



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/241/266 OF 2009 -
2010 OF SHRI JAI MOHAN BHATIA, REGISTERED WITH
CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE,
KALYAN ABOUT EXCESSIVE BILLING.

Shri Jai Mohan Bhatia
Roti N NX Fast food ,
Shop No.B-2, Opp. Gurudev Hotel
Kalyan (W)

(Here-in-after
referred
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its
Dy. Ex. Engineer, Sub Dvn. II
Kalyan (W), Dist. Thane.

(Here-in-after
referred
as licensee)

- 1). Consumer Grievance Redressal Forum has been established under "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 conferred 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 commercial consumer of the licensee. The Consumer is billed as per commercial tariff. Consumer registered grievance with the Forum on 04/05/2009 for Excessive Energy Bill. The details are as follows: -

Name of the consumer :- Shri Jai Mohan Bhatia

Address: - As given in the title

Consumer No : - 020024173055

Reason of dispute: Excessive Energy Bill.

- 3). The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/416 dated 04/05/2009 to Nodal Officer of licensee. The licensee through Dy. Executive Engineer, Sub Dvn. II Kalyan (W), filed reply vide letter No. Dy.EE/Sub Dn./II/Tech/1350, dt.05/05/09 with copy of letter No.1350 dt. 5.5.09 sent to the consumer.
- 4) The consumer has raised these grievances before the concerned Engineer at Kalyan, on 15/3/09(vide licensee’s inward No.2310). The said Internal Redressal Cell did not give any hearing to the consumer & also did not send any reply resolving the said grievance to the consumer. Therefore, the consumer has registered the present grievance before this forum on 04/05/09.

- 5). The Member Secretary and Member heard both the parties on 8/5/09 @ 16.00 Hrs. in the meeting hall of the Forum's office, by giving emergency hearing since the consumer has prayed for reconnection of the supply since it was disconnected. Shri Mohan Bhatia, consumer, Shri S.S.Bakshi, Dy.EE and Shri M.S.Patil, Asstt.Acctt. representatives of the licensee, attended hearing. Minutes of the hearing including the submissions made by the parties are recorded and the same are kept in the record. Submissions made by each party in respect of grievance shall be referred while deciding such grievance and the same are not reproduced to avoid repetition.
- 6). The consumer claims that the reading taken previously prior to the reading taken on 24.3.09 was taken on 7.2.09 and such previous reading was '05', whereas the current reading as on 24.3.09 was 24245. Thus the licensee has issued said bill dt.24.3.09 for 24245 units for Rs.1,51,950/- . He has paid earlier bills regularly and therefore the electric charges for one month i.e. for the period 7.2.09 to 24.3.09 could not be such a huge amount. He further claim that previous amounts paid by him has not been deducted or given credit to in the said bill. Therefore he has requested the concerned Executive Engineer to revise the said bill and give credit to the amounts previously paid by him and to cancel the charges excessively claimed in it. He has also sent a cheque for Rs.10,000/- with the said letter with a request to accept the same as an advance payment towards such bill which

will be revised by the licensee. The licensee however, did not revised the said bill and therefore the consumer has registered the present grievance against the licensee and prayed for directions to the licensee to revise the above referred bill and give reconnection.

7). As against the above contention of consumer, the licensee claims that the said connection has been given to the consumer on 2.2.08. The assessment for 24,245 units was made in the bill for the month of Mar 09. Since the said assessment of the said units was made in the bill for one month, it was split up for 14 months i.e. for the period 2.2.08 to Mar 09. Therefore a proposal for revising the said bill and bills of earlier 13 months by splitting up the consumption shown in March 09 in 14 months has been sent to the competent officer for approval. It has further claimed that the consumer is liable to pay charges as under:-

i).	Charges of 24245 units shown in the bill for Mar 09 and 1483 units shown in the bill of Apr 09.	1,61,440.00
ii).	Charges assessed for 7632 units as per the inspection report of Flying Squad dtd.26.3.09	87,017.00
iii).	Amount of credit given to the consumer in view of the splitting of 24245 units in 14 months, subject to approval of competent authority.	(-) 13,888.00
	Total amount	2,34,569.00

The licensee further claims that since the actual consumption of the electricity of the units of consumer was high, as per the report of Flying Squad in respect of inspection made on 26.3.09, charges of 7632 units amount to Rs.87017/- has been assessed to the consumer. Therefore the licensee has prepared and sent a revised bill for total amount of Rs.2,34,569/- which includes Rs.1,47,552/- as the amount of revised bill for the month April 09 to the consumer vide letter No.1349 dt.5.5.09 and sent the same to the consumer with a request to pay the amount of the said bill.

- 8). During the hearing in the case on 8.5.09, in view of the revision of the bill for the month of March 09 from Rs.1,51,950/- to Rs.1,47,752/- the consumer shown his willingness to pay the said amount provided installments are granted to him and on discussion amongst the consumer and representatives of the licensee, the consumer agreed to pay the said amount of Rs.1,47,752/- in 10 equal monthly installments, each installment of Rs.14,755/- and the representatives of the licensee agreed to accept such payment in monthly installments. Therefore the consumer and the representatives of the licensees were directed to act accordingly. However, after the hearing as above, the licensee through Dy.EE Sub Dvn. II Kalyan (W) vide letter No.Dy.EE/KLN(W)/SDN II/Billing/1453 dt. 10/05/09, informed the forum that as per the agreement at the time of hearing, the consumer was asked to pay Rs.14,755/- and he paid the said vide Cheque No.716127 dt. 8.5.09 of Canara Bank. The said cheque is however dishonored for insufficient funds. Therefore a notice

directing the consumer to pay the amount of bill within 15 days by cash or DD only, has been issued to the consumer. It is clear from the copy of said letter dt. 18.5.09 that a copy of the said letter has been given to Junior Engineer, MSEDCL Golden Park Section with a directions to disconnect the supply of the consumer, if the bill is not paid on or before 4.6.09. The contents of said notice show that the licensee has connected supply to the consumer after he gave the above referred cheque for Rs.14,755/- and after the said cheque bounced, it has issued notice for disconnection in case the consumer fails to make the payment of the bill through cash or DD only within 15 days. The licensee has not filed copy of the said notice sent to the consumer and therefore as per the talk at the time of hearing, it will have to be taken that the licensee has directed the consumer to pay the amount of first installment through cash or DD and in case he does not do so on or 4.6.09, the electric supply shall be disconnected. In view of such subsequent events, suitable directions for suitable action in case the consumer has failed to pay the first installment by cash or DD by 4.6.09 and as a result supply has been disconnected or otherwise, will have to given in the final order regarding permitting the consumer to pay the amount of Rs.1,47,552/- of the revised bill for April 09.

9. Though the consumer in his grievance application prayed for revision of bill for the month April 09 and for reconnection of the supply, has also filed a copy of letter dt.28.4.09 sent by him to Ex. Engineer, Kalyan (W), challenging the provision bill for

Rs.87,017/- issued by the licensee and also attached a copy of the concerned supplementary bill dt.8.4.09. The licensee also in its above referred replies mentioned that the said suppl. Bill for Rs.87,017/- was issued for 7632 as per the Flying Squad inspection report 25.3.09. The licensee also filed copy of Flying Squad's inspection report dt.26.3.09 with a copy of the letter dt. 26.2.09 sent by Dy.EE of Flying Squad to Dy.EE Kalyan Sub Dn.II, containing the facts that the consumer has extended the supply from the meter with said consumer number to flat No.101 of which supply has been temporarily disconnected. The inspection report contains the detail process followed and findings in the inspection, to the effect that excess load of 2.3 KVA connected and supply is extended to flat No.101 which is under TD using for kitchen and joined at the incoming cable, with a remark that action under 126 of E. Act 2003 be taken. The prima facie the question regarding the said suppl. bill for Rs.87,017/- falls within the purview of Section 126 of Electricity Act 2003 and therefore it was made clear to the consumer during the hearing that this forum shall not go into the question regarding the said suppl. Bill and licensee is free to take action about it as it deem fit and proper.

- 10). During the hearing the representative of licensee agreed to the mistake of licensee in not taking actual meter reading for 14 months and issuing a consolidated bill for the consumption of the said 14 months. Moreover, CPL of the period from Feb.08 to Feb.09, also show that actual readings of the meter were not

taken in the said months. The licensee is supposed to take readings of the meter at one time atleast in 3 months. Therefore for the delay in taking meter reading as above, the consumer is entitle for compensation as per MERC (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2005 Appendix A, Sr. No. VII, it would be just and proper to grant compensation of Rs.100/- for the delay of one month after completion of two months from Feb.08 to March 08 and @ Rs.200/- per month for further delay till the reading was taken while issuing the bill for the month of Mar 09. Thus the consumer is entitle for total compensation of Rs. 2100/- from the licensee.

- 11). In view of above discussions and findings on the grievances of the consumer, the forum unanimously passes the following order.

O-R-D-E-R

- 1) The grievance application is allowed.
- 2) The consumer to pay the amount of Rs.1,47,552/- of the revised bill for the month of April 09 by 10 equal monthly instilments of Rs.14,775/- by DD or in cash and on payment of such first monthly installment by DD or in cash by 10th of July 09, in case he has not yet paid the first installment, the licensee to reconnect the electric supply to the consumer in case it has not yet reconnected the supply after disconnecting it due to failure of

consumer to pay the amount of first installment by 4.6.09 as per the notice issued by Dy.EE Sub Dvn. II Kalyan (W), and in case the consumer has already paid the first installment by cash or DD by 4.6.09, he should pay the remaining monthly installments during the period from July 09 onwards and each monthly installments should be paid within stipulated time in each such month. In case the consumer fails to pay successive two monthly installments, this facility of paying the said amount by installments shall stand cancelled.

- 3) The consumer should pay the charges of current bills within time. The licensee is free to take action as deem fit according to rule regarding failure of the consumer to pay the current bills within time and failure to pay the charges of Rs.87,017/- vide bill dtd.8.4.09.
- 4) The licensee to pay compensation of Rs. 2100/- (Rupees Two thousand one hundred only) to the consumer for delay in taking meter readings as per clause -7 (i) in Appendix A to the MERC (SOP etc.) Regulation 2003 by crediting such amount to the ensuing bill after 90 days from the date of decision in this case.
- 5) The licensee to report compliance within 90 days from date of decision in this case.
- 6) The Consumer can file representation against this decision with the Ombudsman at the following address.

*“Office of the Electricity Ombudsman, Maharashtra Electricity
Regulatory Commission, 606/608, Keshav Building,
Bandra Kurla Complex, Mumbai 51”*

Representation 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 at 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 : 29/06/2009

(Sau V. V. Kelkar)
Member
CGRF Kalyan

(R.V.Shivdas)
Member Secretary
CGRF Kalyan