



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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No. K/E/1299/1535 of 2017-18

Date of registration : 28/02/2018

Date of order : 17/05/2018

Total days : 79

IN THE MATTER OF GRIEVANCE NO. K/E/1299/1535 OF 2017-18 OF SMT. AMITA GAJANAN AMRUTE, PLOT NO.56, GANESH NAGAR SOCIETY, NEAR DIGI - 1 SHOWROOM MANDA, TITWALA (E), DIST.THANE, PIN CODE- 421 605 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING BILLING DISPUTE.

Smt. Amita Gajanan Amrute,
Plot No.56, Ganesh Nagar Society,
Near Digi - 1 Showroom Manda,
Titwala (E), Dist.Thane,
Pin Code- 421 605.

(Consumer no. 020110015748)

... (Hereinafter referred as Consumer)

V/s.

Maharashtra State Electricity Distribution
Company Limited,
Through it's Nodal Officer,
Kalyan Circle-II

... (Hereinafter referred as Licensee)

Appearance : For Licensee - Shri.V.P.Gavkhare, Dy.EE., CSD S/dn.

For Consumer - 1) Shri.J.S.Rajput (C.R.)

2) Smt. Anjali Kale (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 Smt. Amita Gajanan Amrute in her grievance application claims that she is having residential connection at Kalyan bearing Consumer no. 020110015748. The Consumer contends that she is paying the electricity bills regularly.

The grievance of the Consumer is that from Nov-2015 onwards till Dec-2017 Licensee has not taken the reading for her meter and billed as per 'faulty' status. In month of Jan-2018 huge bill amount of Rs.68510/- is issued by Licensee.

The Consumer further submitted that as per section 15.4.1 of supply code Licensee is entitled to recover the bill amount of the previous 3 months. Only and cannot recover the bill amount of entire 26 months.

Consumer therefore requested to revise her bill for 3 months. The Consumer also requested to grant SOP and compensation for disconnection without notice.

Consumer for all the above reasons approached IGRC. Not satisfied with decision of the IGRC, Consumer approached to forum with above request.

3) Notice was given to Licensee vide letter no.EE/CGRF/Kalyan/82 dt.05/03/2018 to which Licensee appeared and filed reply on date 13/03/2018.

4) Licensee in its reply submitted as follows :

i) *Meter no.1500903466 of Shri.Gajanan Hari Amrute having consumer no.020110015748 shown faulty since – November 2015. Hence in Nov-2017 accumulated reading '35081' was taken as '3748'. Hence bill was issued for '2325' units, But for month December-2017, wrong reading was corrected as '36381'. The overall B-80 of amount 44498 credited to consumer. Hence the balance amount of Rs.21710/- issued to the consumer is correct.*

- ii) *The EMI meter of consumer is replaced on dt.16/02/2018 Now the consumption for 24 days is '144' units.*
- iii) *EMI Meter No.1500903466 is also tested on dt. 09/03/2018 as per testing report meter is slow or recording less consumption by 7.78% at 10 A error test.*

5) 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 average 247 units consumption bills from Nov -2015 to Dec-2017. Consumer went on paying these bills without making any complaints or raising any issue regarding reading or billing. When the Consumer received a huge bill in the month of Jan-2018, Consumer approached 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 average amount of bills. The CPL on record shows this span of average/incorrect bill for a period of 26 months, which according to us is quite a big span.

6) CPL shows that the Consumer was getting 'Locked' status for Nov-2015 to Sep-2016 for period of Oct-2016 to Oct-2017 Consumer was getting the bill under faulty status. But during this period the meter was recording the consumption. In month of Nov-2015 initial reading was ' 28753' whereas in month of Dec-2017 the reading was '36381' Licensee did not take proper reading for 26 months i.e. from Nov-2015 to Dec-2017. Whereas Consumer contends that, as per billing meter is faulty hence bill to be revised considering meter as faulty for only 3 months as per regulation 15.4.1 of supply code. Licensee contended that meter is working OK, the said meter is also tested & it is recording less consumption by 7.78% at 10 A error. The testing report is kept on record.

7) The record shows that the Consumer was receiving the bills of average/incorrect units for a period of 26 months (from Nov-2015 to Dec-2017) in spite of that Consumer has not brought this fact to the notice of the Licensee. Meter was not faulty in fact. We are of the opinion that as per the provision of section 56 (2) Licensee can recover the amount arrears from the Consumer but for the period of 2 years only. In the present case Licensee has raised the bill in Dec-2017. Hence Licensee can go back up to Jan-2016 only and will have to waive of the bill amount of Nov-2015 and Dec-2015 as CPL shows that the Oct-2015 bill is as per reading

8) As far as SOP is concerned Consumer should have filed his claim with Distribution Licensee within the period of maximum period of 60 days from the time he was affected by such failure of Distribution Licensee to meet the SOP, as per section 12.2 of SOP regulation 2014. Also the SOP in this case is distinct and claim could have been made earlier.

9) Regarding compensation for disconnection without notice is concerned, Licensee had already reconnected the supply without reconnection charges. Even then we hereby warn Licensee officers to avoid such action in future.

10) During the hearing we came to know that the Consumer is dead & grievance application is filed by the widow. Hence time period was granted for change of name. After change of name the grievance was heard hence the delay.

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 Jan-2016 to Dec-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) No SOP.
- 6) Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

Dated : 17/05/2018

(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.*

