



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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NO. K/E/1533/1802 of 2018-19

Date of registration : 14/01/2019

Date of order : 27/02/2019

Total days : 44

IN THE MATTER OF GRIEVANCE NO. K/E/1533/1802 OF 2018-19 OF PRESIDENT CHANDRESH HILL, BLDG NO.7/8, BMC COLONY, NEAR GANESH APPARTMENT NALASOPARA (E), TAL-VASAI, DIST. PALGHAR , PIN CODE – 401 209 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT BILLING DISPUTE.

President Chandresh Hill,
Bldg No.7/8, BMC Colony,
Near Ganesh Appartment,
Nalasopara (E), Tal-Vasai,
Dist. Palghar , Pin Code – 401 209
(Consumer No. 001907393514)

... (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 - 1) Shri. L.U.Rane, AE, Achole A II Section.
2) Shri.D.A.Apandkar, UDC, Achole S/dn

For Consumer - Shri. J.S. 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) The Consumer herein is a society and this grievance application has been filed by its chairman. According to the consumer, 3 phase supply was sanctioned to it for water pump and a staircase on 01/10/2013. The grievance of the consumer is that the electricity bill dated Sept-2018 for the period from Dec-2014 to July-2018 for Rs.2,67,000/- received by it is excessive.

Consumer further states that earlier it has never received hard copy of the bills from the Licensee but has to take a copy from the internet and to pay the bill. Consumer stated that the bill received by it in the month of Sept-2018 had shown the unit consumption quite high as compared to the preceding years. This bill was disputed by the consumer and therefore requested not to resort to any coercive action of disconnection before settling this dispute. Consumer also requested to furnish a detail statement of unit consumption along with the bill.

Consumer further states that there was no communication from the Licensee. However Licensee disconnected the supply of the consumer society.

It is also contended by the consumer that for restoring the supply it had paid an amount of 50,000/- under protest. However connection was again disconnected on 14/01/2019. This time consumer again paid an amount of Rs. 10,000/- and requested Licensee to revise the disputed bill. As there was no response from the Licensee, consumer approached IGRC for getting the relief. But IGRC not passed any order nor took a hearing. Hence consumer approached forum and requested to revise the bill for an amount of Rs. 2,67,000/- for the period from Dec-2014 to July-2018.

3) Notice was given to Licensee vide letter no.EE/CGRF/Kalyan/20 dt.16/01/2019 to which Licensee appeared and filed reply, in which Licensee contends that.

- i) The consumer was billed for '70' units per month and reading of the Consumer was not taken because of change in processing cycle.
- ii) The bill has been revised as per assistant Engineer's report. According to this report, the disputed bill for the period from July-2017 to July-2018 (Period of faulty status) has been revised to '20350' units.
- iii) The Licensee further states that again manually bill has been revised from Dec-2014 to July-2018 and a effect of credit bill adjustment of Rs. 60623/- has been given to the consumer.

- iv) Licensee contended that as per CPL Consumer was many times billed as RNA I.E. faulty status. According to the Licensee on receipt of complaint lab testing was made and no defect was found in the meter.
- 4) We have heard the arguments of both the sides and have peruse the record kept before us. We have observed that,
- i) CPL shows that the bills issued to the consumer for the period from July-2016 to Oct-2018 were not of normal status. Sometimes the status was faulty or RNA or RNT. In view of these status for such a long period, we find the contention of consumer that it is not responsible to pay electricity excess bill, is correct.
- ii) A high bill of Rs.2,70,380/- was issued to the consumer and consumer was forced to make a part payment under the threat of disconnection.
- iii) In spite of consumer's request not to disconnect, it's supply was disconnected for two times.
- iv) No response was given by the Licensee to the repeated follow-up of consumer.
- v) Moreover we have also noticed that the excess bill issued by the Licensee in Sept-2018 of Rs.2,70,380/- is for the period of approximately four and half years. (i.e. From Dec-2014 to July-2018). We are of the opinion that as per the provision of 56 (2) Licensee cannot recover the arrears from the consumer for more than 2 years. In this case Licensee can recover the arrears from August-2016 to July-2018 only. As per average of '393' units/month (Initial reading in Oct-2013 was 1 and reading taken in month of July-2018 is 22800 hence average consumption per month is $22799/58 = 393$ units)
- In the light of the above observations we pass the following order.

ORDER

- 1) The Grievance application of consumer is allowed.
- 2) Licensee to revise the disputed bill and issue a fresh bill to the consumer for 24 months only (i.e. From August-2016 to July-2018). As per average of 393 units/month.
- 3) Licensee is also directed to waive DPC and interest on this amount.
- 4) Licensee is also directed to deduct the amount already paid by the consumer from this fresh bill.
- 5) Consumer to pay this amount in 4 installment along with the current bill.
- 6) Licensee to issue regular bill as per reading from August-2018.

- 7) Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

Date: 27/02/2019

(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.