



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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No. K/E/1305/1545 of 2017-18

Date of registration : 09/03/2018

Date of order : 03/05/2018

Total days : 56

IN THE MATTER OF GRIEVANCE NO. K/E/1305/1545 OF 2017-18 OF M/S MRS. DIVYA DINESH SALUNKHE, SURVEY NO.831/15,25, VILLAGE MAHIM, CHINTU PADA, PALGHAR, PIN CODE - 401 404 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING BILLING DISPUTE.

M/s Mrs.Divya Dinesh Salunkhe,
Survey No.831/15,25, Village Mahim,
Chintu Pada, Palghar,
Pin Code - 401 404.

(Consumer no. 004960544752)

... (Hereinafter referred as Consumer)

V/s.

Maharashtra State Electricity Distribution
Company Limited,
Through it's Nodal Officer,
Palghar Circle, Palghar

... (Hereinafter referred as Licensee)

Appearance : For Licensee - Absent

For Consumer - 1) Shri.V.K.Vaze (C.R.)

2) Smt. Divya Salunkhe (Consumer)

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

2) The facts of the Grievance Application in brief are :-

The Consumer in her grievance application claims that she is engaged in the business (manufacturing) and that she is the owner of bottling plant. The Consumer alleged that for the purpose of her business she has taken separate electricity meter having Consumer No.004960544752 and paying the electricity bills regularly.

The grievance of the Consumer is that from June-2015 onwards till August-2017 Licensee has not taken the reading from her meter and as such an accumulated bill of '53040' units amounting to Rs.502864.00 (i.e.for the period of 27 months) was issued by the Licensee.

The Consumer further submitted that as per section 56 (2) Licensee is entitled to recover the bill amount of the previous 24 months, only and can not recover the bill amount of entire 27 months.

Consumer therefore requested to revise her bill to '41064' units for 24 months. (Monthly average consumption comes to '1964' units $53040/27 = 1964$). The Consumer also requested to deduct the amount paid by her during the said period including 4 number of assessed bills.

According to the Consumer she is liable to pay Rs.174830 as against the calculation of Rs.195250/-

Consumer also stated that her supply made P.D. on 08/03/2018 without notice which is inconsistent with the provisions of the Electricity Act Consumer admitted that she had received one notice of disconnection dtd.28/11/2017, however according to the Consumer that notice not relevant to then arrears.

Consumer for all the above reasons approached IGRC. Not satisfied with the decision of the IGRC. Consumer approached the forum and requested for.

- a) Bill revision issued to the month of Sept-2017 for 24 months, on pro rata basis for '41064' units as against '53040' units for 27 months.
- b) The payment made during this period (i.e.Jan-2016, June-2016 and July-2016) be deducted, from the revised bill.
- c) 24 numbers of installments be granted for payment of revised bill without DPC and interest.

- d) Consumer be allowed to pay each installment along with the current amount.
- e) Compensation of Rs.3000/- per day from 08/03/2018 till restoration of supply be granted.
- 3) Notice was given to Licensee vide letter no.EE/CGRF/Kalyan/098 dt.12/03/2018.
- 4) Licensee did not appear as L.R. informed that he had to attend one meeting. However Licensee submitted one letter dtd. 27/03/2018 addressed to the chairperson of the forum. Licensee stated/submitted that a electricity bill for '53040' units for an amount of Rs.502864.00 along with the previous arrears of Rs.20532.00 total amounting to Rs.523410.00 was issued to the Consumer in the month of Sept-2017. However Consumer did not pay the said amount. Hence a disconnection notice was issued to the Consumer on 28/11/2017 for non-payment of the bill.
- 5) Licensee further states that Consumer's bill was revised and was corrected after deducting revised bill for Rs.72277/- was issued to the Consumer on 03/01/2018 withdrawing '2000' units for the month of Jan-2016, '2000' units for the month of June-2016 and '5000' units for the month of July-2016. Even than Consumer has not paid this amount. Consumer also did not pay the amount in 6 installments as per IGRC order. Hence again a notice was issued to the Consumer on 12/03/2018. The Consumer has not paid this amount till date.
- 6) We have heard the Consumer and have gone through the record kept before us. We have gone through the CPL which shows that Consumer was getting less consumption bills from August -2015 to August-2017. Consumer went on paying this bills without making any complaints or raising any issue regarding reading or billing. When the Consumer received a bill in the month of Sept-2017, Consumer approached to the Licensee. According to our opinion, Consumer does have right to get a proper bill service from the Licensee. But equally in normal course Consumer has to bring to the notice of the Licensee that she is getting less amount of bills. The CPL on record shows this span of less/incorrect bill for period of 25 months, which according to us is quite a big span.
- 7) Record also shows that there was material before the Licensee to issue a disconnection notice dtd.28/11/2017 and 12/03/2018.
- 8) Consumer has also claimed compensation of Rs.3000 per day from the working day of 08/02/2018 till restoration of supply In this regard we are of the

opinion that the compensation is only for the loss actually suffered and such compensation is not to be given for indirect losses suffered by the Consumer. Consumer has also not given any proof of extent of loss suffered by her.

9) We have also gone through the circular dtd.18/07/2009, regarding grant of installments when Consumer is not at fault. The record shows that the Consumer was receiving the bills of less/incorrect units for a period of 25 months (from Aug-2015 to Aug-2017) in spite of that Consumer has not brought this fact to the notice of the Licensee, nor Consumer has given any satisfactory reason for the less consumption in this period. We are also of the opinion that as per the provision of section 56 (2) Licensee can recover the amount arrears from the Consumer for the period of 2 years only. In the present case Licensee has raised the bill in Sept-2017. Hence Licensee can go back upto Oct-2015 only and will have to waive of the bill amount of Aug-2015 and Sept-2015 as CPL shows that the July-2015 bill is as per reading.

Licensee to verify the credit given against faulty billing on month of Jan-2016, Jun-2016 & July-2016 & issue corrected bill if required.

Hence the order.

ORDER

- 1) The Grievance application of consumer is partly allowed.
- 2) Licensee is directed to revise the bill for the period of Oct-2015 to Sept-2017 by way of slab benefit for 24 months.
- 3) Licensee is directed to recover this amount by giving 24 installments to the Consumer without interest and DPC.
- 4) Consumer to pay this amount (installment) along with the current bill. If the Consumer fails to pay an installment interest, will be charged for the remaining as per RBI rate of interest.
- 5) Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

Dated : 03/05/2018

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

(A.P.Deshmukh)
MemberSecretary
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.*

