



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/1558/1844 OF 2018-19

Date of registration : 15/03/2019

Date of order : 08/05/2019

Total days : 54

IN THE MATTER OF GRIEVANCE NO. K/E/1558/1844 OF 2018-19 OF SHRI.BHAGWAN H.RAJAI, HOUSE NO. 302, S.NO.130, VILLAGE KAMBHA, VARAP, TAL-KALYAN, DIST.THANE, PIN – 421 301. REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT BILLING DISPUTE.

Shri.Bhagwan H.Rajai,
House No. 302, S.No.130,
Village Kambha, Varap,
Tal-Kalyan, Dist.Thane, Pin – 421 301.

(Consumer No. 020061074750) . . . (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 - Shri.D.D.Dhuwe, Dy.EE, CSD S/dn.

For Consumer - Shri.Bhagwan H.Rajai (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 Shri.Bhagwan H.Rajai having consumer no. 020061074750. Grievance is of receiving exorbitant bill of Rs.9,07,520/- showing P.T. missing. However MSEDCL has not shown any firm evidence in that respect. In the meantime MSEDCL deliberately disconnected the supply in Dec-2018 without prior notice causing huge monetary loss to consumer.
- 3) Consumer prays that the impugned provisional bill be quashed and the amount deposited toward the same be refunded to him. Also compensation be awarded towards mental stress.
- 4) **Distribution Licensee in reply submits that :**
- i) *Connection given to the consumer for commercial purpose on dated 19.06.2003.*
 - ii) *The voltage missing case was detected during the inspection carried out on dated 16.08.2018 and it was noticed that meter is recording only 33% of actual consumption.*
 - iii) *As per MRI data of the meter it is being noticed that R & Y phase PT is missing since 02.10.2017. During this period from 02.10.2017 to 16.08.2018, the meter recorded only 35394 units having per day consumption of 111.30 units.*
 - iv) *Healthy period average of the energy unit from SEPT 16 to SEPT 17 total 118242 units billed for 365 days, and average per day consumption is 323.95 units and for 30 days 9718.52 units.*
 - v) *Bill for the 66% less recorded units i.e. 70800 units was issued to the consumer on dated 24.08.2018.*
 - vi) *Notice was issued to the consumer for payment of the raised bill on 16.11.2018.*
 - vii) *Meter of the consumer was replaced on dated 27.11.2018 and new meter (Sr. no. MHD06795, Secure Make) installed with the initial reading 11582 kWh and the reading of dated 20.12.2018 is 15507 making per day consumption for 22 days is 178.41 units.*
 - viii) *Accordingly consumer representative visited the subdivision office and assessed bill is explained to consumer on 15.12.2018.*
 - ix) *Consumer has approached to Consumer Forum Court on 16.11.2018 with case no. 613/2018, on 16.01.2019 under consumer courts grievance order consumer was told to pay the 50% of assessment amount i.e 453760/-. Notice for the same was issued to consumer on 31.01.2019.*
 - x) *Consumer contacted this office on 15.02.2019 with letter of paying 50% amount under protest and 50% of bill of Rs. 453760/- was paid on 16.02.2019.*
 - xi) *On 18.02.2019 case was withdrawn by the consumer from Consumer forum. And with reference to that on 27.02.2019 consumer were given a notice for payment of remaining 50% assessment amount. Acceptance of notice was resisted so, the notice was pasted on consumer's premises for amount Rs. 453760/- .*
- 5) We have heard both sides. It can be seen from reply filed by MSEDCL and the documents produced that this is clear case of missing voltage due to R & Y phase PT missing. It is revealed that during the period from 02/10/2017 to 16/08/2018 the meter recorded only '35394' units

having per day consumption of 111.30 units. Healthy period from Sept-2016 to Sept-2017 was considered and 66 % of less units recorded were calculated and accordingly provisions bill was prepared and issue. We do not see any illegality in the action taken by MSEDCL upon having detected the missing voltage.

xii) So far as notice is concerned it is revealed that the same was resisted and hence it was pasted on the premises. There was no much objection raised for this submission on behalf of consumer.

xiii) Above being the state of affairs there is one thing in which however MSEDCL has failed and i.e. granting of installments. Hence we grant the same here.

Hence the Order

ORDER

- 1) The Grievance application of consumer is partly allowed.
- 2) MSEDCL to grant ten installments to consumer to pay the provisional bill.
- 3) The amount of Rs.4,53,760/- already deposited to be adjusted towards the installments and after that money is exhausted further installments will start.
- 4) No interest & DPC.
- 5) Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

Date: 08/05/2019

(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.