

(A Govt. of Maharashtra Undertaking)

CIN : U40109MH2005SGC153645

PHONE NO. : 25664314/25664316

FAX NO. 26470953

Email: cgrfbhandupz@gmail.com

Website: www.mahadiscom.in

Consumer Grievance Redressal Forum

“Vidyut Bhavan”, Gr. Floor,

L.B.S.Marg,Bhandup (W),

Mumbai – 400078.

REF.NO. Member Secretary/CGRF/MSEDCL/BNDUZ/ 286

Date: 23.01.2018

Hearing Date: 12.12.2017

CASE NO.38/2017

IN THE MATTER OF DEFECTIVE METER AND BILLING

M/s.Esjay Industries,

Plot No. a/285,road No.16-Z,

Wagle Estate Thane (w) Mumbai-400604..

(Consumer No. 000010214319)

. . . . (Hereinafter referred as Consumer)

Versus

Maharashtra State Electricity Distribution Company Limited

through its Nodal

Officer,

Thane Circle, Thane

. . . . (Hereinafter referred as Licensee)

Appearance : For

Licensee

Shri. R.K. Marke, AEE, Wagle Sub Division

For Consumer – Shri. Sandeep Parikh (M/s. Esjay Industries Proprietor)

[Coram- Shri A.M. Garde- Chairperson, Shri. R.S.Avhad -Member Secretary

and Vacant - 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.

2. Consumer herein is M/s. Esjay Industries Wagle Industrial Estate Thane, having con no. 000010214319 Industrial LT II B Commercial. Consumer states that details of spot inspection report vide Ref. No. DD/MR/Sr. No/37849 dtd. 10.04.2017 mention the following points
 - 1) 2 Nos Seal found on meter box (AS404456&AS404455)
 - 2) Current Reading in Phase B is ‘0’ when checked with Accucheck
 - 3) The meter reading is 35.17% slower when checked using Accucheck.
3. Having been brought to our notice that the current reading in one phase is ‘0’ explicitly expressed to MSEDCL that installation and further maintenance of the meter should regularly be done by MSEDCL. And, they should not be burdened with retrospective billing due to any Fault in meter.
4. Details of Panchnama dtd. 03.05.2017 meter and CT unit were seized by flying squad for further testing at MSEDCL internal Testing Lab
5. Details of MSEDCL, Testing Division vide Ref. No. EE/THN/Testing/Lab/632 dtd.15.05.2017 mention the following points
 - 1) Meter found abnormally slow by 32.16%
 - 2) Full Load Meter showing 0.009 AMPS current reading
 - 3) Plug-In Type CT is tested OK for Polarity and Ratio

6. Details of Investigation report by Secure Make Energy Meter vide Ref. No: SML/MUM/MSEDCL/PBA/17/277 dtd.08.06.2017 mention the following points
 - 1) Internal Component ('B' Phase CT) found Dry Solder
 - 2) No External Tamper Symptoms Found
7. Case of Theft of Electricity has not been established against M/s. Esjay Industries and by assessment vide supplementary bill received on 02.08.2017 Plain recovery of Rs. 3,26,700/- was provided.
8. Being aggrieved about plain recovery of Rs. 3,26,700/- for a period of 30 months. We have mentioned that there is no case of theft of Electricity established against M/s. Esjay Industries. As per Section 15.4.1 and section 21.7.5 in case of defective or faulty meter the consumer's bill shall be adjusted for a maximum period of three months prior to the month in which dispute has arisen, in accordance with the results of the test taken subject to furnishing the test report if the meter along with the assessed bill. We have thus argued to plain recovery for period 3 months with adjustment in the bill.
9. Details of Internal Grievance Redressal Cell vide case No. 42/2017 mentions the following points
 - 1) Reference sited: case of M/s. Mumtaz Enterprises V/s MSEDCL(Ref.No.TUC SE/TUC/IGRC/4678dtd.21.09.2017) entire recovery was charged as meter was tested OK but the single phase reading was not being registered as bolt which was being tightened was loose(point 10 of order of M/s. Mumtaz V/s. MSEDCL). Therefore, the reference sited is incorrect in nature, as in this case of M/s. Esjay Industries V/s MSEDCL meter was tested and found faulty.
 - 2) IGRC order mentions that the meter is faulty in condition, which is supported by the MSEDCL flying squad Spot inspection Report, MSEDCL MRI data, MSEDCL Lab testing report, and also by M/s. Secure Pvt Ltd., testing Report.

- 3) IGRC has directed M/s. Esjay Industries for payment of Rs. 3,26,700/- as plain recovery.
10. In case of M/s. Esjay Industries V/s. MSEDCL Meter is faulty in nature which has caused discrepancy in meter reading.
 11. Meter reading contains all details of meter including current drawn on each line, voltage reading, power factor, etc. any abnormality of meter reading should have been immediately noticed and corrective action should have been immediately taken.
 12. In reply Licensee contends that M/s. Esjay Industries is out LT consumer under Wagle Estate Sub –Division. The date of connection is 08.12.201986.
 13. The flying squad inspected the premises on dated 10.04.2017 and observed that, B phase current missing at meter display. The Flying Squad forwarded report to this office on dated 09.06.2017 and instructed to recover the plain recovery for short billed 32513 units.
 14. As per FS report , the plain recovery bill current Missing is issued to consumer on dated 30.06.2017 amounting Rs. 3,26,700/-.
 15. The Hon'ble Ombudsman Observed in case NO. 60 of 2017 and Review Petition no. 07 of 2017, there is no any limitation for recovery in case of current missing from any phase. The both orders are attached herewith.
 16. As per Hon'ble Bombay High Court order (Division Bench) in W.P. No. 7015 of 2008 dtd. 20.08.2009 that, there is no any limitation in case of short billing recovery for any reason.
 17. The IGRC also upheld the recovery amount and issued order that, the recovery is legal and proper.
 18. We have heard both sides. There is no dispute that in this case the Flying squad on inspection found 'B' phase current missing at the meter display. MRI data is available which support the claim of the Licensee. Licensee successfully cites Mumtaz's case on same facts, so also Rototex

case on the point of limitation. Consumer argues that there was no regular checking. That by if self also not for forfeit the Licensees claim to recover the bills. The concerned officer may be penalised for the same by the licensee.

19. Hence the order.

ORER

Grievance is dismissed.

Both the parties should be informed accordingly.

The compliance should be report within one week.

The order is issued under the seal of Consumer Grievance Redresses Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup.

Note:

1) If Consumer is not satisfied with the decision, he may file representation within 60 days from the date of receipt of this order to the Electricity Ombudsman in attached "Form B".

Address of the Ombudsman

The Electricity Ombudsman,
Maharashtra Electricity Regulatory Commission,
606, Keshav Building,
Bandra - Kurla Complex, Bandra (E),
Mumbai - 400 051

2) If utility is not satisfied with order, it may file representation before the Hon. High Court within 60 days from receipt of the order.

I Agree/Disagree

**ANANT M. GARDE
CHAIRPERSON
CGRF, BHANDUP**

**RAVINDRA S. AVHAD
MEMBER SECRETARY
CGRF, BHANDUP**