



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/DOS/93/1841 OF 2018-19

Date of registration : 13/03/2019

Date of order : 16/04/2019

Total days : 34

**IN THE MATTER OF GRIEVANCE NO. K/DOS/93/1841 OF 2018-19 OF M/S RAJAI CONSTR.CO.,
FLAT NO.405/D, RAMAYAN NAGAR, DHARAMDAS MARG, ULHASNAGAR-3, DIST.THANE, PIN
CODE – 421 003 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE,
KALYAN ABOUT DISCONNECTION OF SUPPLY.**

M/s Rajai Constr.Co.,
Flat No.405/D, Ramayan Nagar,
Dharamdas Marg, Ulhasnagar-3,
Dist.Thane, Pin Code – 421 003
(Consumer No. 021510591957) . . . (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 - 1) Shri.H.J.Gothwad, AEE, Ulhasnagar-III S/dn.
2) Shri.R.B.Joshi, AA, Ulhasnagar-III S/dn.
3) Shri.S.B.Nalawade, AE, Section-I, Ulhasnagar-III 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) Brief facts of the grievance application are that :

M/s Rajai Constr.Co., is a consumer having residential connection with consumer No. 021510591957 situated at Flat No.405/D, Ramayan Nagar, Ulhasnagar. Electric supply was given to the consumer 17/05/1991.

Contention of the consumer is that the meter installed to his premises was not showing correct meter reading and was showing progressive reading without any load. After a continuous follow up with the Licensee his meter was replaced but the accumulated bill issued to the consumer, prepared on average basis, was not revised by the Licensee.

3) It is further contended by the consumer that Licensee issued him a disconnection notice dtd. 02/03/2019 and asked him to pay an amount of Rs.20,700/- (i.e. the bill for the month of Jan-2019) within 15 days. Consumer therefore approached this forum with a request to give direction to Licensee.

- i) Not to disconnect his supply.
- ii) To revise the disputed bill.
- iii) To give compensation.

4) Notice was given to Licensee vide letter no.EE/CGRF/Kalyan/091 dt.13/03/2019 to which Licensee appeared and filed reply on 20/03/2019.

5) Licensee submitted that consumer is in arrears of Rs.23,340/- from Sept-2018. The energy bill amount has not been paid by the consumer from 26/09/2018. Hence Licensee has issued a disconnection notice to the consumer on 02/03/2019.

6) As per consumers request his meter no. 75314092 was tested in the lab on 11/10/2018 and this meter was found stopped, hence the meter was replaced immediately by meter no. 7641308765.

7) Licensee further stated that the load used by the consumer is as under :

Bulbs-4, Tube light -4, AC-2, Geyzer-1, Licensee submitted that the bill issued to the consumer is correct as per his load, hence claim of the consumer be rejected.

We have gone through the documents placed before us and also heard the arguments of both the parties. Our observations are :

- i) Accumulated bill has been issued to the consumer for the month of Dec-2018 amounting to Rs.18217.73.
- ii) Licensee has not responded to his follow up and did not resolved the issue of the consumer.
- iii) B-80 has not been done by Licensee towards this disputed bill.

iv) Test report dtd.11/10/2018 on record shows that status of meter is stop. Assistant Engineer has remarked on this test report that meter reading found progressive when supply is not connected to the meter and recommended to get the meter tested from the company.

8) Meter test report on record dtd. Dec-2018 from L and T reads as under :
“Meter was recording energy under “**Neutral missing condition**” without supply and load which clearly shows that meter was not in working condition and it should be treated as stop meter.

Taking into consideration the above two reports. It will be proper to direct the Licensee to revise the disputed bill of the consumer as per the provision of 15.4.1 which reads as under.:

15.4.1 *****

Provided further that, in case the meter has stopped recording, the consumer will be billed for the period for which the meter has stopped recording, up to a maximum period of three months, based on the average metered consumption for twelve months immediately preceding the three months prior to the month in which the billing is contemplated.

9) We have also noted the contention of Licensee that consumer has not deposited the energy bill amount since 26/09/2018 and the arrears amount of energy bill for the month of Feb-2018 is Rs. 23,340/-. However we have also observed that Licensee has not taken any effort to revise his bill as per the procedure. Thus we do not find any reason to disallow the claim of consumer regarding revision of bill.

Hence the Order

ORDER

- 1) The Grievance application of consumer is allowed.
- 2) Licensee is directed to issue a revised bill for the month of Oct-2018 to Dec-2018 to the consumer as per the provision of 15.4.1 of supply code mention above.
- 3) Licensee is directed not to add DPC or interest in the revised bill.
- 4) Consumer is permitted to pay arrears shown in the revised bill in equal monthly installments along with current bill. In consumer commits any default in payment of any installment, then liable to pay interest as per bank rate.
- 5) Consumer claim of SOP can not be taken into consideration it was not made within 60 days from the date of cause of action as per the provisions of 12.2 of MERC Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005.

- 6) 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.