



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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NO. K/DOS/86/1824 OF 2017-18

Date of registration : 25/02/2019

Date of order : 13/03/2019

Total days : 16

IN THE MATTER OF GRIEVANCE NO. K/DOS/86/1824 OF 2017-18 OF SHRI.ISHWAR V.PATIL, HOUSE NO.613, ATMARAM NAGAR, AT POST VARAP, TAL - KALYAN, PIN CODE – 421 301 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT DISCONNECTION OF SUPPLY.

Shri.Ishwar V.Patil,

House no.613, Atmaram Nagar,

At post Varap, Tal - Kalyan,

Pin Code – 421 301

(Consumer No. 020091059593) . . . (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.D.D.Dhuwe, Dy.EE, CSD S/dn.

For Consumer - Shri.Rajput (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) Brief facts of the grievance application are that :

Consumer is having an electric connection for his residence since 21/09/2002. It is the contention of the consumer that he is staying in a chawl and is having a small single room.

Consumer has made a complaint regarding inflated bill in month of Sept-2018 according to him the excess amount billed as Rs.1,51,049/- is because of faulty meter.

Consumer further states that he received electricity bills with faulty, locked, inaccessible status for 38 months (i.e. from Aug-2015 to Sept-2018). It is the contention of the consumer that in spite of his continuous follow up with the Licensee his meter was not replaced, which is contrary to the rules and regulations of Hon'ble MERC.

Consumer also submitted that his use of electricity is quite low and therefore bills issued to him for the period from Aug-2015 to Sept-2018 are false/wrong.

It is further contended by the consumer that Licensee did not revise his bill, instead disconnected his supply without notice, for two days that too without notice.

It is the contention of the consumer that the bills issued to him by the Licensee on average basis and are paid by him. However the above negligence of Licensee caused mental agony and physical harassment for which consumer has asked to revise his bills per the provisions of 15.4.1 and also for compensation.

3) Notice was given to Licensee vide letter no.EE/CGRF/Kalyan/062 dt.27/02/2019 to which Licensee appeared before forum on date 06/03/2019.

4) Licensee submitted that faulty status bill is issued to the consumer from Aug-2015 to Mar-2017. There after consumer billed on average basis for 38 months. However this bill was revised by giving slab benefit and by crediting Rs.1,03,276/-. A bill of Rs.53,560/- is issued to the consumer. As consumer disputed this bill and did not pay the arrears hence his supply was disconnected.

Licensee further contended that as per the directions of the forum consumer's meter was tested in the lab but it was found O.K.

It is also submitted by the Licensee that consumer's supply was disconnected by pasting the disconnecting notice on his door.

It is claimed by the Licensee that consumer disputed bill has been revised by following the proper procedure and now consumer is entitled to pay the arrears.

After hearing the arguments and going through the documents on record we have observed that :

- i) CPL shows that bill were issued to the consumer on average basis from Aug-2015 to Sept-2018 (i.e. for 38 months)
- ii) A bill of accumulated 9600.00 units was issued to the consumer however this bill was revised and a slab benefit was given to him. CPL also shows that an amount of Rs. 1,03,276/- was credited.

- iii) Record also shows that a notice of disconnect for arrears of Rs.52,340/- was issued to that consumer. Which was pasted on consumer's door Licensee has produced a photo of it before the forum. However we have noted that.
- iv) Testing report on record dtd.05/03/2019 shows that meter is in working condition
- 5) Consumer in schedule 'A' has sought a relief that his bill be revised as per section 15.4.1 of Supply Code. But the meter test report shows that meter is in working condition. Hence it can not be treated as faulty meter and a relief under the provision of 15.4.1 of Supply Code can not be granted.
- 6) However while going through the record we have observed that the disputed bill issued by the Licensee is for 38 months and the provision under sub section (2) of section 56 of electricity Act. Does not allow the Licensee to recover the arrears for more than two years. Hence in this case Licensee is not entitled to recover the arrears for the entire 38 months. The said provision has been reproduced for reference as under :-

Sub section (2) of Section 56 of the Electricity Act 2003.

(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.

- 7) We would also like to draw attention consumer's claim of SOP. In this connect we would like to reproduce Regulation 12.2 of :

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.

As per this regulation consumer was supposed to file his claim for SOP on or before 60 days which is not done by the consumer. Hence his claim for SOP can not be taken into consideration.

8) In the light of the above observations we pass the following order.

ORDER

- 1) The Grievance application of consumer is partly allowed.
- 2) Licensee is entitled to recover the electricity charges in respect of consumer no. 020091059593 for a period of 24 months only i.e. from Oct-2016 to Sept-2018 only.
- 3) Excess amount if any paid by the Licensee be adjusted in the next ensuing bills of the consumer.
- 4) 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)
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.