



Consumer Grievance Redressal Forum, Kalyan Zone
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No. K/E/1378/1625 of 2017-18

Date of registration : 13/06/2018

Date of order : 18/07/2018

Total days : 35

IN THE MATTER OF GRIEVANCE NO. K/E/1378/1625 of 2017-18 OF SHRI.ASHOK CHATRUMAL VALECHA, 2nd FLOOR, 16/1, BK NO.221, ROOM NO.12, ULHASNAGAR -1, DIST.-THANE, PIN CODE-421 001 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING BILLING DISPUTE.

Shri.Ashok Chatrumal Valecha,
2nd Floor, 16/1, BK no.221, Room no.12,
Ulhasnagar -1, Dist.-Thane,
Pin Code-421 001

(Consumer No. 021514969792) . . . (Hereinafter referred as Consumer)

V/s.

Maharashtra State Electricity Distribution
Company Limited
Through it's Nodal Officer/Addl.EE.
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.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 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 facts of this grievance application are :

That the Consumer has filed this grievance application claiming compensation under SOP on account of illegal recovery charged by the Licensee on him for which he was not liable to pay. It is an admitted fact that an amount which was wrongly charged by the Licensee against his electricity bill for the month of Nov-2017 has been withdrawn to the consumer in the month of March-2018.

It is the grievance of the consumer that when he was not at fault Licensee illegally charged the amount towards his electricity bill for the month of Nov-2017 and hence he suffered a lot.

It is the contention of the consumer that Licensee has charged this recovery in contravention of SOP laid down by Hon'ble MERC for which he should be compensated.

3) Notice was given to Licensee vide letter no.EE/CGRF/Kalyan/257 dt.14/06/2018 to which Licensee appeared and filed reply on date 27/06/2018.

4) Licensee submitted that though the consumer is charged in the month of Nov-2017 as per his connected load, this recovery was withdrawn in the month of March-2018 as per the report of L & T Company. Licensee submitted that as per the L & T. Company report, the meter failure was because of external fault. Since the recovery is withdrawn and hence the grievance of the consumer has been resolved.

5) We have perused the record kept before us and have heard the arguments by both the parties. We are of the opinion that, in this connection record shows that a provisional bill for Rs.62470/- has been imposed on Consumer no. 021514969792 standing in the name of Shri.Ashok Chatrumal Valecha. This bill is issued to the Consumer on 29/11/2017 for the month of Nov-2017. Record also shows that on receiving this bill Consumer informed to the additional Executive Engineer, Ulhasnagar about his grievance and requested to cancel the recovery imposed on him, by his letter dtd. 14/12/2017.

Having regard to the above submission made by both the parties the dispute appears to be related only to the issue of SOP and to see whether there is any violation of SOP laid down by Hon'ble MERC in Regulation 2014. For this we have gone through the provision of Regulation 12. Determination of compensation, 12.1 and 12.2 of SOP Regulation 2014 which is reproduce as under.

12. Determination of Compensation

12.1 *The compensation to be paid by the Distribution Licensee to the affected person is specified in Appendix A of these Regulations.*

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.

We have also gone through the letter dtd.14/12/2017 issued by the Consumer to Shri.Borkar, Addl. Executive Engineer, Ulhasnagar-I S/dn. In the said letter though Consumer has requested the Licensee to revised his bill for the month of Nov-2017, Consumer has not asked for SOP. In this connection we have gone through the Regulation 12.2 of SOP 2014. Which is already reproduced. Hence in view of the legal position the prayer of the consumer to grant the amount of SOP can not be taken into consideration.

We have also gone through a letter issued by the Consumer to IGRC on 12 March-2018 in which consumer has mentioned that Licensee has violated the provision of SOP and for the first time asked compensation. However according to our opinion Consumer should have asked for SOP within 60 days from 29/12/2017 after the month of receiving bill i.e.As per Appendix 'A'.

The provision of Regulation 12.2 deals with the time period within which Consumer has to make an application if he wants to claim compensation under SOP.

6) It is pertinent to note that, as per CPL recovery is charged in the month of Feb -2018 and it is withdrawn in the month of March-2018. Record also shows that Consumer had asked to revise the disputed bill by issuing a letter on 14/12/2017 and action is taken by Licensee in the month of March-2018.

However as per the provision of Regulation 2014 Consumer has to claim for SOP within 60 days as explained in para 5 above, Consumer was expected to claim for SOP within 60 days from 29/12/2017, which is not done by the Consumer. In the grievance application admittedly the consumer has given an application on 12/03/2018 in which for the first time consumer has asked for SOP. So the period for 60 days will start after excluding one month from 29/11/2017 (it will start from 30/11/2017). However the Consumer failed to file the claim for compensation within this stipulated period.

For the above stated reasons we are of the opinion that consumer has failed to meet the condition laid down in regulation 12.2 of SOP regulation 2014.

Hence the order.

ORDER

- 1) The Grievance application of the Consumer regarding SOP stands rejected.
- 2) The excess amount recovered by the consumer is refunded by the Licensee in the month of March-2018. Hence there is no order towards that.
- 3) Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

Date : 18/07/2018

(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.*

