
REF.NO. Member Secretary/CGRF/MSEDCL/BNDUZ/ 374 Date: 13.03.2018

Hearing Date: 20.02.2018

CASE NO.60/2018

IN THE MATTER OF WRONG BILLING

**New Ajit Punjab Hotel,
Road No. 16,
Wagle Estate,
Thane (W) -400604.**

(CONSUMER NO.000010210291) (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. Hemant Hatkar – Consumer Representative

[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 one M/s. New Ajit Punjab Hotel having consumer no 000010210291. Grievance is, allegedly there is a wrong charging of faulty meter status bill for the period from 24.12.2014 to 21.08.2015 as proposed by flying squad inspection report dated 26.08.2015. It is further the contention that as per 15.4.1 SOP such recovery has to restrict to three months only.
3. Consumer further submit that D.L. should have considered the pattern of consumption of replaced meter instead of considering that of old, defective meter. The average consumption thus comes to 18770 units per month considering the period from September 2015 to Feb. 2016.
4. Consumer also submits that D.L. has failed to consider concessional units under 'A' Zone while preparing B-80 which is in correct and not acceptable. D.L. is not authorized to with draw the said concession granted earlier as per tariff orders etc. of MERC.
5. Consumer prays to direct D.L. to restrict the recovery period to three months as per 15.4.1 revise (+) B-80 on the basis of consumption pattern of new replaced meter @ 10770 units p.m. Award the benefit of concessional

units of 'A' zone which has been withdrawn wrongly in (+) B-80 at Rs. 1606620/-, withdraw DPC and interest charged on recovery of Rs. 16066201/- issued TDS certificate from 2009 to 2017.

6. DL in reply contends that the flying squad inspected the premises on dtd. 21.08.2015 and observed that B phase current was missing at meter display. The meter was accuchecked and found -45.35% slow. The flying squad forwarded report to this plain recovery for short billed 93833 units. As per FS report, the plain recovery bill current missing is issued to consumers on dtd.05.09.2015 amounting Rs. 16,06620/-.
7. The Hon'ble Ombudsman observed in case No.60 of 2017 and review petition no. 07 of 2017, that there is no any limitations for recovery in case of current missing from any phase. As per Hon'ble Bombay High Court order (Div. Bench) in W.P.No.7015 of 2008 dr.20.08.2009 there is no any limitation in case of short bill recovery for any reason. The IGRC also upheld the recovery amount and issued order that the recovery is legal and proper. The adjustment units are changed as 19422 for August 2015: which will be calculated as per final reading of bill as 309186 and necessary refund will be effected in next month bill i.e. Feb.2018 also DPC and interest is withdrawn as per IGRC order and will also be reviewed for any deviations and will be refunded in next bill of Feb.-2018, if application. The proposal for TDS certificate will be given to on office for necessary action.
8. We have heard both sides. The flying squad Thane has inspected the premises of user M/s. New Ajit Punjab on date. At the time of inspection the consumer meter no 05281293 was accuchecked on 21.08.2015 and found 45.35 slow and B-ph current on meter found zero Amps. Since the CT's were plug in type the missing B phase current was feeding to the meter. The current as per tong tester at the consumer load R phase= 30.6 A Y ph=

25.4 A B =63.5 /a and as per meter display was R ph=15.4 A Y ph=12.8 A B ph=0 (MF=2). The MRI of this meter downloaded and it was observed that the B ph current was missing since 15.12.2014 @03.18 hrs till the date of inspection i.e. [21.08.2015@03.58hrs](#).

9. Hence the meter slowness recovery is form 25.12.2014 to 21.08.2015 as per 45.35%.
10. 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 does not for forfeit the Licensees claim to recover the bills. The concerned officer may be penalised for the same by the licensee.

Hence the order.

ORER

Grievance is dismissed.

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:

- 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, Keshav Building,Bandra - Kurla Complex, Bandra (E),Mumbai - 400 051"
- b) b) consumer, as per section 142 of the Electricity Act, 2003, can approach Hon'ble Maharashtra electricity Regulatory Commission for non- compliance, part compliance or

- c) Delay in compliance of this decision issued under" Maharashtra Electricity Regulatory Commission (consumer Redressed Forum and 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.

I Agree/Disagree

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

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