



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
Ph- 2210707, Fax – 2210707, E-mail : cgrfkalyan@mahadiscom.in

NO. K/E/1534/1804 OF 2018-19

Date of registration : 17/01/2019

Date of order : 06/03/2019

Total days : 48

IN THE MATTER OF GRIEVANCE NO. K/E/1534/1804 OF 2018-19 OF SHRI.VIKAS NAGARDAS BHUTTA, HOUSE NO. 3035, SARVALI, VIKAS CLOTH STORES, THERMAL POWER ROAD, TAL-DAHANU, DIST.PALGHR, PIN CODE-401 602 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT BILLING DISPUTE.

Shri.Vikas Nagardas Bhutta,
House no. 3035, Sarvali, Vikas Cloth Stores,
Thermal Power Road, Tal-Dahanu,
Dist.Palghr, Pin Code-401 602
(Consumer No. 005560355922) . . . (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. Sharad Phadke, JE, Dahanu S/dn.
2) Shri. Hemraj, Patil, LDC, Dahanu S/dn.

For Consumer - Shri. N.R.Patel (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.Vikas Nagardas Bhutta having Consumer No. 005560355922. Only grievance is that no meter reading was taken from 2014. Hence SOP compensation be awarded as per Regulation 3 (ii) and Appendix 4 (ii).

3) Distribution Licensee in reply contends interalia that as per Regulation 12.2 proviso no complaint was made within 60 days of the SOP violation as such no such compensation can be awarded.

4) We have heard Distribution Licensee representation consumer sent written submission through mail. Regulation 12.2 runs thus :

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.

5) Now, consumer has not clarified on the point of limitation as mentioned in third proviso to Regulation 12.2. It is simply mentioned in the complaint "Application for compensation from 2014 as per Regulation 3 (ii) and Appendix 4 (ii) for not taking Reading and meter problem."

As can be seen from the IGRC order produced rectification was done in Nov-2018 as per order. It appears that reading was taken in Oct-2018. The present complaint has been filed on 17/01/2019. So the period even according to consumer when the reading was not taken ended in Sept-2018. That being so as per third proviso to Regulation 12.2 the SOP for the period has been claimed after period of 60 days.

6) The subsequent period comes from Nov-2018. November bill was produced which shows that no reading was taken But consumer has not produced the bill for the next month i.e. Dec-2018, because as per Regulation 9.1 the company has to record the meter reading at least once in two months. Here neither it is the case of the consumer that reading was not taken for Dec billing nor such bill copy is produced.

7) In the above facts the claim for SOP compensation for the period from 2014 to Oct-2018 is barred by third proviso to Regulation 12.2 and for the subsequent period consumer has failed to show that no reading was taken within period of two months.

8) Grievance fails.

Hence the Order

ORDER

Grievance is dismissed.

Date: 06/03/2019

(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.

