



Consumer Grievance Redressal Forum, Kalyan Zone
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No. K/DOS/79/1736 of 2017-18

Date of registration : 19/11/2018

Date of order : 28/11/2018

Total days : 9

IN THE MATTER OF GRIEVANCE NO. K/DOS/79/1736 OF 2017-18 OF SHRI BERUZ R. IRANI, HOTEL ATITHI , CHAROTI NAKA , NH 8, TALUKA DAHANU, DIST. PALGHAR, PIN CODE - 401 602 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT DISCONNECTION OF SUPPLY.

Shri Beruz R. Irani,
Hotel Atithi, Charoti Naka ,
NH 8, Taluka Dahanu,
Dist. Palghar, Pin Code-401 602
(Consumer No. 006000332052) . . . (Hereinafter referred as Consumer)

V/s.

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

Appearance : For Licensee - 1) Shri.B.S.Dhodi, Dy.EE., Dahanu S/dn.
2) Shri. Hemraj Patil, LDC., Dahanu S/dn.

For Consumer - Shri. Vitthal Joshi (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) Consumer herein is one Shri Beruz R. Irani, Hotel Atithi , Charoti Naka , Nh 8, Taluka Dahanu, Dist. Palghar, having consumer no. 006000332052 (Commercial). Grievance is about bill dispute. Distribution Licensee tendered a provisional bill for Rs.23,69,433/- to consumer towards arrears difference. Consumer approached IGRC which in turn revised the same to Rs.13,85,289.14 Supply is disconnected.

3) Distribution Licensee in reply contends that it was revealed that consumption to the extent of '61997' units for period from Oct-2013 to May-2014 was not included in the bills. So this is a case of accumulated reading amounting to Rs.7,45,983/-. Further for the period April-2015 to Nov-2016 the multiplication factor was taken as 1 instead of 2. Hence addition of Rs.16,23,450/- was made. Thus total came to Rs.23,69,433/-.

4) We have heard both sides it can be seen from CPL that meter is shown faulty during the period from Nov-2013 to Apr-2014 and then from June 2014 to Nov-2016. In Dec-2016 meter was changed. This being so the accumulation from Nov-2013 to Apr-2014 is actual consumption but time barred. For the period Apr-2015 to Nov-2016 the meter being faulty actual consumption was not available. So Distribution Licensee has considered average consumption for subsequent period after meter replacement which is impermissible. Hence no question what multiply factor is applied. Recovery shown is illegal. Besides this there is bar of limitation of 24 month as per Section 56 (2) of IE Act.

5) In the above facts it is clear that the bill issued by the Distribution Licensee for Rs.23,69,433/- itself is wrong and is liable to be quashed.

Hence the order.

ORDER

- 1) Grievance application of consumer is here by allowed.
- 2) The bill for 23,69,433/- issued by Distribution Licensee to Consumer is hereby quashed.
- 3) Distribution Licensee to refund the part payments made with interest at the Bank rate from the date of payment by consumer till realization.
- 4) Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

Date: 28/11/2018

(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.*