



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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NO. K/DOS/136/1932 OF 2019-20

Date of registration : 09/08/2019

Date of order : 11/09/2019

Total days : 33

IN THE MATTER OF GRIEVANCE NO. K/DOS/136/1932 OF 2019-20 OF SHRI.GULABRAO DEORAO ATHAVALE, H.NO.586, S. NO. 36/03, AT PACHAVA MAIL, POST – VARAP, TAL. KALYAN, DIST. THANE, PIN CODE – 421 306 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT DISCONNECTION OF SUPPLY.

Shri.Gulabrao Deorao Athavale,
H.No.586, S. No. 36/03,
At Pachava Mail, Post – Varap,
Tal. Kalyan, Dist. Thane, Pin - 421 306
(Consumer No. 020063080633)

... (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 - Smt.Aparna Shelar, J.E., Const.S/dn.

For Consumer - Shri.Gulabrao D. Athavale (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 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.Gulabrao Deorao Athavale is having residential connection at Kalyan. Main contention of consumer is that, his meter was replaced without giving any notice. Bills were issued without taking proper reading. Supply was disconnected on 07/02/2019 without notice. Distribution Licensee was reluctant to accept application and not replying properly. Consumer Representative demands Bill revision and compensation for mental harassment.

3) Notice was given to Licensee vide letter no.EE/CGRF/Kalyan/345 dt.09/08/2019 to which Licensee appeared and filed reply on 14/08/2019.

4) Distribution Licensee in its reply contends that supply was given to consumer on 16/07/2002 with meter no. 8022811. Consumer meter was replaced in Mar-2013 with meter no.789232 of Rolex Company. Bill for month of Oct-2018 is generated for 39 months for '15179' units, as the meter being inside reading could not be taken. Bill of Oct-2018 was revised in the month of Mar-2019. Slab benefit is given for 67 month (from month of meter replacement). Total amount of Rs.42138.56 is credited to consumer in Feb-2019. (Rs.39,576/- for slab benefit plus 2562.56 for interest and DPC) Average of '1264' units is charged from Dec-2018 to Feb-2019, which is credited in Mar-2019 bill. Consumer supply was disconnected due to non payment of bill in Mar-2019. Final bill of Amount Rs. 78046.00 is correct.

5) During the hearing on date 14/08/2019 interim order was passed to reconnect the connection after payment of part payment of Rs.20,000/-. During detailed hearing Distribution Licensee contended that connected load of consumer is 2.061 kw and according to this average use of consumer should be '406' units/month. Distribution Licensee also submitted calculation sheet for 24 months as directed by forum during previous hearing. Distribution Licensee also submitted meter testing report which shows that meter was recording less reading by 16 % Distribution Licensee also submitted that connection of consumer is reconnected on 20/08/2019.

From the CPL, consumer is billed for 39 month in month of Oct-2018, but if we check CPL, the consumer reading not taken since meter replacement i.e. from Mar-2013. If we consider the total accumulated unit '15179' was for 67 months, then the average per month consumption is 226.55 units. As per our opinion this average consumption should be considered for calculation of bill and meter slowness is 16% hence the monthly average is 269.70 i.e. 1) '270' units/month. As per IE Act 2003 section 56 (2) Distribution Licensee cannot recover assessment for more than 2 years. Hence Distribution Licensee to revise the bill of consumer for period Nov-2016 to Oct-2018 considering average of '270' units/month. Consumer meter replaced in month of Dec-2018 with new meter and consumer meter made permanent disconnection on 07/02/2019. Consumer produced meter reading at the time of permanent disconnection, it is '94' hence bill from dec-2018 till permanent disconnection date to be revised as per reading for '94' units only. As far as consumption for the month of Nov-2018 is concerned it is to be revised as per average '270' units. No compensation as Distribution Licensee has already revised bill for 67 months.

Hence the order

ORDER

- 1) The Grievance application of consumer is hereby allowed.
- 2) Distribution Licensee to revise the bill for period Nov-2016 to Feb-2019 as explained in Para no.5.
- 3) Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

Date: 11/09/2019

Sd/-
(Mrs.S.A.Jamdar)
Member
CGRF, Kalyan

Sd/-
(A.P.Deshmukh)
Member Secretary
CGRF, Kalyan

Sd/-
(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 KurlaComplex,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.