



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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No. K/E/825/1001 of 2014-15

Dated of Grievance :10/10/2014
Date of order : 24/11/2014
Total days : 44

IN THE MATTER OF GRIEVANCE NO. K/E/825/1001 OF 2014-15 IN RESPECT OF SHRI NARESH M.SABHANDASANI, PLOT NO.93, SECTION-6A, ULHASNAGAR-421 003, DIST. THANE REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING BILLING HT-1C TO HT-1N.

Naresh M.Sabhandasani
Plot No.93, Section -6A
Ulhasnagar -421 003,
Dist. Thane.

(Consumer No. 021514006561) (Hereinafter referred as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its Nodal Officer,
Kalyan Circle-II, MSEDCL
Ulhasnagar- Sub-Divn-III,

..... (Hereinafter referred as Licencee)

Appearance :For Consumer– Shri Ravi Anand-Consumer's Representative.
Shri Sabhandasani.

For Licencee - Shri Khan- Executive Engineer & Nodal Officer
Mrs. Chaitali Nagoti, Sr.Manager F & A
Mrs. P.P.Kale – Asst. Accountant.

(Per Shri Sadashiv S.Deshmukh, Chairperson)

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 & Determination of Compensation) Regulations, 2014.’ Hereinafter referred ‘SOP’ for the sake of convenience (Electricity Supply Code and other conditions of supply) Regulations 2014’.

2] Present consumer is having HT supply from 3/4/2009 bearing consumer No. 021519151390. As per MERC tariff order in Case No.1011/2009, tariff applicable to the present consumer was of non express tariff category from 1/9/2010. However, as per the said order with effect from 1/9/2010, consumer was not charged as per non express feeder tariff but continued to be charged as per express feeder tariff category. On this count, consumer done efforts to persuade Officers of the Licencee from 9/1/2014. There was correspondence in between S.E. and EE. Superintending Engineer admitted in reply about the wrong category applied to the consumer and conveyed that said correction is to be done after removing the lock which is to be approved by the Corporate Office and after removing the lock refund will be available to the consumer from the date of connection. It is conveyed that said Higher Authorities are still being persuaded.

3] Consumer approached IGRC on 30/7/2014. IGRC passed order on 20/9/2014 and as per the said order direction given for opening of lock seeking approval from Corporate Office and to change the tariff rate/category. However, there is no direction given for refund of the amount which is recovered in excess by Licencee.

4] Aggrieved by said order, consumer approached this Forum on 10/10/2014. Licencee was asked to attend this Forum, addressing letter to Nodal Officer bearing No. EE/CGRF/Kalyan/0371 dated 10/10/2014. Licencee filed reply on 1/11/2014.

Though reply filed on 1/11/2014, first date was 28/10/2014. On that date reply was not filed and Nodal Officer was present, who sought time, hence matter was adjourned to 3/11/2014. Hence, reply dated 1/11/2014 was submitted and matter was taken up on the scheduled date i.e. 3/11/2014, but it was reported that Nodal Officer is sick, he is admitted in the hospital. On this count matter was adjourned for hearing to 10/11/2014. Matter was taken up on 10/11/2014 and it was submitted that Nodal Officer still not recovered, but we perused the disputed aspect and noted that mistake is already admitted by Licencee and Corporate Office is already moved for opening of the lock towards changing consumer's tariff category from express feeder to non-express feeder and matter though adjourned to 17/11/2014 we directed the Account Officers present to place before us the approximate calculations of refund which will be available to the consumer, as from 1/9/2010 bills are issued, applying express feeder category tariff which was for more amount than tariff to be applied for non express feeder.

Matter was taken up for hearing on 17/11/2014, on that day from Licencee's side none of the technical person attended. Only persons from accounts department attended, placed on record the approximate calculation of probable refund which is to the tune of Rs.9,30,918.62 Ps.. They made it clear that this calculation is submitted as directed by this Forum and is estimated one, this cannot be read as any admission from Licencee's side. On that date we heard even consumer's representative at length. Accordingly, matter concluded and reserved for order.

5] Now from the aforesaid details factual position is admitted by Licencee that consumer is having HT connection from 3/4/2009, consumer was to be charged as per the tariff order in case No.1011/2009, dated 12/9/2012 i.e. as per non express feeder tariff from 1/9/2010. Accordingly from 1/9/2010, bills are issued, liability shown as per express feeder category, and those are paid by consumer but it should have been as per non express feeder tariff and hence excess amount is recovered. Refund of said excess amount is sought by consumer with interest.

It is seen from factual aspect that though order is passed by MERC changing the tariff category in case No.1011/2009 on 12/9/2012 and tariff order is made applicable on 1/9/2012. As per this order it was necessary on the part of Licencee to appropriately implement said order of MERC and taken care to change tariff category of present consumer applying non express feeder tariff category however wrong tariff category continued till date. Consumer approached Officers of Licencee on 9/1/2014, he addressed letter to the

Superintending Engineer (SE) and Executive Engineer (EE). Again consumer addressed letter to SE on 15/1/2014 on the letterhead. It is seen on it's basis SE addressed letter to EE _Ulhasnagar Divn. –I for submitting inspection report about consumer's HT connection otherwise to avoid wrong billing. It seems matter was entrusted to Dy. Executive Engineer and Dy. Executive Engineer conducted inspection on 3/3/2014 and submitted report to the Executive Engineer on 4/3/2014, informing the actual position. In this light, SE addressed letter to the consumer dated 29/5/2014 wherein communication is given as under:-

----- 'it is regretted to note that tariff for your subjected HT connection has been wrongly fed to HT-II Express instead of HT – II non express ...

In this regard as the provision to change the tariff category from HT-II express to HT-II Non Express in IT system for HT Billing has been locked by our Head Office. Hence, vide letter under ref (2) the proposal is submitted and recommended by this Office for approval of competent authority, for opening of the Lock Status in respect of Change of Tariff Category from HT-II Express to HT-II Non Express

.....kindly cooperate this Office till receipt of the approval of competent authority. In respect of subjected issued Upon receipt of said approval billing category for you HT connection, will be revised to HT-II Non Express and necessary refund from the date of connection will be effected to you

Consumer had also addressed one more letter to SE on 31/5/2014. This letter is considered by the SE and addressed letter to the Chief Engineer (Comm.) on 10/6/2014 and requested for giving approval for change.

As there was no any progress towards the request made by consumer, matter was taken to IGRC on 30/7/2014. Thereafter IGRC passed order on 28/9/2014 wherein aforesaid chronology of correspondence is reproduced and grievance is partly allowed. In the said order direction given to the Office of SE to get the approval from Corporate Office for change of tariff and given clean chit to SE Office, stating that it being a policy decision of Corporate Office, SE Office has no role to play except for sending proposal for approval about opening of lock. Even direction given for looking in to the matter at the earliest.

After order of IGRC consumer has approached this Forum on 10/1/2014 i.e. after about 20 days from the order of IGRC.

The aforesaid chronology is self speaking. Reply given by the Licencee dated 1/11/2014, is nothing but repetition of aforesaid facts.

It is clear that wrong feeding of tariff category is admitted consequential refund aspect is also admitted and such admission is given by SE as noted above, in his latter dated 29/5/2014 that too in response to consumer's letter seeking Redressal of grievance. Accordingly grievance raised on 9/1/2014, is, not redressed till this date. But communicating is given

that matter is of policy , proposal is pending with corporate Office for opening of lock and on receiving the approval it will be complied. This speaks itself. Basically in the month of September 2010 on receiving the order of MERC dated 12/9/2010 appropriately tariff category was to be entered in but it was not done. It is a consumer who approached in January 2014 with the grievance about change not effected and more amount recovered. In this matter though reply is presented on 1/11/2014 by Licencee it was necessary to place on record the stand of Licencee pointing out the grievance taken to this Forum and aspect about opening of lock which is overdue from the date of admitting the mistake in May 2014. Rather a peculiar stand is taken, giving clean chit to SE Office and pointing finger to Corporate Office. We find before the Forum it is Licencee who is appearing through Officers and almost all aspects right up to Corporate Office were to be appropriately consulted, channelized, complied and reported. However, we noticed it is a sort of either avoiding or shirking the responsibility. This Forum tried to have a information about the details of the Officer in the Corporate Office who is to accord required approval but it is also not provided giving a reason that Officers posted on the said post are changed from time to time. Accordingly, Forum is denied with an opportunity to have an appropriate input from concerned approving Authority, in fact which ought to have obtained by the concerned Officers of Licencee working at this level. **Being conscious of the fact that Officer in the Corporate Office is required to deal with the matters spreading over the state and it will not be proper to add him as a party or to seek his presence before the Forum, no any such steps are taken but considering this peculiar stand**

Forum is required to reconsider whether in almost all cases notice of hearing is to be addressed even to the Heads of Corporate Office. In this matter as facts are totally clear, it is not necessary to wait or to seek any further details. Wrong entry of tariff category is admitted, its rectification is not disputed, consequently, refund is also to be given. Hence, we find Licencee is to be directed to correctly change the category and to refund the excess amount already recovered from 1/9/2010 that too with interest in the light of Section 62 of Electricity Act as per Bank Rate of Reserve Bank of India from the date of respective excess amount deposited, till to the date total amount is paid or adjusted in the account of consumer.

6] Though consumer is pursuing this dispute from January 2014 but he is not able to get result in spite of Licencee admitting the mistake. CR contended that all these things ought to have been cured consciously, applying and complying the tariff order of MERC and failure cannot be easily bailed out but persons responsible are to be dealt, fixing the responsibility and action is to be taken against them. We find some force in this aspect long back on 12/9/2010 order is passed by MERC changed tariff and appropriate compliance was required to be obtained in the system by Licencee. Not only that, when at least consumer in January 2014 approached, with the complaint it could have been considered and dealt, redressing it within a reasonable time. But all things are going in a unreasonable manner. All the while, it is consumer who is reasonable, in performing his duties, such as paying amount as demanded waiting for relief though complained, after waiting for reasonable

time approaching IGRC and then approaching this Forum. Even till this date, there is no any positive thing coming from Licencee's side. Under such circumstances, we find it is a fit case wherein Chief Engineer Commercial in Corporate Office is to be asked to consider all these details and to fix up the responsibility of concerned Officers and to deal them as per rules. The ultimate result of it, is also to be submitted to this Forum within six months or so. Now as aspect is delayed disproportionately, we find on an average liability of consumer per month looking to the previous bills is about four lakhs or so, hence probably for next two months from January 2015 (covering the billing period from 1/12/2014 to 1/1/2015) if bills issued are not recovered from consumer it will not make any difference to the Licencee, as the approximate quantum of refund amount worked out which is of Rs. 9,30,918.62 Ps. takes care of it and within that period Licencee is required to rectify the mistake. We also make it clear that next bills from January 2015, have to be issued applying correct tariff category i.e. HT-II Non Feeder either in the IT and if not possible manually. It is to be made clear that for the next two months i.e. January 2015 and February 2015, payment of respective bills is to be treated as done, on the basis of due amount of refund. Treating said payment as if done by the consumer for those months prompt payment discount and almost all admissible incentives in that regard are to be allowed. Accordingly this grievance is to be allowed.

Hence the order.

ORDER

Grievance of consumer is hereby allowed.

Licencee is directed to rectify the wrong/mistake pertaining to entry of tariff category pertaining to the consumer promptly, showing it as HT-II Non Express. Licencee to refund excess amount already recovered from consumer from 1/9/2010 charging him as per HT-II Express Feeder and deducting therein the appropriate tariff applying HT-II Non Express, with interest as per RBI Bank Rate from the date of excess amount deposited till it is adjusted in the ensuing bills of consumer from January 2015.

Bills from January 2015 be issued to the consumer showing said category HT-II Non Express and charging consumer as per that category.

As, Licencee is to promptly correct the tariff category, pertaining to the consumer, for next two months, from January 2015, no amount due towards those bills be recovered but be treated as paid, adjusting from refund available to the consumer of excess amount paid from September 2010 and interest accrued on it as directed above. Balance amount if any remaining after adjusting for above two months, be further adjusted in the consumer's bills of further months or if any amount is found less in the second month it be recovered from the consumer.

Copy of this order be sent to Chief Engineer (Commercial) Corporate Office who in the light of aforesaid observations, to enquire and to fix the responsibility on the concerned persons and to take appropriate actions as per rules. Action so taken be informed to this Forum within six months or so from the date of this order.

Dated: 24/11/2014

I agree

I agree

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

(Chandrashekhar U.Patil)
Member Secretary
CGRF, Kalyan

(Sadashiv S.Deshmukh)
Chairperson
CGRF, Kalyan

P.S. In the above order period of adjustment is directed for January 2015 and February 2015 which covers billing period from 1/12/2014 to 1/1/2015 and 1/1/2015 to 31/1/2015.

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.

7] As discussed above, aspect of bills till February 2014 is dealt. Now whether dispute is required to be considered from March 2014 onwards.

11] From March 2014 to September 2014 this period is disputed by consumer's representative contending that ultimately meter taken out was tested and during testing it is disclosed that display was not clear and it was weak. In this light the reading in the month of July to September 2014 are not recorded, but status of meter is shown as faulty. CR claims that though as per the testing report said meter is to be taken as faulty meter for those three months. But even said presumption is to be extended for the period from March 2014 to July 2014.

12] On behalf of Licencee, it is contended that from March to July 2014 meter display was clear units consumed, is, recorded and if once the said consumption is recorded, it cannot be claimed that meter is faulty.

13] In the light of above, consumer claims that defective status for last three months i.e. July to September 2014 if accepted, it is to be extended back till March 2014. We find said meter was taken out on ----- it was tested in the Laboratory on 28/8/2014. During testing remark is given as under 'display check photo image of month July 2014 and August 2014 and issued bill as per reading also removed faulty status.' It is further seen that said meter was once again tested and said meter testing special report dated 11/9/2014 provides

remarks as under' after testing meter is found within permissible limit some of the meter display segment are weak, display screen is slightly visible.'

14] We are clear that during the months in which meter displayed slightly visible, it is to be treated as an aspect of defective meter and it covers period from July 2014 to September 2014. However, for the period in March 2014 to June 2014 actual meter reading is take, copies of those bills are placed on record and in those bills, photo readings is speaking about the actual consumption. If once those photo reading is clear we find it is just not to treat that period as period covered for defective meter. Hence t hat aspect is now clarified that meter is defective only for the period from July to September 2014. Even reading reflected during period from March 2014 to June 2014 are in the range of 112 units to 221units and CPL brought on record speaks that consumer is having supply from 99/1987 and in the bills from March 2012 to May 2013 there is a clear record showing consumption and said pattern if considered, it support correctness of reading recorded for the month of March 2014 to July 2014.

15] [Accordingly now relief is to be given to the consumer for the period from July 2014 to September 2014 by applying Supply Code Regulation 15.4.1 as it is a defective meter, for those three months liability is to be worked out. Considering the average consumption during the healthy period prior to dispute said healthy period has seen from CPL seems tobe from June 2012 to May 2013. 12 months total consumption comes to 1440 units and 12 months comes to 120 units. Accordingly, though these three months i.e. from July 2014 to September 2014 consumer can be assessed and liability is to be worked out treating as he has consumed electricity of 120 units per month for those billing months.

Mrs.S.A.Jamdar)
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(Chandrashekhar U.Patil)
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CGRF,Kalyan

(Sadaashive S.Deshmukh)
Chairperson
CGRF, Kalyan

3] On receiving the said grievance it's copy along with accompaniments sent to the Nodal Officer by this Forum vide letter No. EE/CGRF/Kalyan/094 dated 24/2/2014.

In response to it, Officers of Licencee appeared, filed reply on 11/3/2014 and from time to time added explanations, similarly consumer too added rejoinders.

4] Matter is taken up for final hearing and on behalf of Licencee, additional reply dated 8/8/2014 placed on record today only i.e. on 11/8/2014. In the said reply, it is made clear that in the light of consumer's grievance power factor penalty aspect is considered and it is noticed that excess of power penalty factor amounting to Rs.99,557.40 Ps. is, imposed but it was not required and it is to be refunded to the consumer, the said credit will be given to the consumer, showing it in the ensuing bill for the month of August 2012. This particular aspect is noted by consumer's representative and he made it clear that by this submission of Licencee, grievance is totally redressed nothing **survives in the grievance it is be disposed off. Consumer's representative further** made it clear that already meter is replaced.

In the light of above, we find that this grievance is to be disposed off.

5] This matter could not be decided within prescribed time as it involved in depth scrutiny change of meter it's testing. Licencee complied all these things and vide reply dated 8/8/2014 , submitted on 11/8/2014, made final submission.

Hence the order.

ORDER

1] Grievance of consumer is hereby disposed off, as grievance is redressed by Licencee during the pendency of the matter

Dated:11/8/2014

I agree

I agree

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

(Chandrashekhar U.Patil)
Member Secretary
CGRF,Kalyan

(Sadaashive S.Deshmukh)
Chairperson
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NOTE

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