



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/1580/1891 OF 2019-20

Date of registration : 07/05/2019

Date of order : 04/06/2019

Total days : 29

IN THE MATTER OF GRIEVANCE NO. K/E/1580/1891 OF 2019-20 OF SHRI.SURESH K.BHAVNANI, SONA APPARTMENT, FLAT 604, A/39 ROOM NO. 230 239 & 232 ULHASNAGAR-1, PIN CODE-421 001. REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT BILLING DISPUTE.

Shri.Suresh K.Bhavnani,
Sona Apartment, Flat 604,
A/39 Room no. 230 239 & 232,
Ulhasnagar-1, Pin Code-421 001
(Consumer No.021510501150)

... (Hereinafter referred as Consumer)

V/s.

Maharashtra State Electricity Distribution
Company Limited
Throughit'sNodal Officer/Addl.EE.
Kalyan Circle-II, Kalyan

... (Hereinafter referred as Licensee)

Appearance : For Licensee - Shri. J.L.Borkar. AEE, Ulhasnagar-I S/dn.

For Consumer - Shri. J.S. Rajput (C.R.)

[Coram- ShriA.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 Redressal 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 Shri. Suresh K. Bhavnani having single phase residential connection at Ulhasnagar vide Consumer No. 021510501150. Contention of Consumer Representative is that consumer meter is faulty since Dec-2018, but replaced in month of Oct-2018. High bill issued during disputed period. Bill to be revised as per supply code regulation 15.4.1 for 3 months only and refund excess recovered bill with interest. SOP to be granted for mental and physical harassment.
- 3) Notice was given to Licensee vide letter no. EE/CGRF/Kalyan/207 dt. 07/05/2019 to which Licensee appeared and filed reply on 21/05/2019.
- 4) Distribution Licensee in its reply contends that on 26/06/2018 consumer complained about meter faulty accordingly on 26/06/2018 spot inspection done in which meter found faulty. The last reading on dt. 05/06/2018 was available i.e. 40895 and slab benefit given for month of Apr-2018 to Jun-2018 for Rs. 10,580/-. Meter replaced on dt. 20/10/2018 as per availability. Again spot verification done on 26/11/2018 as per consumer oral complaint and bill revision done for period July-2018 to Nov-2018 as per '429' units/month and credit of Rs. 38,285/- given to consumer. The said credit given in month of Apr-2019 IGRC passed order on 19/01/2019 and consumer bill for period 20/10/2018 to 21/12/2018 rectified as per new meter reading only. Amount of Rs. 8560/- credited to consumer in month of Apr-2019. Consumption for period 02/10/2018 to 20/10/2018 is '288' units remain unbilled and it will be added in month Jun-2019.
- 5) We heard both sides and gone through the documents submitted. From CPL it is clear that meter was faulty from Jul-2018 to Nov-2018. In month of Dec-2018 meter replaced and consumer billed on normal. From meter replacement report meter replaced on 20/10/2018 and Distribution Licensee has rectified bill for period 20/10/2018 to 21/12/2018 as per meter reading. Now the question is how to apply supply code regulation 15.4.1? Consumer first complained on 26/06/2018 regarding faulty meter. Distribution Licensee verified it by spot verification and declared meter faulty. As per regulation 15.4.1 Distribution Licensee can adjust the bill for 3 months prior to month in which dispute has arisen. In this case bill prior to consumer application was normal Distribution Licensee has replaced meter on 20/10/2018 after laps of 4 months. So far as the period from the date of application of the consumer viz 26/06/2018 to date of replacement of meter i.e. Oct-2018 is concerned, there is no provision for calculating the bill. It was incumbent upon the Distribution Licensee to inspect the meter immediately after receipt of complaint failing which Distribution Licensee is not entitled to recover the bills for the period from 26/06/2018 to 20/10/2018.
- 6) As far as SOP/compensation is concerned consumer has not made any application of SOP within 60 days from cause of action in view of SOP regulation 12.2 hence SOP can not be granted.

Hence the order

ORDER

- 1) The Grievance application of consumer is hereby allowed.
- 2) Distribution Licensee to refund the bills recovered for the period from 26/06/2018 to 20/10/2018.
- 3) Compliance is made within 45 days and report be made within 60 days from the date of receipt of this order.

Date: 04/06/2019

(Mrs.S.A.Jamdar)
Member
CGRF, Kalyan

(A.P.Deshmukh)
Member Secretary
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, KeshavBldg, BandraKurlaComplex,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.