



Consumer Grievance Redressal Forum, Kalyan Zone  
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**NO. K/DOS/84/1800 OF 2018-2019**

Date of registration : 02/01/2019

Date of order : 02/03/2019

Total days : 59

**IN THE MATTER OF GRIEVANCE NO. K/DOS/84/1800 OF 2018-2019 OF SHRI.BABA DEEPVAN KHANDE, H.NO.2115 VILLAGE PELHAR, TAL-VASAI, DIST. PALGHAR PIN CODE-401 202. REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT DISCONNECTION OF SUPPLY.**

Shri.Baba Deepvan Khande,  
H.No.2115 Village Pelhar,  
Tal-Vasai, Dist. Palghar,  
Pin Code-401 202.

(Con.No.001940362098)

... (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.V.M.Gokhale, AA, Vasai (E) S/dn.

For Consumer - Shri.Vaze (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 here is in the name of Shri.Baba Deepvan Khande, Con.No.001940362098 meant for 'Goshala' consumer in his grievance submits that :

- i) *That as up to the billing month of Aug.2016, the bills were issued as per progressive reading and the reading for the month of Aug.2016 was 18170.*
- ii) *From September 2016 till Feb.2018 i.e. for 18 consecutive months no reading was taken by MSEDCL and bills were issued @263units/m under the reason RNA or RNT which were paid regularly.*
- iii) *In the month of March 2018, the reading was taken as 24669 and the bill was issued for an accumulated consumption of 6499 units (24669-18170) for 19 months. Which is also admissible to us i.e. no complaint.*
- iv) *In the month of April 2018, the reading was taken and a provisional bill of 541 units was issued. The amount of this bill including past corers was Rs.25090/- which we paid on 22/05/2018 i.e. to say no outstanding dues up till this bill.*
- v) *In the month of May 2018, the reading was taken as 30354, past reading was 24669 and thus the bill was issued for 5685 units for 2 months for Rs.79580/-, as against which we made provisional payment of Rs.25000/- on 22/05/2018. The root cause of the complaint starts with this bill and onwards.*
- vi) *In the month of June 2018 the reading was taken as 40354 and bill issued for 10000 units for one month for Rs.163440/- bringing the total outstanding dues to Rs.243020/- including previous dues of the bill for May 2018.*  
***Naturally we could not afford to pay such a huge amount.***
- vii) *In the month of July 2018, the reading was taken as 42175 and bill issued for 1821 units for one month for Rs.25900/- bringing the total outstanding dues to Rs.268920/- including past dues. As against this again we paid Rs.25000 on 01/08/2018 to avoid disconnection.*
- viii) *In the month of Aug.2018, the reading was taken as 43064/- and bill issued for 889 units for one month for Rs.10930/- bringing the total outstanding dues to Rs.255170/- including past dues.*
- ix) *Finally MSEDCL advised us to challenge the meter. We paid testing fees of Rs.1180/- on 01/08/2018. The meter was removed for testing on 01/09/2018 of FR 43275 i.e. recording 211 units more after the bill of Aug2018. It was tested on 08/09/2018 and unfortunately reported as okay.*
- x) *The new meter was fixed on 01/09/2018 on IR 001 and its check reading as on 17/12/2018 was 1768 units. So the average comes around 500units/month.*
- xi) *The supply was disconnected illegally without any notice u/s 56(1) on 29/12/2018 though we were ready to pay Rs.25000 on account as intimated to MSEDCL vide letter dtd. 18/12/2018.*

***Having this background, let us go to the at a glance position of disputed bills,***

<b>Month</b>	<b>Current Reading</b>	<b>Previous Reading</b>	<b>Consumption</b>	<b>Period of the bill</b>	<b>Avg. Consumption/M</b>
May 2018	30354	24669	5685	2 months	2843
June 2018	40354	30354	10000	1 month	10000
July 2018	42175	40354	1821	1 month	1821
Aug. 2018	43064	42175	889	1 month	889

In this background consumer contends that his connection to be reconnected immediately after paying Rs.25,000/- and bill revision keeping rational view.

3) Notice was given to Licensee vide letter no.EE/CGRF/Kalyan/011 dt.02/01/2019 to which Licensee appeared and filed reply, in which Licensee contends that :

i) That, Shri Baba Khande (Consumer No.001940362098) H.No.2115, Village Pelhar, Tal-Vasai, Dist- Palghar having date of supply 14 Sept 2001, for the purpose of Residential used. MSEDCL used to issued bill to consumer on basis of meter reading & in month in which meter reading not available MSEDCL used to bill issue average consumption.

ii) That, in the month of March 2018, it has been observed that meter reading on meter No.05227527 consumer No.001940362098 is 38005 kwh but consumer was billed upto 18170 kwh. It is also observed that meter reading of 18170 kwh is appeared from energy bill of Sept 2016, from Sept 2016 to Feb 2018 consumer was billed on average basis of 263 units per month. As such accumulation of ( March 2018: 38005 – Sept 2016 :18170=19835 units). Which can be observed from image of meter of March 2018. The MSEDCL in order to avoid huge billed to consumer 6499 units in energy bill of March 2018. In April 2018 meter reading on as per image is 39501 kwh but MSEDCL should average bill of 541 unit. In May 2018 the meter reading as per image is 40286 kwh, the MSEDCL has debited 5685 unit to adjust accumulated consumption in the month of June 2018 as per image of meter reading of 41215 kwh was appeared on meter, the adjustment of 10000 units of accumulated consumption has been made in said energy bill. Thereafter in July 2018 adjustment of 1821 unit, in Aug 2018 adjustment of 889 units, in Sept 2018 adjustment of 4237 unit has been made to adjust to accumulate consumption for period of Sept 2016 to Sept 2018. In Sept 2018 Meter No.05227527 has been replaced with Meter No.03427411 as per final meter reading of consumer No.001940362098.( Meter No.05227527 final reading is 43275 kwh). The meter has been tested in lab and it was found Ok as per meter testing report. In view of fact, it can be observed that the current meter reading recorded as per image on meter No.05227527 in month of March 2018 is 38005 unit and previous reading as per energy bill is 18170 kwh which was same from Sept 2016.

*Hence the period of unbilled consumption is 19 months. (Sept 2016 to March 2018) The average monthly consumption comes to 1043.94 units, In March 2018 meter reading as per image is 38005 unit and as per meter replacement report of Sept 2018 Final reading is 43275 kwh. Thus for said period average monthly consumption comes to 958.18 unit per months.  $(43275 - 38005 = 5270 / 5.5 = 958.18)$ . As such bill given to consumer is respect of actual consumption during the period of Sept 2016.*

*iii) The bill rest for period of Sept 2016 to Oct 2018 is of accumulate consumption which remains to be billed to consumer the period of accumulate is respected upto 24 months and hence as per section 56 (2) electricity act 2003 said dues are recoverable in view of various E.O and CGRF. The meter is also found Ok in testing and hence the could not be case under 14.4.1 of MERC supply code 2005.*

*iv) That, in month of March 2018 actual reading as per image is 38005 unit, MSEDCL billed 6499 units. In respect of remaining unit 13336  $(38005 - 18170 = 19835 - 6499 = 13336)$  it is admitted that slab benefit for 19 months is remain to be given to consumer so also from March 2018 reading 38005 to 43275 of Sept 2018 for period of 5.5 months MSEDCL ready to give slab benefit to consumer if directed by CGRF.*

*v) It is submitted that consumer has consume electricity during aforesaid period which can be observed of image of meter, only due to same mistakes of not taking proper reading and feeding of accumulate reading found in March 2018. At once, the consumer should not be allowed to escape his liability to words electricity consumption of public under taking as like MSEDCL, which runs on public funds.*

4) We have gone through the documents filed and heard arguments from both sides. During the first hearing on date.09/01/2019 Consumer Representative requested for reconnection of the connection. After verifying the facts interim order was passed for reconnection after payment of Rs.25000/- towards part payment.

5) From the CPL it is clear that consumer billed on average i.e. R.N.T. from month of Sept-2016, reading was '18170'. In month of Mar-2018 consumer billed as per reading '24669' to which Licensee claims that the reading deliberately fed less to avoid excess bill to the consumer. As per photo reading on date 19/03/2018 reading was '38005'. The same mistake made by Licensee during the period of Apr-2018 to Sept-2018 i.e. instead of issuing bill as per reading they adjusted the reading to avoid excess billing to consumer. Licensee instead of recording correct reading tried to solve the issue in its own wrongful method. In fact Licensee should have issued correct reading bill in month of Mar-2018 only and slab benefit should have been given to consumer. Licensee replaced meter in month of Sept-2018 and tested it in lab, which found O.K. Licensee also produced the photographs of meter reading from Mar-2018 to Jun-2018 which is

also indicating that, the energy consumption recorded on meter is matching with the average billing period i.e. Sept-2016 to Mar-2018.

6) In last hearing on date 20/02/2019 Consumer Representative contended that accumulation period to be considered from Mar-2016 to Aug-2018 instead of Sept-2016 to Aug-2018 so that he can get benefit under section 56 (2) of IE Act 2003. We checked CPL for period of Mar-2016 to Aug-2016 which shows that the bills issued to consumer during the said period was as per reading only hence we cannot grant this benefit to the consumer. Consumer Representative could not produce any evidence, which proves that the said readings were wrong.

Consumer Representative further prayed to grant 24 installments for the payment of dues without DPC and Interest. The said prayer is in accordance with the Licensee circular regarding grant of installments hence granted.

Hence the Order

**ORDER**

- 1) The Grievance application of consumer is allowed.
- 2) Licensee to revise the bill for period Sept-2016 to Mar-2018 by giving slab benefit.
- 3) Licensee to revise the bill for period Apr-2018 to Sept-2018 as per available photo readings.
- 4) Bill issued after Sept-2018 should be as per reading of new meter.
- 5) Consumer to be granted 24 equal installment for payment of dues without interest and DPC. Amount paid against reconnection to be adjusted in subsequent installments.
- 6) Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

Date: 02/03/2019

(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.