



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/072/0082 OF 06-07 OF
THE SECRETARY WATER PUMP MANOR EGF BUILDING LODHA
HEAVEN DOMBIVALI (E) REGISTERED WITH CONSUMER
GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN
ABOUT THE WRONG BILLING ETC.**

The Secretary water pump

(Here in after

Manor E, G, F, Building

referred to

Lodha Heaven, Dombivli(E)

as consumer)

Nilje.421201.

Versus

Maharashtra State Electricity Distribution
Company Limited through its Assistant
Engineer Sub-Dn. III, Kalyan (E)

(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 is a L.T. consumer of the licensee connected to their 415-volt network. Consumer is billed as per residential tariff. The consumer i.e. The Secretary Water Pump registered grievance with the forum on dated 05/01/2007.
The details are as follows: -
Name of the consumer: The Secretary Water Pump
Address: - As above
Consumer No: - 020490013548.
Reason of dispute: - Excess bill sent by licensee in the billing month of September 2006 bearing number 2809 dated 07/10/06 of 30 months from April 04 to September 06 amounting to Rs 16990/- of 9944 units.
- 3) The batch of papers containing above grievance was sent by forum vide letter No.0769 dated 05/01/2007 to Nodal Officer of licensee. The letter was replied by Deputy Executive Engineer of licensee vide letter number 86 dated 18/1/07 received in forum on 22/1/07.
- 4) All three members of the forum heard both the parties on 22/01/07 and 8/2/07. Shri Babasaheb B Waghmare, Shri S.G. Kasal and S. S

Sawant consumer's representatives and Shri P.M. Hundekari Assistant Engineer, M. A. Atre Assistant Engineer, and Shri S. D. Sakpal UDC representatives of the licensee attended hearing on 22/01/07. Shri Babasaheb B Waghmare, and Shri Vijay Jagtap consumer's representatives and Shri N. L. H. Rao, Shri P. M. Hundekari Assistant Engineer and Shri H. D. Sakpal UDC representatives of the licensee attended hearing on 8/2/07.

5) Secretary i.e. the consumer made following submission in application:-

- (i) Wrong bills showing meter number 902121209628 instead of actual meter number 9021210700 from 21-10-03 (the date of connection of meter) to August 2006 were sent by licensee.
- (ii) The buildings EFG were under builder's possession from 21-10-03 to 19-10-04.
- (iii) The society was formed in September 2004. The builder never paid bills till September 2004 & the supply to water pump was also not disconnected by licensee. Society paid first bill of Rs16030/- on 6/12/04.
- (iv) The written complaints were made on 14/2/05 & 4/6/05 & thereafter verbal requests were made to Junior Engineer of the licensee about sending bills from 10/03 to 8/06 showing wrong meter number (902121209628) & adhoc units consumption without reading meter.
- (v) Thereafter in the billing month of September 2006 a bill bearing number 2809 dated 07/10/06 (showing meter

number 9021210700) of 30 months from April 04 to September 06 amounting to Rs 16990/- of 9944 units was sent by licensee. This bill be revised & credit of amount paid of Rs 43550/- till September 2006 be given.

(vi) Shri Waghmare also made submission during hearing on 22/1/07 that the electric supply of water pump was disconnected on 30/12/2006 without any intimation or notice from the licensee. He mentioned that after paying reconnection charges on 4/1/2007 the electric supply was reconnected on 5/1/2007 by the licensee.

- 6) Shri Waghmare Secretary of the society, where above water pump meter is installed, also made submission in his above application that a meter number 9041020290 of consumer number 020490026640 meant for E wing was connected as late as on 14/7/05 as compared to connection of meters of F & G building. This meter number 9041020290 was installed with reading of 12808 reading.
- 7) Shri Waghmare also made submission in his above application that one of his society member i.e. Shri Sunil Govind Kasale is getting two bills from licensee though he is using energy from one meter.
- 8) Shri P.M. Hundekari, Assistant Engineer, agreed that the supply of water was disconnected on 30/12/2006 without notice given to Secretary of the society and the supply of water pump was reconnected on 5/1/2007 after payment of reconnection fee on 4th January 2007.
- 9) Shri Hundekari, submitted letter number 86 dated 19/1/07 addressed to forum and mentioned that the meter change report of meter

numbers from 902121209628 to 9021210700 was fed to computer from billing month of September 06 & the consumption noted on this meter was taken as consumption of 30 months. The bill of September 06 was accordingly prepared for 30 months for total consumption of 9944 units & sent to consumer. Shri Hundekari also agreed during hearing on 22/1/07 to explain to consumer the method of preparing bill. Shri Waghmare agreed & visited licensee's office but was not satisfied with the explanation.

- 10) Shri Hundekari, submitted letter number 139 dated 05/2/07 addressed to forum and mentioned that a meter number 9041020290 of consumer number 020490026640 meant for E wing was connected on 16/7/05 after receipt of test report from consumer on 15/7/05 & as such there is no delay in giving connection to the said consumer. The initial reading at the time of connection was 12808 as per test report of the licensee's laboratory.
- 11) National Consumer Dispute Redressal Commission New Delhi in Revision Petition No 604 of 2003 dated 29/09/03 in a petition of Chandrakant Mahadeo Kadam against Assistant Engineer MSEB Atpadi & others has held that compensation need to be given to consumer for disconnecting electric supply for no reason. In the present case secretary of the society was paying bills of water pumps regularly. Higher amount bill was presented to secretary of the society when such higher amount was not due from society and electric connection of water pump was disconnected. Secretary of the society approached licensee but with no result. Licensee accepted the mistake of disconnecting supply of water pump on 30/12/06 without

servicing notice of disconnection to secretary of the society. The water pump supply was reconnected on 5/01/07. Thus water pump remained disconnected for 6 days. Needless to say that there was gross deficiency in service & the negligent staff is accountable for the harassment done by disconnecting supply of water pump. About 70 families of society were deprived of getting water in their flats for six days. We take serious view of the default committed by the officers of licensee. It is certainly not a good situation. We can put ourselves in the position of members of the society & realise as to how they might have suffered. In our view there is clear mis-carriage of justice and we would grant the compensation of Rs 3000/- to consumer.

12) We now take up the matter to decide whether the action of the licensee to claim the sum due from consumer vide bill number 2809 dated 07/10/2006 on account of non feeding of correct meter number is correct or otherwise. The licensee has claimed Rs 16990/- as recovery of 9944 units for 30 months for the period from April 04 to September 06. For this purpose we take a look to section 56 (2) of Electricity Act, 2003. The section reads as follows: -

“Notwithstanding anything contained in any other law for the time being in force, no sum due from any consumer, under this section shall be recoverable after the period of two years from the date when such sum became first due unless such sum has been shown continuously as recoverable as arrear of charges for electricity supplied and the licensee shall not cut off the supply of the electricity.”

It is seen that licensee has prepared the first bill of sum due from the consumer on 07/10/2006. The licensee can only recover the sum for

last two years preceding September 2006. The consumption on prorata basis of 24 months preceding September 06 works out as follows $9944 * 24 / 30 = 7955$ units.

- 13) As per explanation submitted by Shri Hundekari vide Para 10 above there appears no delay in releasing connection to E building of society.
- 14) Shri Waghmare was informed by forum that society cannot register grievance with forum on behalf of his member. Shri Sunil Govind Kasale has to independently approach forum if he desires so.
- 15) After taking all points into consideration, forum unanimously passed following order.

O-R-D-E-R

1. We grant compensation of Rs 3000/- to consumer. Licensee to pay this compensation to consumer within 90 days from the date of this order.
2. The bill number 2809 dated 07/10/06 (showing meter number 9021210700) of 30 months from April 04 to September 06 amounting to Rs 16990/- of 9944 units sent by licensee is, hereby, set aside & quashed. Licensee should prepare the said bill for 24 months from April 2004 to September 2006 for 7955 units.
3. A credit of interest & delayed payment charges, if charged any, for non payment of arrears of Rs 16990/- should be given to consumer in his bill. Similarly credit of amount paid till September by consumer should also be given in the said bill.
4. The bill prepared on the basis of Para 2 & 3 above should be sent to consumer on or before next two billing cycles.

5. Action taken against concerned person for disconnecting supply of consumer without serving disconnection notice should be intimated to the forum within 60 days.
6. Action taken against concerned persons for lapse of duties for not taking meter readings regularly & not feeding data of replacement of meter in computer till September 2006, which resulted in arrears & hardship to consumer, should be intimated to the forum within 60 days.
7. Consumer can file appeal against this decision with the Ombudsman at the following address.

Maharashtra Electricity Regulatory Commission, 606/608,
Keshav Building, Bandra Kurla Complex, Mumbai 51

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

8. Consumer, as per section 142 of Indian Electricity Act 2003, can approach Maharashtra Electricity Regulatory Commission at the address

Maharashtra Electricity Regulatory Commission,
13th floor, World Trade Centre, Cuffe Parade, Colaba, 400005.

for non-compliance, part compliance or delay in compliance of this decision issued under "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressed Forum & Ombudsman) Regulation 2006".

Date: - 12/02/07

(Sau V.V.Kelkar)

Member

CGRF Kalyan

(I.Q.Najam)

Chair person

CGRF Kalyan

(D B Nitnaware)

Member Secretary

CGRF Kalyan