

**Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai 400005.
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Case No. 51 of 2010

**In the matter of
Complaint filed by M/s. J. D. Exports against Maharashtra State Electricity Distribution
Company Ltd., under Sections 142, 146 and 62(6) of Electricity Act, 2003 alleging non-
compliance of the Order dated 11.05.2009 passed by the CGRF, Kalyan Zone.**

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

M/s. J. D. Exports

..... Complainant

V/s

Maharashtra State Electricity Distribution Co. Ltd.
through its' Regional Executive Director, Kalyan,
Chief Engineer (Kalyan Zone),
Superintending Engineer (Vasai Circle),
Executive Engineer (Vasai Division)

.....Opponent

ORDER

26 November, 2010

M/s. J. D. Exports, the Complainant, filed a complaint on 25th May 2010 against Maharashtra State Electricity Distribution Company Ltd. ("MSEDCL") under Sections 142, 146 and 62(6) of the Electricity Act, 2003 ("EA 2003"), alleging non-compliance of the Order dated 11th May 2009, passed by the CGRF, Kalyan Zone. The Complainant has complained regarding non-compliance of the CGRF's Order on excessive bill charged by the Opponent, based on readings of the defective meter.



2. The prayers of the Complainant are as follows:

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1. *Invocation of section 142 & 146 of Electricity Act for non-implementation in respect of Act, Rules & Regulations.*
2. *Revised bill may be issued after crediting all our refund as per order.*
3. *Excess payment made during the period may be credited with interest as per sec 62(6) of EA 2003.*
4. *Compensation of Rs.10,000 may be awarded for harassment & as demanded by applicant as ends of justice have not been met & no relief is received as ordered by CGRF.*
5. *Respective DPC, Interest & other charges may be deleted.*
6. *The cost of the petition to the petitioner.”*

3. The facts of the matter as submitted by the complainant to the CGRF, Kalyan Zone, are as follows:

- a. The Complainant is a LT-V consumer (above 20 KW) of MSEDCL with the connected demand of 54 KVA (Consumer no. 001840506386) billed as per Industrial Tariff.
- b. The Complainant had filed his grievances with the Forum, on a number of points, on which the Forum had issued its order dated 11.05.2009. However, in this complaint to the Commission, the Complainant has only covered ‘violation of CGRF order on one grievance (i.e. #1) on excessive billing’, which is discussed in detail, hereunder:
 - i. That the meter was replaced by new meter (No.60052-82046) on 22nd May 2006. The new meter started giving faulty readings and jumping of meter-reading took place in July, 2006. Thereafter, the consumer informed the Opponent and the meter was tested and was found to be faulty. So the said meter was replaced by another meter (No.60022-75710) on 26th Oct. 2006.
 - ii. That the bills issued by the Opponent to the Complainant during the concerned period of July 2006 to Oct. 2006 were considered by him as based on faulty consumption and jumped meter readings, and the consumer having protested to the Licensee on this issue, had made part payments against those bills of the Opponent, the payments thus made totaling to Rs.2,12,690/-.
 - iii. That after changing the meter, the total consumption for one year (i.e. from November 2006 to October 2007) was 50833 units, thus, the average monthly consumption being 4236units. Based on this, Complainant considered the average consumption for 3 months during the disputed period before the replacement of the meter in Oct. 2006, for which the total amount payable for the actual (*calculated*) consumption would be Rs.59,614/- as against Rs.2,12,690/- paid by him to the Opponent (the extra payment thus being Rs.1,53,076/-).
 - iv. The Complainant had further claimed that the Opponent did not resolve the dispute and went on issuing bills showing heavy arrears (for the unpaid amounts of the bills) for about 28 months. Representative of the Complainant had to visit every time the office of the Opponent for getting the amount reduced and then to pay the bill.



- v. Being aggrieved, the Complainant had approached the Internal Grievance Redressal Cell, Vasai, on 30.12.2008, but the IGR Cell did not provide any remedy to it. Therefore, the Complainant filed the grievance application before the CGRF, Kalyan Zone, on 16.03.2009.
- vi. The Opponent had submitted during the hearing that the concerned bills were under revision and proposal about the same had already been submitted to the competent authority for approval, and that on receiving the approval of the higher authority, matter will be regularized. Thereafter, the CGRF, Kalyan Zone, passed its Order dated 11.05.2009 directing the Opponent to get the said final orders of the higher officer passed within 60 days and issue the corrected bills of actual consumption and other charges of each month. The Complainant was to be at liberty to make fresh representation to the IGR Cell and then to the CGRF, if necessary, against the said orders of the higher authority of the Licensee.

Compliance to the CGRF's Order dated 11.05.2009 was to be reported within 90 days of the Order.
- c. The Complainant vide its letter dated 22.06.2009 reminded the Opponent, and subsequently, vide letter dated 31.01.2010 conveyed that "if issue is not resolved within 5 days, we shall have to file the petition to MERC for non compliance".
4. The Complainant states that the Opponent has failed to comply with the CGRF's Order as the final order of the higher officer has yet not been received even after one year from the date of the CGRF order dated 11.05.2009. The Opponent continues to issue actual consumption bill every month separately. The Complainant has to visit the sub-division every month in order to get its bill revised by getting a sign and stamp of the MSEDCL official.
5. In response to the Commission's letter dated 5th July 2010 to the Opponent asking it to clarify the steps taken by it to comply with the CGRF's Order, the Opponent vide its letter SE /VC /VSI / 06722 dated August 17, 2010 submitted the status of compliance done, partly or fully, only on the points covered in Para no.12 to 17 of the CGRF Order.

Subsequently, vide letter SE/VC/VSI/09783 dated 7th Oct. 2010, the Opponent submitted a rejoinder stating that compliance with respect to para no.8 and para no.14 of the said CGRF Order, were being made by refunding the respective amounts in the energy bill for the month of Oct. 2010.

6. A hearing was held by the Commission on 14th October 2010, where a few discrepancies in the Complaint filed by the Complainant, were noticed. The Complainant was directed to remove the deficiencies at the earliest possible. Removal of deficiencies was done by the Complainant on 26th Oct. 2010, and the Complainant requested the Commission for holding a hearing in the matter. The Commission decided to have a hearing on 15th Nov. 2010.



7. Before the hearing on 15th Nov. 2010, the Opponent vide its letter No.EE/VSI/Tech/9268 dated 15th Nov. 2010, submitted that *'the refund of bill revision case in the matter of M/s J. D. Export is passed to the consumer's account in the billing month of Oct-2010 amounting Rs.364413.61/-.'* The Opponent also submitted a copy of the Complainant's letter dated 13th Nov. 2010, addressed to the Commission, acknowledging receipt of the payment, the relevant portion copied below:

" - - - we have received the credit of Rs.364413.61 against the said consumer account & we have no issue pending unit the MSEDCL. Hence the proceeding in the matter in the commission may be closed."
8. During the hearing held on 15th Nov. 2010, the Complainant was represented by Shri Harshad Sheth, and the Opponent was represented by Shri R. S. Sanap, Executive Engineer, Vasai Division, Shri M. V. Vaydande, Executive Engineer, and Shri S. M. Bangar, S.D.O (Vasai-E). During the hearing, the Complainant agreed that the submission made by the Opponent, as brought out above in para 7, was correct, and the said letter from the Complainant was signed by a partner of the Firm.
9. Taking into consideration the developments in the matter and the material placed on record, the Commission has noted that the Opponent has complied with the said CGRF Order dated 11.05.2009 and the Complainant seems to be satisfied with the same.

Accordingly, the Case No. 51 of 2010 is disposed of. No order as to costs.

(Vijay L. Sonavane)
Member

(V. P. Raja)
Chairman



(K. N. Khawarey)
Secretary, MERC