giving any positive picture of Licencee, but it is painting some unhealthy, improper mode followed.

5] In view of the above, as grievance which is genuine is, redressed during the pendency of matter, it is to be disposed off accordingly.

Hence the order.

ORDER

Grievance of the consumer is hereby allowed.

However, grievance of consumer is already redressed by Licencee during pendency of this matter. Hence, no any direction is required but it is expected that such things are not repeated and taken care of.

Dated:25/8/2014

I agree

I agree

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

(Chandrashekhar U.Patil)
Member Secretary
CGRF,Kalyan

(Sadashiv S.Deshmukh)
Chairperson
CGRF, Kalyan

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 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”

- 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.



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Ph- 2210707, Fax - 2210707, E-mail : cgrfkalyan@mahadiscom.in

No. K/DOS/029/968 of 2014-15

Date : 12/8/2014

IN THE MATTER OF GRIEVANCE NO. K/DOS/029/968 OF 2014-15 IN RESPECT OF PRADIP B.JOSHI, MOHAN PLASTIC, PANJABI COLONY, ULHASNAGAR-421 003, DISTRICT-THANE, REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING ILLEGAL DISCONNECTION OF SUPPLY.

Pradip B. Joshi,
Mohan Plastic,
Panjabi Colony,
Ulhasnagar-421 003,
District-Thane

..... (Hereinafter referred to as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its
Nodal Officer/Dy.Executive Engineer,
MSEDCL,
Kalyan Circle-II, Sub/Divn-III.

..... (Hereinafter referred to as Licencee)

Appearance for Consumer : Shri Pradip Joshi-in person
For Licencee : Shri Nemade- Spl.Executive Engineer,
Shri Mahajan-Asst. Accountant

OPERATIVE ORDER

Grievance of the consumer is hereby allowed.

There are arrears pertaining to the previous connection in which new residential supply is sought by consumer and said dues are to the tune of Rs.20,430/-. Consumer is entitled for new supply which is already sanctioned on condition that it be connected to consumer's residential premises, after consumer paying half of the arrears, i.e. Rs.10,215/-, immediately after payment of said first installment, within 24 hours and consumer to pay balance liability of Rs.10,215/- on or before 22/10/2014. The Licencee is at liberty to disconnect the said new supply of the consumer, if arrears not paid by the consumer on or before 22/10/2014.

Licencee to submit compliance of the above within 15 days of receiving this order and further compliance after 15 days of 22/10/2014.

The order is dictated in presence of both sides, they are to act on it.

Copies of orders will be available to the parties in due course.

Dated:12/8/2014

I agree

I agree

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

(Chandrashekhar U.Patil)
Member Secretary
CGRF,Kalyan

(Sadashiv S.Deshmukh)
Chairperson
CGRF, Kalyan

S.No.	Name	Organisation
1	Shri Sadashiv S. Deshmukh	CGRF
2	Shri Chandrashekhar U. Patil	
3	Sau S. A. Jamdar	
4	Shri Khan- Nodal Officer	MSEDCL
5	Shri Nemade- Spl.Executive Engineer,	
6	Shri Kasal-Dy.Executive Engineer	
7	Shri Mahajan-Asst. Accountant.	
8	Shri Pradip Joshi –In person.	Consumer

1] This matter is taken up for discussion. During the discussion, it is disclosed that consumer has applied for residential connection on 4/6/2013, form quotation was issued to him on the very day and accordingly on 21/6/2014 he deposited Rs.1,070/-. On 21/6/2013 meter was issued. However, meter was not actually installed as contended by the Officers of Licencee. But consumer contended that meter was installed, it was there for six days and thereafter it is taken out without

any intimation. It is also disclosed that consumer has resorted to remedy about entry on this count and reply was given by Licencee about previous connection was in the said premises, it was industrials supply, resulted in PD in November 2001. It is contended that arrears were thereof said PD meter to the tune of Rs.37,000/- and odd. Accordingly, it is contended by Licencee that when it was disclosed that on the said premises there was PD connection and arrears are there. Hence, now meter cannot be installed.

2] As Licencee has not acted as per SOP, consumer approached this Forum, contending that supply not released, meter installed is, taken out and it is high handed act. Now Licencee came up with only contention that previous PD . Meter speaks about the arrears of only, those are paid, connection cannot be restored or new connection cannot be given.

3] It is a fact that as admitted by consumer in person that he was running industry. There was supply, but supply resulted in PD in November 2001. He explained the dispute that though as supply there for 10 HP, he was charged for 24 P, then he was made to pay as per 14 HP and in that process he was burdened with penalty for exceeding contract load. Accordingly, it is contended that all those calculations are not correct. He has raised objection pointing out that his load was never more than 13 HP. Hence his liability be worked out. It is contended that after his complaint to the Licencee on 3/9/2001, , there is no any written connection to him and in November 2001, said industry supply resulted in PD. On all these grounds, he contended that liability, which Licencee is, claiming will not be to such extent but he is ready to pay as per the load of 13 HP, but he cannot be saddled with any penalty etc.

4] Though, aforesaid factual aspects are clear one, aspect cannot be ignored and it pertains to Licencee, not, making consumer aware about not installing new meter for want of payment, pertaining to previous PD meter. Thus, we find, not in tune with requirements, it is necessary to mention all the while, it is consumer who is running from pillar to post, he was not provided with required information. He opted it under the right of Information, but though Officers of Licencee are legally bound to issue necessary clarification , demanding the amount as per their record, they are not

doing it, but using a legal method for installation of meter itself. This could have been avoided by issuing appropriate clarification demand. We tried to find out and way out, but both sides are adamant on their own contentions to direct the consumer to pay amount on any approximate calculation or allowing the Licencee to give connection subject to said settlement of dispute is, also found not possible. Hence we directed, that let Licencee to appropriate issue clarification/demand notice to the consumer about their due amount towards PD connection. It be done within 8 days from this order and thereafter consumer is at liberty to consider it within further one week and this matter be fixed on 5/8/2014 at 12.30 hours.

Dated:21/7/2014

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

(Chandrashekhar U.Patil)
Member Secretary
CGRF,Kalyan

(Sadashiv S.Deshmukh)
Chairperson
CGRF, Kalyan

Matter resumed today, is, on behalf of consumer, additional contention is placed on record in writing. Licencee has also placed on record reply to the plea raised by consumer on the last date.

2] During the hearing, it is re-agitated that consumer was ready to pay the amount, but bill was issued, showing the arrears which were subjudice in Civil Court. It is contended that bill ought to have been given penalty of current consumption that disputed dues ought not to have been shown, the consumer could have directly acted on it, paid the amount. As it was not done, consumer was required to follow the hurdle of taking that bill to the Officers of Licencee and seeking endorsement on it for paying undisputed amount. During this process, required time gap available for consumer to pay and to seek prompt payment is reduced. Accordingly, it is contended that though

cheques deposited on the due dates or prior to it, those are not realized in the prescribed due dates of payment. It resulted in incurring penalty and hence, It is contended that it is fault of Licencee. Secondly, it is contended that handing over cheque is within the powers of consumer but sending it for encashment, is, within the powers of Licencee and there is no discussion left to the consumer in that respect. Hence, if cheque is deposited belatedly then consumer cannot be penalized by levying the penalty charge.

3] In this regard, one important thing needs to be noted. It pertains to the alleged dispute in Civil Court. We sought copy of said order passed by Court. However, copy was not placed on record, but CP pointed out to us that injunction application in the said suit, wherein there is prayer for restraining the Licencee from disconnecting the supply for want of payment of disputed dues. Said prayer is not

allowed at the interim stage. Simply the Hon'ble Court has issued show cause notice. Accordingly, there is no any stay order as such.

4] On noticing the fact that though there is disputed in Court,. There is no stay for recovery of dues, though there is prayer for restraining the Licencee from disconnecting supply for want of that payment. Under such circumstances, question comes up whether any fault can be found with the Licencee, who issued the bills covering the amount involved in the said Civil suit wherein there is no stay and including the disputed amount in the current bill cannot be **faulted** and it cannot be said to be illegal. Secondly, it is a fact that consumer has not paid the disputed amount but sought relief from the Officers of Licencee every month, seeking liberty to pay only current bill and accordingly, Officers of Licencee without any hesitation exceeded to the request of consumer and given endorsement. Accordingly, this facility enjoyed cannot be read against the Licencee, treating the date of endorsement as date of giving bill and allowing any extension of time for seeking benefit of prompt payment or allowing refund of DPC.

5] In this regard, consumer's representative expressed his intention to place on record the details such as bill dated, bill correction date, date of cheque and handing over the date of cheque honoured ,date of receipt issued, after cheque was encashed. He is given liberty to file it.

5] In view of the above, total dispute involving around the bills issued, cheques given, after taking endorsement from Officers of Licencee and those cheques not realized on the date fixed for payment whereby prompt payment is available. Secondly, point is that if there would have been prompt payment, consumer would have got said incentive for prompt payment, but in addition, he would have got refund of delayed payment charges.

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