



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/088/0099 OF 07-08
OF M/S SWAROOPANAND CONSTRUCTION REGISTERED
WITH CONSUMER GRIEVANCE REDRESSAL FORUM
KALYAN ZONE, KALYAN ABOUT EXCESS BILLING.

M/s Swaroopnand Construction

(Here in after

Maitreya Co-Op- Hsg Society Ramdas Wadi,
Syndicate Murbad Road Kalyan (W) 421301

referred to
as consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its Deputy
Executive Engineer Urban Sub 1 Kalyan

(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 registered grievance with the Forum on dated 26/04/2007.

The details are as follows: -

Name of the consumer: - M/s Swaroopnand Construction

Address on electricity bill: - Ramdas Wadi Kalyan

Consumer No: - 020020545896

Reason of dispute:- Excess billing in the billing month of December 2006.

3) The batch of papers containing above grievance was sent by Forum vide letter No 947 dated 26/04/2007 to Nodal Officer of licensee. The letter was replied vide letter No 2128 dated 17/5/07.

4) All three members of the forum heard both the parties on 14/05/2007. Shri A. S. Sawant, Shri V. R. Joshi, Shri V. K.

Kamble representing consumer and Shri P. K. Taiwade Nodal Officer, Shri M. A. Atre Assistant Engineer, Shri D. S. Khanande Deputy Executive Engineer & Shri S. N. Deshmukh Assistant Accountant representing licensee attended hearing.

5) Shri Sawant made following submission in their application.

(i) The society is having meter No 6555 to which motor of water pump is connected. This meter was put in service in February 2004 & prior to February 2004 the meter No 6401133 was in service for motor of water pump. They used to receive bills prior to & after replacement of meter in February 2004 on average basis. They brought this to the notice of licensee's staff many times but no corrective action to send the bills on actual meter reading was taken by licensee. The bills for the period from August 2006 to November 2006 were not received by them & they received the bill of Rs 66,600/- of the month of December 2006. In January 2007 they received a bill of Rs 69,240/-. This bill of Rs 69,240/- after their follow up with licensee was subsequently reduced to Rs 31,560/- claiming arrears of 36 months. This bill was also on higher side & they were in process of discussion with licensee's staff but suddenly licensee disconnected supply of this meter No 6555 on 9/02/07 without any notice.

(ii) They approached Executive Engineer & Internal Grievance Redressal Cell of licensee vide their letter dated 17th February 2007 & 5th March 2007 respectively

for restoration of supply but no action was taken except acknowledgement of letter.

- (iii) When all attempts failed to get supply restored, they paid Rs 10000/- on 23/2/07 & their supply was restored on the same day.
- (iv) Licensee is duty bound to take meter reading at least once in two months as per Regulation 14.3 of Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005, (SC 2005) & issue bills to consumers at intervals of at least two months as per Regulation 15.1 of SC 2005. Thus licensee violated Regulation 14 & 15 of SC 2005.
- (v) Licensee also violated provision of Section 56 of Electricity Act, 2003 (EA, 2003) by disconnecting supply without any notice.
- (vi) They again received a disconnection notice of 7th March 2007 on 17th March 2007. Licensee's staff came for disconnecting supply on 24th March but did not execute the order of disconnection when receipt of payment of current bill of Rs 1170/- was shown to them.

6) Shri Sawant prayed for following relieves from Forum in their application.

- (i) Licensee may be ordered not to disconnect their supply till the grievance is finally decided by Forum.
- (ii) Licensee to be ordered to compensate them.

(iii) Action against licensee's staff be ordered for dereliction of duties.

- 7) Shri Sawant during hearing on 17/5/07 pointed out that they are willing to pay current bills excluding arrears under dispute, till the matter of arrears is decided by Forum, as per direction of Forum issued vide letter dated 26/4/07 addressed to licensee & copy to them but licensee did not accept payment of current bills when they made attempt to make payments after 26/4/07.
- 8) Shri Khanande denied this allegation. There was then disagreement on this point on arguments & counter arguments on this issue between Shri Sawant & Shri Khanande. The Forum intervened & directed licensee to issue suitable direction to their staff to avert such situation in future to which Shri Khanande agreed & Shri Sawant promised to make payment of current bills on 18/5/2007.
- 9) Forum on 26/4/07 issued following stay order on disconnection of supply.
“Pending the decision of this Forum, the licensee shall not disconnect the power supply of consumer for non payment of the disputed amount. However, licensee can take action as per EA, 2003/MERC Regulation against the consumer for non-payment of current Electricity bills.
- 10) It is seen from consumer's Personal Ledger (CPL) & Shri Khanande also agreed that bills to consumer were being sent on random basis from August 2000 to November 2006 showing faulty status of meter. Shri Khanande said that this meter No

6401133 was replaced by meter No 6555 in February 2004 but the data of this replacement of meter was not fed to computer till November 2006. CPL shows meter No 6555 in December 2006. He made further submission that consumption of 34 months from February 2004 to December 2006 recorded on this meter No 6555 (13726-13) = 13713 units was charged to consumer (amounting to Rs 66599/-) in the billing month of December 2006. This bill was further revised giving credit of already charged consumption during the above period of February 2004 to December 2006. This said bill of Rs 25633/- was sent to consumer in the billing month of April 2007.

- 11) We now take up the matter to decide whether the action of the licensee to claim the sum due from consumer in the bill of April 2007 on account of non-feeding of data in computer is correct or otherwise. The licensee has claimed Rs 24352.44 as recovery of (12726-13) = 12713 units for 34 months for the period from February 2004 to December 2006. 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 in the billing month of December 2006. The licensee can only recover the sum for last two years preceding December 2006. The consumption on prorata basis of 24 months preceding December 2006 works out as follows $12713 * 24 / 34 = 8974$ units.

- 12) On pointing out the provision of Section 56 of EA, 2003, Nodal Officer agreed & submitted in writing to Forum to revise the bill of consumer as per Section 56 of EA, 2003.
- 13) As regards disconnection of supply of consumer without serving notice of disconnection, Forum noticed that licensee had issued notice on 19/12/06 (date on notice erroneously appears to be written as 19/12/07). Shri Sawant said that they had not received this notice but Shri Khanande disagreed & said it bears signature of consumer's representative in token receipt of notice to which Shri Sawant denied & said it is not the signature of their any member. It is, however, difficult to conclude about serving of notice to consumer. Forum also noticed from CPL that consumer is defaulter in making payment to licensee after 17/8/06. The consumer ought to have approached licensee for obtaining bills. Regulation 15.5.3 of SC, 2005 about casting responsibility of making payment of bills on consumer reads as *"Provided further that the non-receipt of bill or loss of bill does not excuse the consumer from discharging his obligation to make payment within the due date for payment of electricity charges"*. Shri Sawant said that they made attempt to obtain bills from licensee

but could not substantiate it with any evidence to prove their attempt. The consumer thus cannot be said to be regular & in time paymaster of bills. We, therefore, can not grant any compensation to consumer for alleged disconnection of supply without notice.

- 14) Regulation 14.3 & 15.1 of SC 2005 respectively prescribe periodicity of taking meter reading by the authorized representatives of licensee & issuance of bills to consumer. We do not find any violation of these Regulations. The wrong bill is the result of non-feeding of data of replacement of meter in the computer. No doubt it is dereliction of duty on the part of concerned staff of licensee.
- 15) After taking stock of entire situation, we are inclined to pass following order.

O-R-D-E-R

1. The arrears of Rs 24352.44 included in the bill of April 2007 (showing meter number 9200006555) of 34 months from February 2004 to December 2006 of 12713 units is, hereby, set aside & quashed. Licensee should prepare the said bill for 24 months preceding December 2006 for 8974 units.
2. 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 December 2006 against arrears should also be given in the said bill.

3. The bill prepared on the basis of Para 1 & 2 above should be sent to consumer on or before next two billing cycles.
4. Action taken against concerned persons for lapse of duties for not feeding data of replacement of meter in computer till December 2006, which resulted in arrears & hardship to consumer, should be intimated to the forum within 60 days.
5. The stay order desisting licensee to disconnect supply of consumer issued by Forum vide letter No KLNZ/CGRF/Kalyan/951 dated 26/4/07 stand withdrawn after issue of bill by licensee as per Para 3 above.
6. 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.

7. 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: - 28/05/2007

(Sau V. V. Kelkar)

Member

CGRF Kalyan

(I. Q. Najam)

Chair person

CGRF Kalyan

(D. B. Nitnaware)

Member Secretary

CGRF Kalyan