



Consumer Grievance Redressal Forum, Kalyan Zone  
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301  
Ph- 2210707, Fax - 2210707, E-mail : cgrfkalyan@mahadiscom.in

**No. K/E/1363/1608 of 2017-18**

Date of registration : 05/05/2018

Date of order : 20/06/2018

Total days : 46

**IN THE MATTER OF GRIEVANCE NO. K/E/1363/1608 OF 2017-18 OF SHRI MANU J. LALWANI, BK NO.427/15, 2ND FLOOR, ROOM NO.2, MATOSHREE MOHINIBAI PALACE, ULHASNAGAR-1, DIST.-THANE, PIN CODE -421 001 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT BILLING DISPUTE.**

Shri Manu J. Lalwani,  
Bk No.427/15, 2nd Floor, Room No.2,  
Matoshree Mohinibai Palace,  
Ulhasnagar-1, Dist.- Thane,  
Pin Code -421 001  
(Consumer No. 021514814853) . . . (Hereinafter referred as Consumer)

V/s.

Maharashtra State Electricity Distribution  
Company Limited  
Through it's Nodal Officer/Addl.EE.  
Kalyan Circle -II, . . . (Hereinafter referred as Licensee)

Appearance : For Licensee - 1) Shri.J.L.Borkar, AEE, Ulhasnagar S/dn-I  
2) Smt.A.S.Bhangale, UDC, 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 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 Licensees, Period for Giving Supply & Determination of Compensation) Regulations, 2014.' Hereinafter referred 'SOP' for the sake of convenience.

- 2) The brief details of the case are as follows :
  - a) The contention of Consumer is that wrong billing is done for 14 months with faulty status for month of Aug-2016 to Sept-2017 with average of 126 units/month
  - b) In month of Oct-2017 bill of '1098' units issued.
  - c) All the bills recovered by consumer with threat of disconnection.
  - d) All the bills to be revised as per regulation 15.4.1.
  - e) For mistake in energy bills SOP to be given by Licensee with refund of extra collected amount.
  
- 3) After receipt of this Grievance, entire case papers were forwarded to the Nodal Officer vide Ltr.No.EE/CGRF/Kalyan/200 dt.07/05/2018 to this letter Licensee replied through it's Additional Executive Engineer, Ulhasnagar S/Dn.-I on date 16/05/2018.
  
- 4) In its reply Licensee submitted that Consumer Shri Manu J. Lalwani billed as per faulty status for period Aug-2016 to Sept-2017 but actually meter was working & recording the Consumption. In month of Oct-2017 actual reading '1976' received & Consumer billed as per reading. The said accumulated reading bill was revised by Licensee by giving slab benefit for period of Jan-2016 to Nov-2017 & withdrawing faulty billed units, amount of Rs.19282.00 credited to Consumer in month of Dec-2017. Average use of Consumer is near about '200' units & bill revised as per '84' units as per actual meter reading, hence there is no more scope for bill revision. Images of meter reading from April-2016 to Sept-2016 are kept on record and reading shown in images is progressive. Hence meter was working O.K.
  
- 5) After going through the documents on record and the reply submitted by Addl.Executive Engineer, Ulhasnagar S/dn-I & argument heard from both sides it is seen that Licensee has billed faulty to the Consumer for period Aug-2016 to Sept-2017 for average of '126' units. In month of Oct-2017 Consumer billed for '1098' units as per reading. 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 said meter was in working condition, photos are also taken and kept on record. It is due to software problem the meter status once recorded as faulty cannot be revoked to normal unless the proper reading is fed.

6) 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 Sept-2017 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 Sept-2017 to enable Consumer to approach CGRF under Regulation 12.3 which has not been done. Hence the claim for SOP cannot be considered.

7) As far as accumulated reading is concerned Licensee has already revised the bill for period Jan-2016 to Nov-2017 as per reading. The forum has verified the reading as per photo as follow :

Month	Reading
Oct-2016	886
Jan-2017	886
May-2017	1008
Jul-2017	1168
Aug-2017	1363
Sept-2017	1671

Hence as per forum's opinion the meter is working properly and there is no more scope for bill revision.

8) The request of refund of extra collected amount by cheque is given by Consumer on date 06/12/2017. Additional Executive Engineer, Ulhasnagar S/dn.-I submits that he has submitted the proposal of cheque refund to division office on 29/12/2017 but even after days of 5 months the same is not processed by Licensee. Hence the same should be processed immediately and refund to be given by cheque.

In the above view of the matter following order is passed.

### ORDER

- 1) Grievance application of consumer is here by partly allowed.
- 2) Prayer for revision of bill in question as per regulation 15.4.1 is rejected.
- 3) Licensee to refund the excess collected amount from consumer by cheque within seven days.
- 4) Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

Date: 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.*

