Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai – 400 005
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Case No. 70 of 2012

In the matter of
Complaint filed by Shri. Ajit Vithal Dake under Section 142 of Electricity Act, 2003 and Regulation 22 of MERC (CGRF & EO) Regulations, 2006, seeking legal action against Maharashtra State Electricity Distribution Company Ltd., for the alleged non-compliance of the Order dated 30 August 2012 passed by the CGRF, Kolhapur.

Shri V. P. Raja, Chairman
Shri Vijay L. Sonavane, Member

Shri Ajit Vithal Dake …. Complainant

V/s

Maharashtra State Electricity Distribution Company Ltd. .... Opponent
Through 1. EE / Nodal Officer, Kolhapur
2. Exe. Engineer, MSEDCL, Ichalkaranji

Present during the hearing;

For Complainant: Shri Haribhau D. Khapre

For Opponent: Shri K.N. Sadakale, MSEDCL

ORDER

Date: 26 August, 2012

The Complainant Shri Ajit Vithal Dake, who is a consumer of electricity had filed a Complaint on 4 June, 2012 under Section 142 of Electricity Act, 2003 ("EA 2003") and Regulation 22 of MERC (CGRF & EO) Regulations,2006, seeking legal action against the Opponent Maharashtra State Electricity Distribution Company Ltd. ("MSEDCL"), for the alleged non-compliance of an Order in Case No17 / 2011-12 dated 30 August,2011 passed by the Consumer Grievance Redressal Forum('CGRF'), Kolhapur Zone.

2. The Complainant has made the following prayers as under:

१)-प्रतिवादी क्र.२ मा.मंच यांनी दिलेल्या आदेशाप्रमाणे रु. ३५००/- दंड हा, वादी यांना तात्काळ देण्यात यावा व मा. मंच / मा. आयोग यांच्या आदेशाचे उल्लंघन येथून पुढेही चालू राहिलेस, विद्युत अधिनियम,२००३ चे कलम १४२ नुसार दंडाची व उल्लंघन पुढेही चालू राहिल्यास अतिरिक्त दंडाची कार्र्यवाही व्हावी ही विनंती.

२)-मा.मंच यांनी दिलेल्या आदेशानुसार, वादी यांचे बिल, एका निश्चित मुदतीत दुरुस्त करुन मिळावे ही विनंती.

३)-प्रतिवादी क्र.१ मा.कोल्हापूर कक्ष, यांनी- ज्या कर्मचाऱ्यांमुळे ग्राहकास बिल मिळू शकले नाही, त्यावर कारवाई करावी असा आदेश प्रतिवादी क्र.२ यांना दिलेला आहे. प्रतिवादी क्र.२ यांनी ही केलेली कारवाई मा.आयोग यांचेकडे सप्रमाण सिध्द करावी ही विनंती. अशी कारवाई झालेली नसलेस ग्राहकास सोसाव्या लागलेल्या त्रासापोटी, प्रतिवादी क्र.२ यांनी वादी यांना रु.३०००/- दंड द्यावा असा आदेश व्हावा ही विनंती.

४)-इतर न्यायाचे आदेश वादी यांचे वतीने व्हावेत ही विनंती.

५)-जरुर भासल्यास याचिकेत योग्य ती दुरुस्तीस परवानगी असावी ही विनंती.

3. The facts mentioned in the Petition are as under:

   a. The Complainant is a residential consumer of the Opponent MSEDCL with load of 10 kW; his electricity connection was released on 27 April, 2009. But, even after repeated follow up, he did not receive his electricity bills for a period of 17 to 18 months.

   b. Thereafter the Complainant received abnormal bills of 77467 units (Rs.6,08,0005) and 7837 units (Rs 70,033) respectively. The Complainant made correspondence with the Opponent MSEDCL wherein it requested for revision in bills / meter checking.

   c. The Complainant received the 1st Bill in the month of September 2010 for 3414 units. Thereafter, for the subsequent 2 months again he received bills with average consumption of 200 units with the remarks 'Reading Not Available' (RNA). In the month of December 2010, he received bill for 77466 units amounting to Rs 6,08,010/- .

   d. Thereafter the Complainant lodged a complaint with the Internal Grievance Redressal Cell against the Opponent with regard to the wrong billing and requested to correct the bill, however the Opponent connected another meter in series with the disputed meter for testing purpose, after a period of 8 days the readings of both the

meters were compared wherein no difference was observed and therefore it was established that there is no fault in the meter where after the Complainant was asked to make the bill payment or otherwise his supply will be disconnected.

e. The Complainant had paid Rs 2,00,000/- on 28 February 2011 and again Rs 2,00,000/- on 27 April,2011 respectively. Thereafter aggrieved by the aforesaid order, the Complainant approached the CGRF, Kolhapur.

f. The CGRF Kolhapur heard the matter and based on the material placed on record before the Forum, it passed an order as under:

1. Internal Greivance Redressal Cell's order is set aside.
2. Electricity Bills for period September 2010 to January 2011 should be withdrawn.
3. New Electricity bills to be prepared and sent wherein no interest, penalty and delay payment charges should be levied.
4. For non compliance of Standard of Performance related to meter reading, consumer should be compensated by paying him Rs 3500/- and same should be adjusted in his future bills.
5 As per Regulation 8.7 of MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regilations,2006 Respondent should submit the compliance report to" Consumer Grievance Redressal Forum."
5 If the Complainant is not satisfied by the order of CGRF he should approach Ombudsman Keshav Bandra –Kurla Complex Bandra (East) Mumbai within 60 days.

4 Thereafter aggrieved by the non compliance of CGRF order by the Opponent, the Complainant filed the complaint with the Commission under section 142 of EA 2003 and Regulation 22 of MERC (CGRF & EO) Regulations,2006, with the prayers as mentioned above

5 A hearing in the matter was held on 17 August, 2012. During the hearing Shri. Haribhau Khapre was present on behalf of the Complainant. Shri. K.N. Sadakale, Executive Engineer was present on behalf of the Opponent MSEDCL.

6 During the hearing, Shri. Sadakale submitted that compensation of Rs. 3500 was already adjusted in the electricity bill for the month of January 2012 and as per the CGRF Order, previous bills were being corrected and a refund of Rs 4,00,000 would be adjusted in future bills of the Complainant. He further suggested that as adjusting of Rs 4,00,000 in residential bills of the Complainant will be a time consuming exercise , the same can be adjusted in the electricity bills of other connections (industrial / commercial) owned by the Complainant.

7 After having heard the parties, the Commission is of the view that as Opponent has already adjusted compensation amount of Rs 3500 and also agreed to credit Rs 4,00,000 in the electricity bill of the Complainant, the Opponent's intention to comply with CGRF Order cannot be denied. The Commission observed that adjusting credit of Rs 4,00,000 in the bills of Residential connection will obviously take longer time duration. Thereafter the Commission directed the Opponent MSEDCL to adjust the excess amount paid by the Complainant in other connections (Industrial/Commercial) owned by the Complainant within a month.

With the above, the matter in Case No 70 of 2012 is disposed of.

Sd/-	Sd/-
(Vijay L. Sonavane)	(V. P. Raja)
Member	Chairman