

**Before the**  
**MAHARASHTRA ELECTRICITY REGULATORY COMMISSION**  
World Trade Centre, Centre No.1, 13<sup>th</sup> Floor, Cuffe Parade, Mumbai 400005.  
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**Case No. 66 of 2009**

**In the matter of**  
**Petition filed by Smt. Jeevankala Harinamsingh Pardeshi against MSEDCL,**  
**Kalyan, for non-compliance of Order passed by the CGRF, Kalyan Zone**  
**dated 10.02.2009.**

**Shri. V.P. Raja, Chairman**  
**Shri S. B. Kulkarni, Member**  
**Shri V. L. Sonavane, Member**

Smt. Jivankala Harinamsingh Pardeshi.

..... Complainant

V/s

Maharashtra State Electricity Distribution Co. Ltd.  
Thru' The Dy. Executive Engineer,  
Kalyan Zone,  
Jahangir Meherwanji Road, Kalyan.

..... Opponent

**ORDER**

**9<sup>th</sup> December, 2009**

Smt. Jivankala Harinamsingh Pardeshi, a consumer of Maharashtra State Electricity Distribution Co. Ltd. ("MSEDCL") at Shahad, Kalyan, filed a Petition on 1<sup>st</sup> October, 2009 against MSEDCL, Kalyan Zone, under Section 142 of the Electricity Act, 2003 ("EA 2003"), alleging non-compliance and delay in compliance of the Order of CGRF, Kalyan Zone, dated 10<sup>th</sup> Feb.2009 in Consumer Grievance No. K/E/158/0180, and due to disconnection of power supply to her residence on 16<sup>th</sup> Sept. 2009.

2. The prayers of the Complainant are as follows:

“ मा. आयोगास माझी नम्र विनंती आहे की, या प्रकरणी त्वरित लक्ष देऊन माझा खंडीत विद्युत पुरवठा त्वरित सुरु करुन देण्याचे आदेश देऊन माझ्यावरील अन्याय दूर करावा.”

3. Smt. Jivankala Harinamsingh Pardeshi, a resident of Shahad, Kalyan, is a LT consumer no. 020100231035 of MSEDCL.

4. Facts of the case so far, as per the Order of CGRF, Kalyan Zone, dated 10<sup>th</sup> Feb.'09, on the complaint filed by Smt. Jivankala H. Pardeshi on 16<sup>th</sup> Jan.'09, in brief, are as follows:

i) The Complainant is a LT consumer of MSEDCL connected to their 415Volt network. The Complainant is billed as per Residential Tariff.

ii) The Meter at the Complainant's premises was replaced some time in April 2007.

iii) As per Opponent's submission to the CGRF, due to the reason that records of consumer's meter readings were not updated in the Licensee's records, the Opponent had issued to the Complainant, bills on average basis for a period of 19 months @39units per month. For the month of Oct. 2008, based on the actual meter reading at that time, the bill issued was for 4144 units (consumed during the past 19 months period) for an amount of Rs.13,750/-. But, as per the Complainant, due to the high amount of the bill received, the Complainant could not pay the bills including those for Oct. and Nov. 2008. Due to the total of arrears including the current bill, going up to Rs.14,050/- as on 1<sup>st</sup> Dec. 2008, MSEDCL, after giving 15 days' notice, and non-receipt of the payment, disconnected the power supply to the Complainant's premises on 10<sup>th</sup> Jan. 2009.

iv) The Complainant had submitted to the CGRF that the bills were being paid regularly up-to the time she received the said high bill for Oct.'08, which she was not able to pay in one lot. The Complainant had said that making the high value bill may have happened either due to the meter readings not being taken or the updation of records not done at MSEDCL end for the previous 19 months, due to the mistakes of the Licensee, and, the total bill was raised at one time, without giving the consumer a chance to pay the amount in installments.

v) As recorded in the CGRF's order and also seen from the copy of Complainant's letter dated 12<sup>th</sup> Jan. 2009 to Opponent, the Complainant had requested to be allowed to make the payments in installments of Rs.2000/- per month for the bill amount which had, by then, become Rs.15,140/- with arrears and the bill for December 2008.

vi) CGRF, Kalyan, found fault with the Opponent, about the meter reading not being updated regularly in Licensee's records and not issuing regularly correct bills to the consumer for a long period of 19 months. The CGRF held that MSEDCL had violated Regulation 9.1 of the MERC (Standards of Performance of Distribution Licensees, Period for giving supply and Determination of Compensation) Regulations which reads as "*Reading of consumer's meter shall be undertaken by the Authorised Representative at least once in every three months for agricultural consumers and at least once in every two months for all other consumers*".

vii) Also, the process of issuing the notice of disconnection to the consumer was held as not being in the proper/ right way. It had been observed by CGRF that the disconnection notice issued by the Licensee on 15.12.2008 did not contain any Outward No. of the concerned office. In this respect, the CGRF referred to Section 171(2) of the Electricity Act, 2003 which reads as: "*Every notice, order or document by or under this Act required or authorised to be addressed to the owner or occupier of any premises shall be deemed to be properly addressed, if addressed by the description of the owner or occupier of the premises (naming the premises), and may be served by delivering it or a true copy thereof, to some person on the premises, or if there is no person on the premises, to whom the same can with reasonable diligence, be delivered, by affixing it on some conspicuous part of the premises.*"

viii) The CGRF cited a ruling of the National Consumer Dispute Redressal Commission, New Delhi in Revision Petition No. 604 of 2003 dated 29.09.2003, where it was held that compensation need to be given to consumer for disconnecting electric supply for no reason.

5. The CGRF, Kalyan, gave the following decisions in its order dated 10<sup>th</sup> Feb. 2009:

“

1. *The licensee should grant 5 equal instalments against arrears of Rs.13,750/- from the date of decision.*
2. *The consumer should pay the amount of instalment alongwith current bill. (as per para 8 above)*
3. *The licensee should pay a compensation of Rs. 3,500/- (Rupees Three thousand five hundred only) to the consumer against illegal disconnection, within 90 days from the date of decision. (as per para 7(i) above).*
4. *Compliance report should be submitted to the forum within 90 days.*

5. *Consumer can file appeal against this decision with the Ombudsman at the following address:*

*‘Maharashtra Electricity Regulatory Commission, 606/608, Keshav Building, Bandra-Kurla Complex, Mumbai-51.’*

*Appeal can be filed within 60 days from the date of this order*

6. *Consumer, as per Section 142 of the Electricity Act, 2003, can approach Maharashtra Electricity Regulatory Commission at the following address:*

*“Maharashtra Electricity Regulatory Commission, 13<sup>th</sup> Floor, World Trade Centre, Cuffe Parade, Colaba, Mumbai-05”.*

In the meantime, as per advice from CGRF, the Complainant made payment of Rs.1,264/- to MSEDCL towards the current bills for the months of Oct. to Dec. 2008, and, power supply to her premises was restored on 22-01-2009.

6. The Complainant has now conveyed in this petition filed with the Commission that vide a reminder letter dated 13<sup>th</sup> March 2009, the Opponent was requested by the Complainant to comply with the order of CGRF. But, the Opponent has not acted as per the order of CGRF upto 30<sup>th</sup> Sept. 2009. Moreover, after issuing two notices dated 22-05-09 and 01-08-09 for paying the amounts of Rs.18,380/- & Rs.18,387.37 (not Rs.20,200/- as mentioned by the complainant) respectively, to be paid within 15 days, the Opponent has disconnected the supply to Complainant’s residence, on 16-09-2009. Complainant says that at the time of filing the petition, her house does not have electric supply for the previous two weeks.
7. The Commission had asked the Opponent, MSEDCL, vide its letter dated 12<sup>th</sup> Oct. 2009, to inform the Commission within one week from the issue of the letter, about the steps taken by MSEDCL to comply with the aforesaid order of the CGRF.
8. The Commission vide its Notice dated 5<sup>th</sup> Nov. 2009, fixed the date for Admissibility Hearing of the Petition on 09<sup>th</sup> November 2009.
9. The Opponent vide its letter dated 04<sup>th</sup> Nov. 2009, replied to the Commission’s letter dated 12<sup>th</sup> Oct. 2009, conveying the following:
- The Opponent has complied with the CGRF’s order and has paid sum of Rs.3,500/- to the Complainant against receipt dt 01.04.2009, by a cheque no. 625307 dated 31.3.2009, as per Para 14(3) of the (CGRF) order, and the said compliance has been made within 90 days as mentioned in the order. The Licensee through its Dy. Ex. Engineer by letter dated 01-06-09 has informed the CGRF, Kalyan, about this compliance.

- As per the said CGRF's order dated 10<sup>th</sup> Feb. 2009, the consumer (Complainant) was required to pay arrears of Rs. 13,750/- in 5 equal installments alongwith current bills. However, the consumer failed and neglected to pay any bill in installments as required. Hence after serving statutory notice under Section 56 of E.A. 2003, supply has been disconnected on 16-09-2009.
- The Opponent, as Licensee, was within its right to disconnect supply in case of default of dues under Section 56 of E.A. 2003.
- The Opponent submitted that it has complied with the concerned part of the order of CGRF, but the consumer has failed to comply with the order of CGRF. The Opponent further prayed that consumer may be directed to pay arrears to it as per the bills issued and in pursuance of the said order dt. 10.02.2009 of CGRF, Kalyan.

10. The matter was heard on 09<sup>th</sup> Nov. 2009. During the hearing, the Complainant was represented by Shri J.A. Pardeshi and Shri V. Pardeshi and the Opponent was represented by Advocate Shri P.H. Sachdev alongwith Shri K. S. Ramteke, Ex. Engineer of MSEDCL, and others.

11. The Complainant submitted as under:

i) The Opponent, Licensee, has not complied with the order of CGRF dated 10-02-09 for presenting the 5 installment bills, but, in Complainant's opinion, has made a farce of having complied with the same. The Opponent had not followed its own procedures of meter reading and billing, and had suddenly produced a bill of huge amount (Rs.13,750/-) which was out of the capacity of the consumer to pay, and therefore the Complainant appealed to the CGRF, who ordered the payment for the arrears to be made in 5 equal instalments, besides the payments of current bills. MSEDCL should have issued 5 bills which has not been done by MSEDCL.

ii) When the complainant approached again CGRF, Kalyan, about non-compliance of the order, the Forum directed him to go in appeal to higher level. That is the reason the Complainant has now approached the Commission.

iii) Complainant submitted that in place of issuing five instalment bills to her, MSEDCL have created hand written bills, all the 5 bills at the same time, and have shown as if the same have been issued to her. This has been done by MSEDCL as an afterthought after the Complainant had approached CGRF second time, and that too just to show that the compliance has been done. Subsequently, MSEDCL have produced 2 Notices to the Opponent, after which the power supply has been disconnected on 16<sup>th</sup> Sept.2009, and, for almost the past two months the house remains in darkness.

12. Opponent, MSEDCL, submitted, as follows:

i) Compensation of Rs.3,500/-, as ordered in the CGRF's order has already been paid to the Complainant. The Complainant also agrees that this money has been received.

ii) After that 5 bills prepared manually for the installments have been issued. On enquiry from the Commission, MSEDCL agreed that the consumer had received two sets of bills, one computerised and the other hand written. Reason for same, as explained by Opponent was that there is no provision in the computerised billing to add instalment charges. Thus, the consumer was required to pay the installments as per the manual bills. But, the consumer, the Complainant, refused to make any payments against these bills since he was insisting on receiving the computerised bills only.

MSEDCL could, however, not show on which date/s the handwritten bills were received by the Complainant.

iii) The consumer has not made any payments, against any of the bills after Feb. 2009. Just making any part payment of the bill is not acceptable, but the consumer could have made at least 70% of the bill amount, which also he has not accepted and not paid.

13. Having heard the parties, and after considering the materials placed on record, the Commission is of the view that the complainant and the opponent shall comply with the CGRF's Order. As per the CGRF's Order the complainant is entitled to pay the arrears of Rs.13,750/- by five equal installments. In this regard, the Opponent has submitted that it cannot issue any computerized bill to the complainant for installments because the computerized billing system of the Opponent only records receipt once at-least 70% of the billed arrears are received. The Commission does not sustain this contention as the Opponent kept silent on this while the CGRF passed its order. The CGRF's order is now binding on the Opponent as it has attained finality. In terms thereof, the Opponent will have to receive five equal installments from the consumer and it is lawful that the opponent shall give receipts for such installments as received by it. In the meanwhile, the Commission directs that once the consumer pays the first installment, connection to the consumer's premises shall be restored immediately thereafter. The consumer does not dispute the receipt of compensation of Rs. 3,500/- as ordered by CGRF, Kalyan, in its order dated 10<sup>th</sup> Feb. 2009. In the circumstances, the Commission does not find the present complaint fit for invoking the provisions of Section 142 of the Electricity Act, 2003 for ordering penalty.

With the above, the present complaint stands disposed of.

Sd/-  
(V. L. Sonavane)  
Member

Sd/-  
(S. B. Kulkarni)  
Member

Sd/-  
(V. P. Raja)  
Chairman



(Sanjay Sethi)  
Secretary, MERC