



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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NO. K/E/1606/1938 OF 2019-20

Date of registration : 26/08/2019

Date of order : 02/12/2019

Total days : 98

IN THE MATTER OF GRIEVANCE NO.K/E/1606/1938 OF 2019-20 OF MR.GANESH DADU MEHAR, KATHEPADA, NAVAPUR, VILLAGE VATAR, TAL – VASAI, DIST.PALGHAR, PIN CODE – 401 202 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT BILLING DISPUTE.

Mr.Ganesh Dadu Mehar,
Kathepada, Navapur, Village Vatar,
Tal – Vasai, Dist.Palghar,
Pin Code – 401 202

(Consumer No.001600016268 LT-II Comm.) . . . (Hereinafter referred as Consumer)

V/s.

Maharashtra State Electricity Distribution
Company Limited

Throughit'sNodal Officer/Addl.EE.

Vasai Circle, Vasai

. . . (Hereinafter referred as Licensee)

Appearance : For Licensee - Shri.K.B.Zarkar, AEE, Nalasopara (W) S/dn.

For Consumer - Shri.Ramchandra Pandey (C.R.)

[Coram- Shri.A.P.Bhavthankar -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 complaint no. 1938 of 2019, Mr Ganesh Dadu Mehar, Kathepata, Navapur Village Vatar, Tal Palghar, Dist Thane Pin Code- 401 202 V/s Addl. Executive Engineer, Nalasopara (W) S/dn. Consumer Mr.Ganesh Dadu Mehar having consumer no. 001600016268 was previously having electricity connection, and the applicable tariff was LT AG-63 (Consumer no.001651437861). However in the month of Feb-2017 it was noticed by the Flying Squad that the consumer is using the supply for resort from Agriculture connection. Hence a provisional bill was issued to the consumer which was paid by the consumer.

Consumer contended that when the Licensee initiated action under 126 against the consumer, consumer made an application for new commercial connection on 24/04/2017. In this connection the consumer submitted an under taking that he will carry out the entire work as per MSEDCL's specification and under MSEDCL's supervision charges.

There after Licensee served FQ on 9th Oct 2017 by making a delay of 24 weeks. Consumer submitted that he paid the amount of FQ along with test report on 25/10/2017 and electricity connection was installed on 17/12/2018. According to consumer as per SOP delay of 7.58 weeks has been caused by the Licensee.

One more grievance of the consumer is regarding installation of faulty meter which was replaced after 29 days by installing another faulty meter. Consumer therefore lodged a complaint for exorbitant billing, PF penalty etc. It is the contention of the consumer that though the PF penalty has been withdrawn his other grievances are not sorted out by Licensee. More over Licensee threatened to disconnect his supply.

Consumer therefore approached the forum with the request to give direction to the Licensee.

- i) To give SOP compensation for delay of FQ for 24 weeks.
- ii) To give SOP compensation for delay of new connection for 7.5 weeks.
- iii) To resolve the billing dispute.
- iv) Meter no.02285 to be replaced by new meter.
- v) Meter no.02285 to be tested and the bill be revised accordingly.
- vi) To refund the infrastructure cost, for work done for release of new commercial connection.
- vii) To direct Licensee to give Rs.10,000/- towards compensation.

3) Notice was given to Licensee vide letter no.EE/CGRF/Kalyan/356 dt.26/08/2019 to which Licensee appeared and filed reply on 18/09/2019.

4) In its reply Licensee stated that, though consumer had applied for new connection on 24/04/2017 Licensee by it's letter dated 03/05/2017 informed the consumer to pay the provisional bill issued by Licensee under section 126. However consumer failed to pay the said bill hence FQ was not issued.

- 5) Licensee further stated that consumer had given undertaking that he will pay the provisional bill by installments, hence after receiving the same, FQ was forwarded to the concerned officials of Licensee on 20/05/2017.
- 6) Licensee also contended that, consumer had produced an undertaking that he is ready to carry out the work under DDF scheme and will not claim the refund. Accordingly F.Q. was sanctioned on 03/06/2017. Meanwhile WCR of the said connection work was send on 31/07/2017. Load was sanctioned and issued to the consumer on 05/10/2017, which was paid by the consumer on 25/10/2017.
- 7) One more contention of the Licensee is that, on 02/11/2018 License had informed to the consumer to pay the dues of Rs. 56,280/- immediately to enable Licensee to released new connection. But consumer did not respond and on 24/11/2018 consumer paid an amount of Rs.57,180/-. On 25/01/2019 consumer paid an amount of Rs.1,00,000/- out of 1,38,000/- keeping the balance amount pending. It is also submitted by the Licensee that though issue of dues/arrears was pending in connection to the resort it's work was not hampered and consumer was getting supply to the resort from the existing connection.
- 8) It was further submitted by the Licensee that, as per the request of the consumer his new meter no.MHD2285 was tested at Vasai division testing lab before Consumer Representative and was found OK. Hence grievance of consumer regarding excess units is falls. The bill for '8140' units is for the consumption of 3 months. His consumption pattern of old meter and the new meter is all most same and hence the bills issued to the consumer are correct.
- 9) Licensee therefore claimed the dues of Rs. 3,75,810/- along with interest from the consumer.
- 10) We have gone through the documents placed before us and have heard both the parties. We have observed that :
- i) Consumer applied for new commercial connection on 24/04/2017.
 - ii) Licensee informed the consumer by it's letter dtd.03/05/2017 to pay the bill issued by Licensee under 126. However on 17/05/2017 consumer gave an affidavit that he will pay this provisional bill by installments. Hence F.Q. was forwarded on 20/05/2017. No delay has been caused by Licensee.
 - iii) We have also observed that though Licensee has informed consumer to pay the dues of 1,38,000/- consumer paid an amount of Rs.1,00,000/- on 25/01/2019 keeping the balance amount pending.
 - iv) Record also shows that Licensee had allowed to use supply to consumer's resort from his agriculture connection by changing tariff of commercial category, so consumer's work was not hampered.

- v) We have also noted that consumer was booked under Section 126, his account is showing balance amount outstanding, hence legally consumer is not entitled to ask for SOP when he himself is at faulty.
- vi) WCR of the said connection work was send on 31/07/2017 and load sanctioned and issued to Consumer.

The grievance of consumer is that Licensee caused inordinately delayed in giving connection and claimed SOP. Consumer made an application for electric connection on 24/07/2017 for his resort but the connection was effected only on 17/12/2018. In order to avoid delay consumer carried out work of value of Rs.40,000/-. Despite all this facility offered by consumer, Licensee has taken 31.5 weeks to give the electricity connection. On account of this delay consumer has been put to much loss as his work of resort has been hampered. Taking into consideration the above things and points raised by Licensee, we are of the opinion that there is nothing an record to show that on account of the alleged delay in supply of electricity, the consumer has suffered any loss. We have also gone through the various dates given by Licensee in their reply. Though there has been some delay at one or two stage of work it cannot be said there was inordinate delay, as the consumer was at fault by not paying the bills and consumer supply was continued from another connection.

In the light of the above discussion we do not find any force in the claim of consumer regarding SOP.

We have also noticed that :

- i) Licensee informed the consumer by it's letter dtd. 03/05/2017 to pay the bill issued by Licensee under Section 126. However on 17/05/2017 consumer gave an affidavit that he will pay this provisional bill by installments. Hence F.Q. was forwarded on 20/05/2017. No delay has been caused by Licensee.
- ii) We have also observed that though Licensee has informed consumer to pay the dues of 1,38,000/-, consumer paid an amount of Rs.1,00,000/- on 25/01/2019 keeping the balance amount pending.
- iii) Record also shows that License had allowed to use supply to consumer's resort from his agriculture connection, which was later converted to Commercial hence consumer work was not hampered.
- iv) We have also noted that consumer was booked under 126, his account is showing balance amount outstanding. Hence legally consumer is not entitled to ask for SOP when he himself is at fault.
- v) WCR of the said connection work was send on 31/07/2017 and load was sanctioned and issued to consumer on 05/10/2017 for which also consumer is not entitled for SOP, as dues were outstanding when the it was sanctioned.
- vi) Regarding the infrastructure cost consumer is entitled for the refund as per MERC's norms.

Taking into consideration all the above facts we pass the following order.

Hence the order

ORDER

- 1) The Grievance application no.1938 is hereby partly allowed.
- 2) Licensee to verify the work done by consumer and after finalizing WCR, audited amount of work done by consumer, be refunded as per MSEDCL's schedule of charges.
- 3) Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

Date: 02/12/2019

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

Sd/-
(A.P.Bhavthankar)
Chairperson
CGRF, Kalyan

Sd/-
(A.P.Deshmukh)
Member Secretary
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.