



Consumer Grievance Redressal Forum, Kalyan Zone  
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301  
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**No. K/E/1350/1594 of 2017-18**

Date of registration : 24/04/2018

Date of order : 04/07/2018

Total days : 71

**IN THE MATTER OF GRIEVANCE NO. K/E/1350/1594 OF 2017-18 OF SHRI. RAMCHAND SADHURAM KUKREJA, POOJA GIFT & NOVELTY GENERAL STORES, FRONT OF CENTRAL RAILWAY SCHOOL, MURBAD ROAD, NEAR MHASKAR HOSPITAL , KALYAN (W), PIN CODE-421 301 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING BILLING DISPUTE.**

Shri. Ramchand Sadhuram Kukreja,  
Pooja Gift & Novelty General Stores,  
Front of Central Railway School,  
Murbad Road, Near Mhaskar Hospital,  
Kalyan (W), Pin Code-421 301

(Consumers.No. 020020049872)

... (Hereinafter referred as Consumer)

V/s.

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

... (Hereinafter referred as Licensee)

**Appearance** : For Licensee - Shri.V.D.Yadav, AEE, Kalyan (W) S/dn.-I

For Consumer - Shri. J.A.Pardeshi (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 main contention of the Consumer Shri. Ramchand Sadharam Kukreja, Consumers.No. 020020049872 is :

i) He had filed complaint before forum previously to which CGRF given decision on date 19/01/2018 vide case no. K/E/1267/1493 of 2017-2018. Accordingly consumer has changed his name in the records of MSEDCL & now the same complaint of disconnection without notice & RNT billing to be entertained.

ii) Connection of Consumer disconnected without notice for 36 days for which compensation of Rs.1000.00/ day to be granted.

3) Notice was given to Licensee vide letter no.EE/CGRF/Kalyan/180 dt.25/04/2018 to which Licensee replied on date 09/05/2018.

4) We have gone through to grievance filed by consumer previously, in which Consumer Representative contends that, his connection was disconnected without giving 15 days notice & for period of Oct-2016 to Jan-2017 why 'RNT' status bills issued? Connection disconnected for period 14/03/2017 to 13/04/2017. Meter removed without intimation. Meter testing done in absence of him.

Consumer got excessive bill in the month of Feb-2017 for '1320' units, which is very high compared to his regular use. Average monthly use is '30' to '40' units per month. Licensee did not solved his grievance and disconnected the connection without giving 15 days notice. The connection was reconnected after payment of provisional bill as per IGRC order on 14/03/2017. Meter testing done in the absence of consumer which shows that meter is O.K.

5) Licensee in its reply submits that, the bill issued to consumer in month of Feb-2017 is for 5 months amounting to Rs.11460.00 i.e. from month of Oct-2016 to Jan-2017. In which the Consumer was billed as per 'RNT' status with average units. After receipt of billing complaint, the said meter was tested in meter

testing lab on 09/03/2017. The meter found O.K. The copy meter testing report was given to consumer. Also on date 18/02/2017 oral intimation was given to consumer that, if meter founds O.K. then he has to pay the bill & consumer agreed to that. Due to March end recovery drive & non-payment of bill, on oral intimation the connection disconnected on 14/03/2017. After consumer complaint to IGRC on 25/03/2017, provisional bill paid by consumer & accordingly meter reconnected on 13/04/2017. At the time of reconnection the old meter was sent to meter testing hence new meter installed.

6) We had gone through the grievance application & reply filed by Licensee. Also the arguments from both sides heard to the depth. As per documents kept on records, CPL shows that from Jan-2016 to Sept-2016 Consumer billed as per normal reading having average use of '45' to '50' units/month from Oct-2016 to Jan-2017 Consumer billed as per 'RNT' status with average '41' units/month. In month of Feb-2017 consumer billed as per unit i.e. '1320' units amounting to Rs.11458.78. In Mar-2017 & Apr-2017 Consumer was permanent disconnected. From Jan-2017 to Mar-2017 Consumer billed normal as per new meter. During Jan-2017 to Mar-2017 the average use of consumer shows 25 to 35 units/month. Hence bill of '1320' units for 5 month i.e. 264 units/month is very high compared to previous & current trend of use, to which Licensee replied the meter testing report shows that meter was O.K. As far as meter testing on date 10/03/2017 is concerned the report is showing that the meter was O.K, but the said testing was done in the absence of consumer, secondly the meter testing report itself shows that, the meter reading before test was '807178' & meter reading after meter test '8071' Both the reading are not matching to the CPL of the consumer where the final reading of meter is '7149'. Hence we cannot consider such report for taking any decision.

During the hearing we instructed Licensee to retest the meter again in presence of consumer to which Licensee vide it's letter no. 631 dt.13/06/2018 informed that the said meter is scrapped & can not be tested. Hence from the available record & CPL we are of the opinion that Licensee should revise the bill for the month of Feb-2017 considering the meter as faulty. The bill for month of Feb-2017 to be revised as per average of previous 12 months of healthy by billing.

7) As far as compensation demanded for disconnection without notice, Consumer has claimed compensation of Rs.1000/day for 36 days. 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 Consumer. Consumer has not given any proof of extent of loss. Licensee has disconnected the connection for 36 days without giving proper 15 days notice in writing as per section 56 (2) of electricity Act-2003, hence consumer is entitled for compensation. Forum has power to grant compensation as per clause 8.2 (e) of MERC (CGRF & EO) Regulation 2006.

8) Delay is due to after first hearing on 09/05/2018 both parties remain absent for two hearings. Later Licensee remain present & Consumer Representative was absent. Again in last hearing Consumer Representative was present & Licensee remain absent. Hence decision taken as per available record.

Hence the order.

### **ORDER**

- 1) Grievance application of Consumer is partly allowed
- 2) Licensee to revise bill for month of Feb-2017 as per average of previous 12 months healthy billing.
- 3) Licensee is directed to pay compensation of Rs.1000.00 to the Consumer towards disconnection without notice.
- 4) Both the amount to be adjusted in next issuing bill of the consumer.
- 5) Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

Dated : 04/07/2018.

(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.*

