



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/1604/1936 OF 2019-20

Date of registration : 26/08/2019

Date of order : 27/09/2019

Total days : 32

IN THE MATTER OF GRIEVANCE NO. K/E/1604/1936 OF 2019-20 OF SHRI.SHANKARLAL G.SACHDEV BAKARY, BK 279, R.NO.8, ZULELAL, RD ULHASNAGAR-2, DIST. THANE, PIN CODE – 421 002 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT DISCONNECTION OF NOTICE.

Shri.Shankarlal G.Sachdev,
Bakary, BK 279, R.No.8, Zulelal,
RD Ulhasnagar-2, Dist. Thane,
Pin Code – 421 002

(Consumer No. 021514001607) . . . (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.M.S.Gavali, AEE, Ulhasnagar s/dn.– II
2) Shri.H.D.Sabale, AA, Ulhasnagar s/dn.– II

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

[Coram - 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) The brief facts of the grievance applications are :

Consumer herein Shri.Shankarlal G.Sachdev is having connection for Bakery purpose since year 2002 at Ulhasnagar. Consumer Representative contends that he is paying commercial bill since year 2002 but the bakery falls under Industrial category. The fact came to notice when he received high bill due to M.D. Shoot. Hence Consumer Representative demands refund of excess collected bill along with interest. Consumer Representative further contends that his meter jumps from 06/07/2019 and giving more reading. M.D. of meter also shoot up, MRI data not downloaded for last 12 months. Hence Consumer Representative demands revision of bill as per previous 12 months average.

3) Notice was given to Licensee vide letter no.EE/CGRF/Kalyan/350 dt.16/08/2019 to which Licensee appeared and filed replied on 21/08/2019 and 04/09/2019.

4) Distribution Licensee in its reply contends that, meter of the consumer tested in MSEDCL lab and meter found O.K. in testing, hence bill issued to consumer is correct. Secondly consumer given application that his use is for Industrial purpose but he has not submitted online application as per rules. Consumer and Consumer Representative were informed to submit online application for change of tariff Accordingly Consumer Representative Shri. Rajput applied online for change of tariff on 22/07/2019. The tariff will be changed in the month of Sept-2019 bill. Distribution Licensee also contends that consumer has never applied for change of tariff in past and never informed about change of usage, hence Distribution Licensee is not at fault for change of tariff.

5) We have gone through the documents filed and heard the arguments. On 11/09/2019 during hearing Distribution Licensee informed that consumer tariff is changed in month of Aug-2019 and bill for the month of Jul-2019 is already revised as per Industrial tariff. Now in regard to refund of tariff difference. We are of the opinion that consumer never applied for change of tariff in the past and keep on paying the bills regularly, Consumer Representative also agrees that they never applied for change of tariff in past. That being so, unless the user informed the activity to Distribution Licensee after coming in to picture, Distribution Licensee cannot be expected to know about the nature of activity. If they ask for retrospective operation of tariff Distribution Licensee will be prejudiced in their right to verify actual usage for the period gone by. In view of the matter the change of tariff can be effected after the online application dated 22/07/2019 made by Consumer Representative and not retrospectively.

6) So far as M.D. Shoot up issue is concerned we instructed to Distribution Licensee to download the MRI data for last 6 months. Distribution Licensee informed by mail that MRI data could not be downloaded. Testing report is showing meter found in order. Consumer Representative not produced any evidence showing that existing meter is shoot up. In this

situation more a statement that, meter has shoot up in month of Jun-2019 does not hold good, because the same meter again recorded less units in month Jul-2019 i.e. '257' units. Hence the bill cannot be revised Distribution Licensee has already changed tariff in second cycle hence No SOP can be granted.

Hence the order

ORDER

Grievance application is dismissed.

Date: 27/09/2019

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

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

**** (In the sitting of Forum, the Chairperson is not available. As per MERC Regulations (2006), Clause 4, the technical member shall be the Chairperson of such sitting in which Chairperson is not available and hence in the present case, the technical member performed the role of Chairperson of the Forum).**

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.

