



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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No. K/E/1424/1675 of 2017-18

Date of registration : 10/07/2018

Date of order : 13/08/2018

Total days : 34

IN THE MATTER OF GRIEVANCE NO. K/E/1424/1675 OF 2017-18 OF SHRI.SAJENDRAPRASAD R.TRIPATHI, S.NO.176, BHAKTI DHAM, G BILAL PADA, S.B.H. NALASOPARA (E) PIN CODE-401 209 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING BILLING DISPUTE.

Shri.Sajendraprasad R.Tripathi,
S.No.176, Bhakti Dham,
G Bilal Pada, S.B.H. Nalasopara (E),
Pin Code-401 209

(Consumer No. 001890078067) . . . (Hereinafter referred as Consumer)

V/s.

Maharashtra State Electricity Distribution
Company Limited
Through it's Nodal Officer/Addl.EE.
Vasai Circle, Vasai

. . . (Hereinafter referred as Licensee)

Appearance : For Licensee - Shri.Rajesh Bhute, AEE, Nalasopara (E)

For Consumer - Shri.S.R.Tripathi (In person)

[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 facts of the grievance application in brief :

The Consumer Shri.Sajendraprasad R.Tripathi in his grievance application claims that he is owner of a small shop at Nalasopara (E). He is having a commercial electricity meter having consumer no. 001890078067 and paid the electricity bills regularly till month of Jan-2018.

The grievance of the consumer is that his connection got disconnected in month of Jan-2018 without notice. He has paid the bills regularly. He was receiving the bills as per faulty status for which he had given two applications to issue bill as per reading but no action has been taken by Distribution Licensee.

On 09/01/2018 meter was tested in office & found O.K. Reading on the meter was '9139', accordingly Distribution Licensee issued bill of Rs.3040/- which was paid on 16/01/2018 But surprisingly on 20/01/2018 he received bill of Rs.46080.00 which is exorbitant.

Consumer therefore requested to revise his bill & waive off the extra bill charged to him. For all the above reasons Consumer approached IGRC. IGRC vide its order dated 29/06/2018 passed the following order.

- i) *Twenty installments should be given to the applicant to pay the accumulated bill. These installments should be granted without levy of interest of DPC.*
- ii) *Supply of the consumer to be restored following company's rules and regulation.*

As per IGRC order he paid the first installment of Rs. 2370.00 & his connection was reconnected in the month of Jul-2018. Not satisfied with the decision of the IGRC Consumer approached the forum on 10/07/2018 for further relief.

3) Notice was given to Licensee vide letter no.EE/CGRF/Kalyan/246 dt.10/07/2018 to which Licensee appeared and filed reply on 25/07/2018.

4) In its reply Licensee contended that :-

In connection with above reference subject it is state that consumer number 001890078067 name Shri.Sajendraprasad R.Tripathi has serve energy bill upto month Nov-2017. In month of Nov-2017 total bill including arrears is of amount rupees 6260/- (which is not as per actual reading on meter)

In month of Nov-2017 due to non-payment of energy bill, supply of this consumer is disconnected on date 27/11/2017. As per P.D.register entry meter number is 02167430, meter make Genus, at that time reading on meter is 8839 KWH (as per P.D.register entry) & meter no. is 02167430 make genus.

Later on 5 Dec-2017 Consumer has paid Nov-2017 bill of amount Rs.6260 & section office reconnection the meter during P.D. checking drive. On date 09/01/2018 it found that this meter is on site at that time it come to know that is SAP system this consumer remain male live (PDR)

During P.D.inspection drive spot inspection has been carried out & reading of same energy meter is taken 9139 KWH & as per this spot inspection energy bill has been issued to consumer this bill is of amount Rs.46080/-

As per order of IGRC under ref SE/VC/IGRC-275/2018/NO/3625 date 29/06/2018 the first installments bill is issue to consumer Rs.2370/- and meter is reconnected.

5) During the hearing on 25/07/2018 we heard both the parties & gone through the record kept before us. Licensee contended that the accumulated reading is already spread over the period of Apr-2016 to Nov-2017 & there is no more scope for revision of bill. Consumer has granted 20 installments for payment of bill as per IGRC order & accordingly consumer has paid the first installment & connection is reconnected. Consumer contends that he was not receiving bills as per reading since many years for which he had given two request application on 14/09/2012 & 12/06/2015 which are kept on record. Licensee did not heed to his application and continued with faulty billing. We have gone through the CPL which shows that consumer was getting faulty status bill from April-2014. The reading in the month of April-2014 was '1412' Consumer had given application on 12/06/2015 stating that he was receiving faulty bill instead of as per reading, to which Licensee did not take any action and continued with faulty billing. We failed to understand that though the CPL was showing faulty status since April-2014, Distribution Licensee gave slab benefit of accumulated reading for period of April-2016 to Nov-2017 instead of April -2014 to Nov-2017. We also noted that for the mistake of Distribution Licensee the Consumer was put to run from pillar to post unnecessarily. His connection was disconnected for the period of six months without solving his complaint we note that the consumer is working as watchman & rent of this shop is his source of income. In such situation the tenant vacated his shop due to unavailability of electricity. From the documents kept on record it proves that the consumer has suffered a lot due to this wrongful action of Licensee. Consumer is entitled for compensation even though he has not asked for it.

6) After going through all the record we are of the opinion that as per provision of section 56 (2) if IE act 2003 Licensee can recover the amount of arrears from the consumer for the period of 2 years only. Which is reproduced as under :

Section 56 (2) Notwithstanding anything contained in any other law for the time being in force, no sum due from any consumer, under this section shall be recoverable after the period of two years from the date when such sum became first due unless such sum has been shown continuously as recoverable as arrear of charges for electricity supplied and the licensee shall not cut off the supply of the electricity.

In present case Licensee has raised the bill in month of Jan-2018. Hence Licensee can go back up to Feb-2016 only. As per CPL Apr-2014 readings is '1412' & Jan-2018 reading is '9139' i.e. average per month is '167' units. Licensee to calculate the bill for period Feb-2016 to Jan-2018 considering average of '167' units/month & crediting faulty billed units. No DPC & interest to be charged. First installment paid as per IGRC order to be adjusted against revised bill. Admittedly the meter is replaced now & consumer has no complaint towards.

- 7) We are also of the opinion that Licensee to investigate the matter of
- i) faulty billing for 46 months,
 - ii) Disconnection without notice.
 - iii) One person Mr.Gaikwad visiting the shop of consumer for adjustment/extortion of money for settling of case before issuing of exorbitant bill.

and take appropriate action on defaulters so that there will not be repetition of such cases in future.

Hence the order.

ORDER

- 1) Grievance application of Consumer is partly allowed
- 2) Licensee is directed is revise the bill for the period of Feb-2016 to Jan-2018 as explained in para six without DPC and interest.
- 3) Excess amount recovered by the Consumer be adjusted in the next ensuing bills.
- 4) Compensation of Rs.5000/- be paid to consumer for harassment and disconnection without notice.
- 5) The compensation amount to be recovered from salary of defaulter employee/ employees after due enquiry.
- 6) Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

Date : 13/08/2018

(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.*