



Consumer Grievance Redressal Forum, Kalyan Zone  
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301  
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**NO. K/DOS/101/1857 of 2018-19**

Date of registration : 20/03/2019

Date of order : 16/04/2019

Total days : 27

**IN THE MATTER OF GRIEVANCE NO. K/DOS/101/1857 OF 2018-19 OF M/S CHETANA GARDEN RESTAURANT & HOLIDAY, H.NO.507 AT POST ONDE, TAL VIKRAMGAD, DIST.PALGHAR, PIN CODE – 401 605 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT DISCONNECTION OF SUPPLY.**

M/S Chetana Garden Restaurant & Holiday,  
H.No.507 At Post ONDE,  
Tal Vikramgad, Dist.Palghar,  
Pin Code – 401 605

(Consumer No. 008270001824) . . . (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 - Shri.Vilas Patil, AE, Vikramgad S/dn., Palghar

For Consumer - Shri.Milind Patil (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 M/S Chetana Garden Restaurant & Holiday Centre, Tal-Vikramgad, Dist. Palghar having consumer no. 008270001824. Grievance is that meter was changed without notice to consumer in Dec-2017. Consumer had been receiving bill on which reading was according to old meter. Consumer never received bill by the meter reading.

3) Consumer further states that he has been running a Restaurant for the last 15 years. Previously he used to get a bills of Rs.16,000/- to 18,000/- Now he has been getting bills for Rs.50,000/- per month approximately. Consumer states that supply is disconnected. There are no prayers mentioned in the application.

4) Distribution Licensee in reply contends that electricity supply was sanctioned to the consumer for commercial purpose vide consumer number above referred. That in the month of Nov-2017, with the policy of implementing of new meters having Automatic meter reading (AMR) the old meter no. MSE 24193 was replaced on 14/11/2017 with new AMR meter no.5791913. The online replacement report was submitted on 14/11/2017 to IT section. But due to some technical problem new meter was not appearing on the energy bill. An issue was therefore raised to IT Department.

5) Distribution Licensee further states that the new meter appeared on energy bill in June-2018 but still meter reading was not appearing on energy bill.

6) Distribution Licensee further states that again on 29/03/2019 they wrote to IT Department and IT Department is working on the issue and actual meter reading with adjustment of average billing will be reflected in next ensuing energy bill.

7) Distribution Licensee further states that from Dec-2017 till Mar-2018 MSEDCL used to issue the energy bill on average basis. The AMR report of new meter '5781931' is available from first reading in Jan-2018 till Mar-2019. From Nov-2018 to Jan-2019 when 1st reading was available the reading was '4108' and in Mar-2019 the reading was '42035' as such total consumption was arrived at '41533' units for the period from Nov-2018 to Mar-2019. As against which consumer was averagely billed for total '39073' units for the entire period. As such consumer was billed less than the actual consumptions.

8) Distribution Licensee further states that meter was also got tested on 12/11/2018 by testing Division and is found to be OK. No defect is found in the meter.

9) Distribution Licensee further states that consumer did not pay the energy bill and even the cheque for Rs.1,00,000/- given by the consumer towards the bill is dishonored. As such on the basis of notice issued on 04/08/2018 his supply was disconnected on 13/03/2019.

10) We have heard both sides. Consumer has been running a Restaurant and Holiday home at a small tourist center Vikramgad. He has the commercial supply connection. It is seen in the facts that meter was replaced a 14/11/2017 with Automatic meter Reading facility. But unfortunately due to some technical problem the meter reading of the new meter was not being reflected on the bills. Consumer was being billed on average basis. AMR of new meter was available showing the actual total consumption. Distribution Licensee issued the bills of actual consumption after adjusting the average bills already paid. Consumer is not ready to pay the same. Even the cheque issued for Rs.1,00,000/- towards the arrears was dishonored. Meter is got tested and was found OK. Consumer in such circumstances could not evade payment of bills on some pretext.

11) Consumer wants to say that the meter replacement was done without any notice to him. No grievance of the same was made by the consumer about the same at that time. Distribution Licensee contends that consumer was explained everything including the technical difficulty in not showing the new meter reading on the bill. It appear from that the facts the consumer was aware of entire position and in fact for the period from Apr-2018 to Mar-2019 he has merely paid 40,000/-. Even his cheque for Rs.1,00,000/- was dishonored. Consumer has benefited himself by not paying even average bills regularly and paid just Rs.40,000/-in the period of twelve months.

12) About the cheque dishonor he wants to say that as MSEDCL did not keep up the promise he stopped the payment which appears to be totally false in view of his further statement that MSEDCL presented the cheque again on 10/04/2019 and got the cheque be encashed. How can a stopped cheque be encashed. It appears as if consumer has been making statements suitable for his varied positions.

13) Consumer makes a point also that MSEDCL all of a sudden and without prior notice changed the old meter and installed new meter bearing no. 065-05791931 in the month of Nov-2017 and thereafter huge bills were being issue. He says he made some payments and made complaints to officers of MSEDCL. Then they issued a demand notice dt.04/08/2018 for Rs.1,51,960/- as the arrears from May-2018 till July-2018 without any explanation about the arrears. Consumer however paid Rs.40,000/- towards the bill. He made a complaint in writing dt.08/08/2018. Also he made another complaint for testing meter. Consumer further states that in the month of Feb-2019 he issued a cheque for Rs.1,00,000/- towards security and assured him to solve issue of improper reading taken of consumption. Keeping trust is then he issued cheque but as promise was not kept he informed the bank not to honor the cheque.

14) It is to be noted here that the Distribution Licensee admits that there was some technical difficulty about the reading coming on the bill. They had explained it to consumer. But then the AMR was available and the actual consumption could be known. As such billed the consumer for the actual consumption. Distribution Licensee contends that everything was explained to the consumer and he did issued the cheque for Rs.1,00,000/- but it was dishonored. It is to be noted

in this context that consumer now make grievance that meter was replaced without notice and without showing the first reading. He did not make of grievance of the same at that time. The claim of the officers that they had explained to the consumer everything appears probable. AMR clearly shows the first reading taken for Dec & Jan '4108' units which tallies with average monthly actual consumption.

15) It is true however that a huge bills of arrears has been issued. Now that the cheque for Rs.1,00,000/- has been encashed by Distribution Licensee on 10/04/2019. This being so electric supply should be restored and the consumer should be given installments to pay the balance.

Hence the Order

**ORDER**

- 1) The Grievance application of consumer is partly allowed.
- 2) Supply be reconnected.
- 3) Distribution Licensee to grant to consumer 6 installments for the payments of arrears along with current bills.
- 4) Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

Date: 16/04/2019

(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.