



Consumer Grievance Redressal Forum, Kalyan Zone  
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**No. K/E/1368/1614 of 2017-18**

Date of registration : 08/05/2018

Date of order : 20/06/2018

Total days : 43

**IN THE MATTER OF GRIEVANCE NO. K/E/1368/1614 OF 2017-18 SHRI.DINESH N.AHUJA, BK.NO.19, ROOM NO.5, ULHASNAGAR-1, DIST-THANE, PIN CODE-421 001 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN BILLING DISPUTE.**

Shri.Dinesh N.Ahuja,  
BK.No.19, Room No.5,  
Ulhasnagar-1, Dist-Thane,  
Pin Code-421 001.

(Consumer No. 022511027397)

... (Hereinafter referred as Consumer)

V/s.

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

... (Hereinafter referred as Licensee)

**Appearance** : For Licensee - Shri.J.L.Borkar, AEE, Ulhasnagar S/dn-I.

For Consumer - Shri.J.S.Rajput (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 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 :-

That the present Consumer Shri.Dinesh N.Ahuja, residing at BK.No.19, Room No.5, Ulhasnagar-1 is having Consumer no. 022511027397.

The Consumer submitted that he was having a residential connection at his above premises, however the said connection was not in use. Hence on 21/09/2017 he had made an application to the Licensee that he is going to start a small business and therefore requested the Licensee to change his tariff from residential to commercial, and to charge him accordingly.

The Consumer further submitted that though he has made an application on 21/09/2017 to change his tariff from residential to commercial he did not start his business immediately as he had to install some machinery in the said premises.

However to his utter surprise Licensee issued an inflated bill for the month of Jan-2018 for Rs. 7830/- and of Feb-2018 for Rs.47040/-.

The Consumer pleaded that though he has made an application for change of tariff on 21/09/2017 the effect was given by the Licensee on Mar-2018 showing recovery of Rs.47040/-. Consumer also stated that he is ready to pay the bill if it revised. Consumer contended that his previous meter was replaced on 03/10/2017 as it was showing "**stopped**" status.

Another grievance of the Consumer is that Licensee has issued an inflated bill and recovered an excess amount from him. Consumer therefore prayed that Licensee be directed to issue him a correct bill as per consumption and also prayed for SOP and compensation.

3) Notice was given to Licensee vide letter no.EE/CGRF/Kalyan/207 dt.09/05/2018 to which Licensee appeared and filed reply on date 24/05/2018.

Spot inspection was carried out by Licensee (Assistant Engineer) on 20/01/2018 and discovered that the disputed meter was having a load of a) 2HP 2 motors b) 3 Tube lights c) 1 fan and was showing "**stop**" status.

Licensee further contended that as per the above load an assessment of 500 units per month was proposed from the date of Consumer's application i.e

21/07/2017 and a recovery of Rs.37,069/- was charged in the month of Feb-2018 accordingly.

It is also stated by the Licensee that concern Sectional Engineer reinspected the premises 20/01/2018 and reported on 06/3/2018 that meter is replaced on 03/10/2017. He (Sectional Engineer) also reported that Consumer be charged for commercial tariff as per old meter reading and '929' units be adjusted and further he be charged as per new consumption from July-2017.

Accordingly Licensee again revised the bill in the month of April-2018 as per the above spot inspection report of sectional Engineer. Further Licensee submitted that a credit of Rs.37070.00 was given to the Consumer in month of March-2018 further bills are issued to the Consumer as per commercial tariff taking into consideration the reading of old and new meter.

Licensee stated that billing dispute of the Consumer for excess recovery is revised which is effected in the bill of March-2018. Moreover Consumer has paid the bill. Hence grievance of the Consumer be rejected.

We have gone through the papers kept before us. After hearing the arguments of both sides we are of the opinion that Licensee has made a delay of 7 months to give effects to the application of the Consumer for converting residential tariff to commercial tariff. Record shows that the recovery for 3000 units for an amount of Rs.37070/- is withdrawn in the month of March-2018, which clearly indicates that Consumers grievance remained unresolved for more than 2 months. Record also shows that for more than 12 months Consumers meter was not showing normal status. Through out this 12 months i.e. from Jan-2017 to Dec -2017 it was showing either locked status or "Inacce" and no steps have been taken by the Licensee as per the provision of periodical testing.

We have also observed that the another grievance of the Consumer remained unattended by the Licensee for a period of 5 months (22/07/2017 to Jan-2018 to March-2018 regarding change of tariff, from residential to commercial. It is an admitted fact that the Consumer had applied for change of tariff from residential to commercial on 21/07/2017. However Licensee had given effect to this application on Feb-2018 after 5 months. Hence Consumer is entitled for SOP.

We have also noted that Consumer has not submitted any direct evidence to show that Consumer was not using the premises for commercial purpose immediately when he made an application to the Licensee. Hence it is presumed that commercial activity had taken place in the premises of the Consumer from 22/07/2017 and Consumer therefore is liable to pay as per commercial tariff from 22/07/2017.

Licensee in its reply mentioned that adjustment units (929 units) period Jul-2017 to Sept-2017 is added while revision of the bills. Whereas as per CPL the new meter consumption with the same load for period of Oct-2017 to Apr-2018 is '173' units/month. Hence the adjustment units '309' units/month seems to be on higher side we are of the opinion that the adjustment units for period Jul-2017 to Sept-2017 to be charged as per new meter consumption trend i.e.'173' units/month.

Taking into consideration all the above facts we are of the opinion that Licensee will have to revise the bill for the month of Jan -2018.

Hence the order.

#### **ORDER**

- 1) The Grievance application of consumer is partly allowed.
- 2) Licensee is directed to revise the bill of the Consumer for the month of Jan-2018 considering adjustment unit of  $173 \times 3 = 519$  units along with actual units consumed for the period from Oct-2017 to Jan-2018 (i.e.672 units)
- 3) Licensee is directed to issue bills to the Consumer as per commercial tariff from 22/07/2017 without DPC and interest.
- 4) Excess amount if recovered by Consumer be adjusted in the insuing bill.
- 5) Licensee is directed to pay an amount of Rs.2200/- towards SOP as per Annexure – A of MERC SOP Regulation.
- 6) Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

Dated : 20/06/2018

(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.*

