



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/087/0097 OF 07-08 OF
M/S GANGA POLYMERS REGISTERED WITH CONSUMER
GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN
ABOUT DISCONNECTION OF SUPPLY WITHOUT NOTICE &
CLAIMING ARREARS ON SLOW RUNNING OF METER.

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M/s. Ganga Polymers,

(Here in after

Gala No, 11, Renuka Industrial Complex,

referred to

Asangaon 421601.

as consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its Assistant
Engineer Shahapur Sub Division,
Shahapur.

(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 industrial tariff. The consumer registered grievance with the Forum on dated 19/04/2007. The details are as follows: -
Name of the consumer: M/s. Ganga Polymers
Address: - As above
Consumer No: - 210118210322
Reason of dispute: - Disconnection of electric supply by licensee without issuing any notice of disconnection as required as per Section 56 of Electricity Act, 2003 (EA, 2003) & claim of arrears on account of less consumption recorded due to slow running of meter.
- 3) The batch of papers containing above grievance was sent by Forum vide letter No.0935 dated 19/04/07 to Nodal Officer of licensee. The letter was replied by licensee vide letter dated 02/06/07.
- 4) All three members of the Forum heard both the parties as given below in table.

Date of hearing	Persons present	On behalf of
4/05/07	H. K. Randive (EE)	Licensee
	P. S. Date (AE)	

	S. M. Shinde (AA)	
	P. V. Thakur (LDC)	
28/05/07	P. S. Date (AE)	Licensee
	S. M. Jadhav (AE)	
	S. M. Vishe (UDC)	
28/05/07	Mahendra Singh	Consumer
	Ashwin Treasurer	
15/06/07	H. K. Randive (EE)	Licensee
	M. S. N Murthy (NO)	
	S. M. Jadhav (AE)	
	Shivaji Vishe (UDC)	
	P. V. Thakur (UDC)	
	M. R. Bamankar (DA)	
	Mahendra Singh	Consumer
Ashwin Treasurer		

EE stands for Executive Engineer, NO stands for Nodal Officer, AE stands for Assistant Engineer, DA stands for Divisional accountant, AA stands for Assistant Accountant, UDC stands for Upper Division Clerk & LDC stands for Lower Division Clerk

- 5) The procedure for submitting grievance application to Forum as per Regulation 6.4 & 6.5 of “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006” (MR 2006) is as follows.

In the event that a consumer is not satisfied with the remedy provided by the Internal Grievance Redressal Cell to his Grievance within a period of two (2) months from the date of intimation or where no

remedy has been provided within such period, the consumer may submit the Grievance to the Forum. Notwithstanding this provision, a Grievance can be entertained before the expiry of the period specified therein, if the consumer satisfies the Forum that *prima facie* the Distribution Licensee has threatened or is likely to remove or disconnect the electricity connection, and has or is likely to contravene any of the provisions of the Act or any rules and regulations made there under or any order of the Commission, *provided that*, the Forum or Electricity Ombudsman, as the case may be, has jurisdiction on such matters.

Provided further that no such Grievance shall be entertained, before the expiry of the period specified in Regulation 6.4, unless the Forum records its reasons for the same. Forum in the present case noticed that the supply of the consumer's installation was disconnected by licensee on 31st March 2007 without serving any notice & consumer was likely to suffer without supply. Forum, therefore, decided to register grievance & issued interim order of reconnection of supply, as requested by consumer, to Nodal Officer of licensee vide letter No 938 dated 20/04/07. Licensee submitted that the supply could not be reconnected on 20/04/07 due to closure of premises of consumer & confirmed of reconnection of supply on 21/4/07 @ 13.30 hours.

- 6) As the consumer did not attend hearing on 4/05/07 in response to Forum's call letter No 937 dated 19/4/07, Forum could have decided matter ex-parte as per provision of Regulation 6.16 of MR 2006 but in order to give opportunity to consumer to present his case, next date of hearing was fixed on 28/05/07 vide letter No 957 sent to him on

4/05/07. It was, however noted with great surprise that consumer vide letter dated 23/5/07 (received on 28/05/07) retaliated blaming Forum of having sent letter No 937 after 4/5/07. As a general practice adopted by Forum a telephonic call was also given one day in advance i.e. on 3/5/07 to consumer to remain present on 4/05/07. Consumer did not stop only on this & made further suggestion to Forum to send letters by naming specific courier service quoting inefficient service rendered by Post & Telegraph Department. This suggestion is uncalled for. At the time of hearing on 28/05/07 a record of sending above said letters was put on table for his verification. The story of blame did not stop on handling correspondence & its disposal by Member Secretary & consumer vide letter dated 9/06/07 presumed his (Member Secretary) bias view against consumer as he is signing letters as "Executive Engineer & Member Secretary". In support of proving bias view, consumer quoted of having taken irrelevant document vide Para 4 of minutes of 4/05/07, which was not a part of grievance. We quote Para 4 here " The meter No 090400 of Simco make , which was found slow by 40 % during testing on 14/09/04, was replaced by meter No 2364987 of Elster make on 27/01/05." Forum did not find any bias view against consumer in this Para. Notwithstanding this finding it is to be noted here that minutes were signed by all members of Forum & not alone by Member Secretary.

- 7) Consumer, beside immediate restoration of supply, sought relief from Forum on the following issues.
- a) Compensation for non display of name badge.
 - b) Compensation for illegal disconnection of supply.

- c) Computation of assessment of arrears claimed by licensee on account of slow running of meter.
 - d) Redressal of grievance on assessment of arrears claimed by licensee on account of slow running of meter.
 - e) Interest @ 18 % on all refunds granted by Forum.
 - f) Compensation for all losses including consultation charges & prorata rebate on fixed charges during supply cut.
 - g) Any other relief arising during the process of disposal of grievance.
- 8) Shri Ashwin Treasurer objected to continuation of proceeding of hearing on 28/05/07 due absence of Nodal Officer. His objection was overruled & hearing was continued. Forum in many past cases also had noticed absence of Nodal Officer & had expressed its dissatisfaction. The situation so far has not improved to desired level.
- 9) We now take up each of the above issue mentioned in Para 7 above for decision. The consumer vide letter 23/05/07 (received on 28/05/07) addressed to Forum demanded compensation as per “Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2005” (SOP 2005) for non display of name badge by licensee’s staff at the following occasion.
- a) Shri B. Jayabal, Shri G. V. Purohit, Shri A. P. Patil & Shri L. K. Mhatre all flying squad staff of licensee visited consumer’s premises on 14/09/04 for checking meter without name badge. SOP 2005 came into force from the date of its notification. SOP

2005 was notified on 20/01/05. Its provision of granting compensation, as per column 3 of item 6 (i) of table of Appendix "A" of Regulation 12.1 of SOP, at Rs 50/- for each instance of default, therefore, cannot be applied retrospectively for any default of licensee's staff on 14/09/04 even if proved. Hence no compensation is granted.

b) Shri B.T. Jadhav Assistant Line Man & Shri S. S. Bharade visited consumer's premises on 27/01/05 for replacing meter, which was tested on 14/09/04, without name badge. It is not understood as to how consumer came to know the names without name badge. Non display of name badge (default) by these persons could not be established beyond doubt. However these persons might have failed to produce necessary proof of identity & authorization to consumer on demand. Therefore compensation, as per column 3 of item 6 (i) of table of Appendix "A" of Regulation 12.1 of SOP, at Rs 50/- for each instance of default, is granted. Total compensation granted is Rs 100/-

c) Shri B. T. Jadhav Assistant Line Man visited consumer's premises on 31/03/07 for disconnection of supply without name badge. It is not understood as to how consumer came to know his name without name badge. Non display of name badge (default) by him could not be established beyond doubt. However he might have failed to produce necessary proof of identity & authorization to consumer on demand. Therefore compensation, as per column 3 of item 6 (i) of table of Appendix "A" of Regulation 12.1 of SOP, at

Rs 50/- for each instance of default, is granted. Total compensation granted is Rs 50/-

d) Interestingly it is noted that consumer did not point any default of licensee's staff when they visited their premises on 21/04/07 for reconnection of supply.

10) We now proceed to decide compensation for disconnection of supply without notice. 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 consumer's electric connection was disconnected on 31/03/2007 without serving notice of disconnection. Consumer approached licensee but with no result. Licensee could not produce any proof of issuing notice of disconnection before effecting disconnection. Licensee as per Forum's order mentioned in Para 5 reconnected the consumer's supply on 21/04/07. Thus consumer's electric connection remained disconnected for 21 days. Before proceeding to decide the amount of compensation Forum studied the payment pattern of bills of consumer from Consumer's Personal Ledger (CPL). Consumer use to remain in arrears for payment of regular bills even prior to flying squad visit of 14/09/04 to their premises. Shri Randive also pointed out that two cheques of Rs 31080/- & Rs 40000/- bearing number 169657 of 2/02/05 of Corporation Bank Airoli Branch & number 725202 of 17/03/06 of The Jaoli Sahkari Bank Ltd Bhandup (W) Branch

respectively were dishonoured by banks & returned to consumer. It speaks volumes on seriousness of consumer in making payment of bills to licensee. Notwithstanding the above situation, the fact, however, remains that there was gross deficiency in service in disconnecting supply of consumer without giving 15 days notice as per provision of Section 56 of the EA 2003. The negligent staff is accountable for this act. 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 a consumer & realise as to how he might have suffered. In our view there is clear mis-carriage of justice and we grant the compensation of Rs 5000/- to consumer.

11) We now examine assessment of arrears claimed by licensee. It is seen from CPL & licensee's submission on record that an amount of Rs 267846/- was first claimed by licensee in the billing month of October 2005. The details are given below.

- a) An amount of Rs 210426/- was claimed, on account of slow running of Simco make meter No 090400, for 61890 units (for the period from March 2004 to 27/01/05) which was found slow by 40 % during testing on 14/09/04 at consumer's premises.
- b) An amount of Rs 25080/- was claimed as penalty for 19 HP excess load found connected than sanctioned load of 60 HP. Total connected load of 79 HP was found connected during inspection on 14/09/04.
- c) An amount of Rs 25080/- was claimed for difference in fixed charges.

12) Forum during hearing on 4/05/07 brought to the notice of licensee's representative orders of Maharashtra Electricity Regulatory Commission contained in Para 33 (e) (3) of Case No 2 of 2003 dated 14/07/05, which reads as under.

Assessment for violations would differ depending on the period of occurrence and its corresponding tariff and loads, as follows:

Period from 1st December, 2003 onwards: If exceeding the sanctioned load has been measured by maximum demand recorded by meter, then two times the tariff applicable for the exceeded portion of the load (maximum demand minus sanctioned load). No penalty will be applicable if exceeding of sanctioned load is claimed on the basis of connected load method.

Forum also directed licensee's representative to revise their claim of penalty on excess connected load on above basis.

13) Licensee vide letter dated 2/06/07 withdrew all charges mentioned in Para 11 above & also withdrew up to date, penalty levied on excess connected load, delayed payment charges, interest & difference in fixed charges. Licensee in the billing month of May 2007 for the period from April 2004 to February 2005 charged arrears only on 26.97% slow running of above said meter, which was tested in their laboratory on 11/11/05.

14) Consumer vide letter dated 23/05/07 made submission that the testing of meter on 14/09/04 at their premises & testing of said meter in licensee's laboratory on 11/11/05 was done in absence of their representative but the record shows that both testing reports of 14/09/04 & 11/11/05 were signed by the representatives of consumer.

Dial test conducted in the laboratory indicates that the meter was slow by 26.97 %.

15) Now points of decision before the Forum are

i) Was meter No 090400 of Simco make installed at consumer's premises defective?

ii) If yes, whether assessment by Forum is necessary?

Replies of the above questions are: -

i) Yes, slow by 26.97 % as per test carried out in licensee's laboratory.

ii) Yes

The consumer vide his rejoinder dated 11/06/07 filed on 15/06/07, claimed, based on comparison of recorded consumption of the year 2004-05 & 2005-06, that the said meter was fast by 70 %. This claim holds no water as the reading on meter is conclusive proof of the quantity of energy supplied to the consumer. If for no fault of consumer or the licensee a meter has ceased to be correct for any reason whatsoever, the rights & liabilities of both consumer & licensee cannot remain unsettled for any period beyond what is permitted by law in force. Only for that limited period the readings on the meter cannot be taken as conclusive proof of energy supplied to the consumer. In the present case this meter had ceased to be correct during the period from 14/09/04 to 27/01/05 i.e. from date of testing to date of replacement.

16) Licensee first claimed arrears in the billing month of October 2005 when "Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005"

(ESC 2005) was in force. We take a look on Regulation 15.4.1 of ESC 2005 for billing procedure in the event of defective meter. It reads as:- *“Subject to the provisions of Part XII and Part XIV of the EA 2003, in case of a defective meter, the amount of the consumer’s bill shall be adjusted, for a maximum period of three months prior to the month in which the dispute has arisen, in accordance with the results of the test taken subject to furnishing the test report of the meter along with the assessed bill”*. In the present case the meter was defective i.e. slow by 26.97% as tested in licensee’s laboratory in presence of consumer. Licensee’s claim of arrears in the billing month of May 2007 for the period from April 2004 to February 2005 based on 26.97% slow running of meter is, hereby, set aside & quashed. Licensee can claim arrears for a maximum period of three months prior to date of testing of meter on 14/09/04 and upto the date of replacement of meter on 27/01/05, based on 26.97% slow running of meter.

- 17) Too much ink has flown on the voluminous paper work submitted by the consumer and licensee to the Forum. After carefully going through points narrated by consumer, it is observed that consumer had expressed deficiency in services rendered by licensee & also demanded disciplinary action against Assistant Engineer Shahapur terming him as arrogant on the following remark in his letter of 2/06/07 “consumer can determine the so called undue charges”. In furtherance of this issue he has requested Forum, as per Regulation 6.17 of MR 2006, to engage a third party to work out the refund of undue charges paid by consumer & make a report to Forum. The situation does not warrant invoking the provision of this Regulation.

18) After carefully going through the entire episode, we unanimously, decided to issue following order.

O-R-D-E-R

1. The licensee should pay Rs 5150/- (Rupees five thousand one hundred fifty) only to consumer as compensation, as granted vide Paras 9 & 10 above, within 90 days from the date of this order.
2. Licensee's claim of arrears in the billing month of May 2007 for the period from April 2004 to February 2005 based on 26.97% slow running of meter is, hereby, set aside & quashed. Licensee can claim arrears for a maximum period of three months prior to date of testing of meter on 14/09/04, and up to the date of replacement of meter on 27/01/05, based on 26.97% slow running of meter.
3. A credit of interest & delayed payment charges, if charged any, for non payment of arrears should be given to consumer in his bill. Similarly credit of amount paid till date against arrears 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. The stay order desisting licensee to disconnect supply of consumer issued by Forum vide letter No 938 dated 20/04/07 stands withdrawn after issue of bill by licensee as per Para 4 above.
6. The claim of the consumer in respect of compensation for losses, as per Para 7 (f), is completely disproved and therefore no compensation is payable on this account. There is also no basis for awarding any orders on issues mentioned in Para 7 (e), (g).

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:-

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:- 18/06/07

(Sau V. V. Kelkar)

Member

CGRF Kalyan

(D. B. Nitnaware)

Member Secretary

CGRF Kalyan

(I. Q. Najam)

Chair person

CGRF Kalyan