



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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NO. K/E/1548/1823 of 2018-19

Date of registration : 21/02/2019

Date of order : 13/03/2019

Total days : 20

IN THE MATTER OF GRIEVANCE NO. K/E/1548/1823 OF 2018-19 OF SHRI.LAXMAN VITTHAL ZANJARE, A/3, NEW LAXMI VIHAR APPARTMENT, CHINCHPADA ROAD, KATEMANIWALI. KOLSHEWADI, KALYAN (E), PIN CODE- 421 006 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT BILLING DISPUTE.

Shri.Laxman Vitthal Zanjare,
A/3, New Laxmi Vihar Appartment,
Chinchpada Road, Katemaniwali,
Kolshewadi, Kalyan (E), Pin Code- 421 006

(Consumer No. 020850734144) . . . (Hereinafter referred as Consumer)

V/s.

Maharashtra State Electricity Distribution
Company Limited

Through it's Nodal Officer/Addl.EE.

Kalyan Circle-I, Kalyan

. . . (Hereinafter referred as Licensee)

Appearance : For Licensee - 1) Shri.V.B.Adake, AEE, Kalyan (E) S/dn.-III
2) Shri.Amol Gavade, LDC, Kalyan (E) S/dn.-III

For Consumer - 1) Savita Zanjare(C.R.)
2) Laxman Zanjare (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 the complaint are that :-

The consumer has electricity connection at his residence at Kalyan (E) from/since 1996 and his consumer no. is 020850734144. Consumer's contention is that the Licensee sent an electric consumption bill in the month of Sept-2018 to him for an amount of Rs.1,88,050.00 on account of electricity consumption charges in respect of the period from April-2016 to Sept 2018. The consumer requested Licensee's office to furnish the details and reasons for charging the said amount of Rs. 1,88,050.00. After his request and verifying the documents a bill for Rs.80,000/- was issued to the consumer in the month of Sept.-2018.

One more grievance of the consumer is that from May-2016 he is receiving excess bills due to wrong photo reading with wrong consumer number and wrong meter number. In this connection also he was making a continuous follow up with Licensee but his grievance was not sorted out. Consumer therefore approached IGRC but he did not get a satisfactory order from IGRC.

The consumer therefore approached CGRF and prayed that the bill issued in the month of Sept -2018 be set aside and a minimum bill be issued to him as per the norms of the law.

Consumer has also submitted that the Licensee negligent attitude has caused a lot of mental and physical harassment for which he should be compensated.

3) Notice was given to Licensee vide letter no.EE/CGRF/Kalyan/061 dt.25/02/2019 to which Licensee appeared before forum on date 06/03/2019.

Licensee filed it's reply stating that the said consumer meter is replaced in April 2016 with meter no. 03242783. However while feeding this number to the digital system Licensee (Katemanivali Section) fed meter no. 03242773 instead meter no. 03242783. So this consumer was getting wrong reading consumption as per other meter applied for billing purpose.

License also submitted that mistake in the meter number was rectified in the month of Sept-2018. The actual reading of the consumer's meter (No.03242783) was '12318' units in Sept. but wrongly he was billed for 4210 (meter no.3242773.)

It is also contended by the Licensee that a B-80 was prepared for the period 29 months (i.e. from April-2016 to Sept-2018) and a revised bill for Rs.78985/- is issued to the consumer in the month of Sept-2018.

4) We have heard the arguments of both the parties and have gone through the documents kept on record. According to our observation there are two issues in this complaint which are to be considered. Firstly whether the consumer is liable to pay the electricity charges for the period of 29 months (i.e. from Apr-2016 Sept--2018) Secondly whether the consumer is entitled for compensation.

In our opinion the claim of arrears made by the Licensee for 29 months is hit by the limitation prescribed under sub section (2) of Section 56 of the Electricity Act 2003. We find it proper to reproduce the said provision of law which is as under :-

(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 this context we observed that in the matter of recovery of arrears of electricity charges from the consumer the same has been restricted by the legislature to the extent of 2 years from the date when such sum became first due.

Hence we hold that Licensee is entitled to recover the amount for 24 months only prior to Sept-2018 and not beyond that period (i.e. from Oct-2016 to Sept-2018) without DPC and Interest.

5) We would also like to draw attention to the consumer's claim for compensation. In this connection we are of the opinion that a sum of Rs.500/- should be awarded towards compensation to the consumer as per the provision of 8.2 (5) of CGRF and Ombudsman 2005.

In view of the aforesaid discussion we pass the following order.

ORDER

- 1) The Grievance application of consumer is allowed.
- 2) The Licensee is entitled to recover the electricity charges in respect of consumer no. 020850734144 (Meter no.03242783) for a period of 24 months only i.e. from Oct-2016 to Sept-2018 only, that too without interest and DPC charges.
- 3) Licensee is directed to pay Rs.500/- towards compensation as mentioned in para no.5.
- 4) Consumer is allowed to pay the revised bill amount in 24 equal installments starting from Oct-2018.
- 5) The amount paid by the consumer towards bills on meter no.03242783 be deducted.
- 6) Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

Date: 13/03/2019

(Mrs.S.A.Jamdar)
Member
CGRF, Kalyan

(A.P.Deshmukh)
Member Secretary
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.