



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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No. K/DOS/65/1551 of 2017-18	Date of registration	: 26/03/2018
	Date of order	: 03/05/2018
	Total days	: 39

IN THE MATTER OF GRIEVANCE NO. K/DOS/65/1551 of 2017-18 OF SMT.PUSHPA R.LABHADE, BHOIR CHAWL, GANESH NAGAR, KOLSHEWADI, PIN CODE - 421 306 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT DISCONNECTION OF SUPPLY.

Smt.Pushpa R.Labhade,
Bhoir Chawl, Ganesh Nagar,
Kolshewadi,
Pin Code - 421 306

(Consumer No.020850037516) . . . (Hereinafter referred as Consumer)
V/s.

Maharashtra State Electricity Distribution
Company Limited
Through it's Nodal Officer/Addl.EE.
Kalyan Circle -I,

. . . (Hereinafter referred as Licensee)

Appearance : For Licensee - Shri.V.B.Aadke, AEE, Kalyan (W) S/dn-I.
For Consumer - Smt.Ashwini S.Labhade (C.R.)

[Coram- Shri A.M.Garde-Chairperson, Shri A.P. Deshmukh-Member Secretary
Mrs.S.A.Jamdar- Member (CPO)]

1) 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 Redressed 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. [Electricity Supply Code and other conditions of supply Regulations 2005]. 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

Licenseses, Period for Giving Supply & Determination of Compensation) Regulations, 2014.' Hereinafter referred 'SOP' for the sake of convenience.

2) After receipt of this Grievance, entire case papers were forwarded to the Nodal Officer vide Ltr.No.EE/CGRF/Kalyan/117 dt.26/03/2018 to this letter Licensee replied through it's Additional Executive Engineer, Kalyan (E) S/Dn.- II on date 27/03/2018. An Emergent hearing was scheduled on 28/03/2018 at 11 : 30 hrs.

3) The brief details of the case are as follows :

- a) The contention of Consumer is that wrong billing is done in month of Jan-2018 bill of Rs.42170.00.
- b) Connection disconnected without notice.
- c) For mistake in energy bills SOP to be given by Licensee.

4) In its reply Licensee submitted that Consumer Smt. Puspha R. Labhade billed as per faulty status for period April-2016 to Dec-2017 for average of 72 units but actually meter was working & recording the Consumption. In month of Jan-2018 actual reading '18970' received & Consumer billed as per reading for '6510' units. The said accumulated reading bill revised by Licensee by giving slab benefit in 16 months & withdrawing faulty billed units, revised bill of Rs.44617.00 issued in month of Feb-2018 to Consumer. Hence there is no more scope for bill revision. The said meter was tested in lab at division office & meter found o.k. The revised bill issued to Consumer but he did not pay it hence connection is disconnected. Notice of disconnection as per electricity act 2003 Section 56 (1) issued with Feb-2018 bill & copy is attached.

5) During the Emergent hearing the issue of disconnection without notice was discussed, Licensee contended that the notice was issued along with Feb-2018 bill and copy of disconnection notice date 23/02/2018 produced before forum. No receipt of Consumer was taken on it. As the connection was disconnected due to accumulated bill amount, the forum inclined to pass the Interim order to reconnect the supply after payment of Rs.5000/- towards the bill till final disposal of the grievance. Also instructions given to Licensee to retest the meter in presence of Consumer Representative.

6) In the next hearing Licensee submitted that the connection is reconnected after payment of Rs.5000/- towards bill. Also the meter tested in presence of Consumer and testing report is showing that meter error is 2.75 % i.e. within permissible limit.

7) After going through the documents on record and the reply submitted by Addl.Exe.Engineer, Kalyan (E) S/dn – II & argument heard from both sides it is seen that Licensee has billed with zero unit bill in month of Mar-2016 and billed faulty to the

Consumer for period April-2016 to Dec-2017 for average of '72' units. In month of Jan-2018 Consumer billed for '6510' units as per reading, for amount of Rs.97339.46. Licensee has revised bill for period of April-2016 to Jan-2018 and credited Rs.53442.65 in month of Feb-2018. Revised bill of Rs.44617.47 issued to Consumer. As per clause 14.3 of MERC Supply Code Regulation 2005 it is duty of Licensee to take reading of residential Consumer once in every two month. But Licensee has failed to do so. The CR claims compensation (SOP). The regulation 14.3 of MERC supply code regulation 2005 reads as under :-

Reading of meter

Meter reading shall be under taken by the Authorized Representative at least once in every three months in the case of agricultural consumers, and atleast once in every two months in the case of all other consumers, unless specifically approved by the Commission for any consumer or class of consumers.

For this Licensee contended that the issue is created while transition to mobile reading.

8) So far as SOP is concerned before proceeding to the appendix A to MERC (Standard of performance of Distribution Licensee period of giving supply and Determination of Compensation Regulation 2014 we have to see Regulation 12 thereof.

MERC SOP Regulation 12.2 read thus:-

12.2 The Distribution Licensee shall be liable to pay to the affected person, such compensation as provided in Appendix A to these Regulations :

Provided that any person who is affected by the failure of the Distribution Licensee to meet the standards of performance specified under these Regulations and who seeks to claim compensation shall file his claim with such a Distribution Licensee within a maximum period of sixty (60) days from the time such a person is affected by such failure of the Distribution Licensee to meet the standards of performance :

Provided further that the Distribution Licensee shall provide information to consumers with regard to its offices/ competent authority to settle claims for compensation :

Provided further that the Distribution Licensee shall compensate the affected person(s) within a maximum period of ninety (90) days from the date of filing his claim.

In the present case the consumer has not filed his claim with Licensee within 60 (Sixty) days from April-2016 until which time meter reading was not taken. Grievance to be redressed here is regarding wrong billing which is independent of the count of non-compliance of 14.3. The claim for Non-Compliance of 14.3 should have been made

within 60 days from Dec-2017 which has not been done. Hence the claim for SOP cannot be considered.

9) As far as accumulated reading is concerned Licensee has already revised the bill for period April-2016 to Jan-2018 as per reading. The forum has verified the billing from the month of Mar-2016 as per CPL. As per forum's opinion the said bill to be revised from Mar-2016 to Jan-2018 as the Mar-2016 bill is issued on minimum basis. As the Consumer contended that she is unable to pay the bill in one installment due to weak financial position. She requested maximum installments for revised bill. As the bill is accumulated in 23 months, 23 installments for payment of revised bill to be given from Feb-2018 without interest and DPC.

Hence the order.

ORDER

- 1) Grievance application of consumer is here by partly allowed..
- 2) Licensee to revise bill for period of Mar-2016 to Jan-2018 by way of slab benefit for '6510' units and withdrawing faulty billed units.
- 3) For revised bill, 23 installments to be done from Feb-2018 and every installment to be paid along with current bill.
- 4) Rs.5000/- paid by Consumer to be adjusted in installment and current month bill from Feb-2018.
- 5) No interest and DPC to be charged.
- 6) No SOP.
- 7) Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

Date: 03/05/2018

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

(A.P.Deshmukh)
Member Secretary
CGRF, Kalyan.

(A.M.Garde)
Chairperson
CGRF, Kalyan.

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*
- c) *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”*
- d) *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.*