



Consumer Grievance Redressal Forum, Kalyan Zone  
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301  
Ph- 2210707, Fax – 2210707, E-mail : cgrfkalyan@mahadiscom.in

**No. K/E/854/1048 of 2015-16**

Date of registration : 09/04/2015

Date of order : 14/12/2017

Total days : 979

**IN THE MATTER CASE OF GRIEVANCE NO. K/E/854/1048 OF 2015-16 IN RESPECT OF THAKARAM SITARAM HANWATE, GALA NO. 103, TIRUPATI UDYOG NAGAR, B-WING SATIVLI RD. VASAI (E), PIN NO.- 401 208, DIST. PALGHAR REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING BILLING DISPUTE.**

M/s Thakaram Sitaram Hanwate,  
Gala no. 103, Tirupati Udyog Nagar,  
B-wing Sativli Rd. Vasai (E),  
Pin no.- 401 208, Dist. Palghar  
(Consumer no.001840868865)

... (Hereinafter referred as Consumer)

Versus

Maharashtra State Electricity Distribution  
Company Limited  
through its Nodal Officer,  
MSEDCL,Vasai Circle,

... (Hereinafter referred as Licensee)

**Appearance** :- For Licensee : Mr. Ishwar Bharti, AEE, Vasai (E) S/Dn.  
Mr. V.Gokhale, LDC, Vasai (E) S/Dn.

For Consumer : Mr.Sheth (C.R.)

[Coram- Shri A.M.Garde- Chairperson, Shri A.P. Deshmukh-Member Secretary  
and Mrs. S.A.Jamdar- 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 Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply & Determination of Compensation) Regulations, 2014.' Hereinafter referred 'SOP' for the sake of convenience.

2) Consumer filed this grievance on 10/04/2015 contenting that in Oct-2014 he received bill for consumption of 8929 units for one month & amount of Rs.91855/- is demanded. Consumer suspects either meter is faulty or used meter is installed or meter reader has not taken reading & random reading is shown on bill. Nov-2014 bill shown progressive but false reading of 808 units. Photo reading for last 24 months, MRI report, meter replacement report, Xerox of meter replacement report, demanded by Consumer Also requested not to disconnect supply. Refund of bill & SOP demanded.

3) On receiving the said grievance its copy along with accompaniments sent to nodal officers by this forum vide Ltr.no.EE/CGRF/Kalyan/078 dt.10/04/2015. In response to it officers of Licensee appeared, filed reply on 15/06/2015 and from time to time added explanation, similarly Consumer too added rejoinders.

4) Licensee in its reply contended that Consumer M/s Thakaram S. Hanwate is LT Consumer having Consumer no. 001840868865 & supply date 29/10/2004. Meter number 00611506 was replaced in Jan-2013 with new meter no. 05513720, but meter replacement report was not fed to system till October -2014, due to which Consumer was billed on average till Oct-2014. Actual reading '9114' received in Nov-2014 & as per actual reading, bill for '8929' units was issued for Nov-2014. The same was divided into 22 months from Jan -2013 to Oct-2014 & accordingly Rs.11112/- was credited in consumer energy bill. It is contended that the cumulated reading was due to late feeding of meter replacement report to IT system & the unbilled recovery is limited to 22 months & it is well within limitation provided under section 56 (2) of IE Act 2003.

5) This forum has gone through all the reply & rejoinders submitted by consumer & Licensee. Also meter replacement report, meter replacement register & CPL for the disputed period is kept on record. In meter replacement report, date of meter replacement is shown as 27/04/2013 whereas CPL is showing meter replaced in month

of Jun-2014. We checked original meter replacement report in which meter replacement of Consumer is entered but there is sticker of consumer name is pasted on the register. The Consumer had objected the same contending that meter replacement register is fabricated & intentionally changed on the said entry. After careful inspection of meter replacement register, it is clear that the sticker is pasted in name column, date of replacement & Consumer number but old meter number, meter reading & meter make shown in the register is matching with the CPL of Consumer.

This being so merely because some corrections or over writings are found in the register mala fide can not be straight away attributed. There is no case of defective meter set out. Whatever expressed is merely a suspicion that an already recorded meter was installed. Mere suspicion is not sufficient specially when recorded average bills are more or less similar to the arrears when considered on averages.

It may be taken as per register that meter was replaced on 27/04/2013.

6) Now the question is why Licensee not taken reading for 22 months? In this respect, clause 14.3 of Electricity supply code 2015 are material which read as under :-

#### **14.3 Reading of Meter**

*Meter readings shall be undertaken by the Authorized Representative at least once in every three months in the case of agricultural consumers, and at least once in every two months in the case of all other consumers, unless otherwise specifically approved by the Commission for any consumer or class of consumers.*

Thus it is the duty of Licensee to take meter readings regularly. It seems that in this case the meter reading has not taken during the period of April-2013 to Sept-2014. The billing is done as per 'RNA' status. This being so the Consumer should have timely asked for SOP. So far as SOP is concerned before proceeding to the appendix 'A' of the MERC (Standard of performance of Distribution Licensee period of giving supply and Determination of Compensation) Regulation 2014 we have to see Regulation 12 thereof :-

#### **MERC SOP Regulation 12.2 read thus**

*12.2 The Distribution Licensee shall be liable to pay to the affected person, such compensation as provided in Appendix A to these Regulations:*

*Provided that any person who is affected by the failure of the Distribution Licensee to meet the standards of performance specified under these Regulations and who seeks to claim compensation shall file his claim with such a Distribution Licensee within a maximum period of sixty (60) days from the time such a person is affected by such failure of the Distribution Licensee to meet the standards of performance :*

*Provided further that the Distribution Licensee shall provide information to consumers with regard to its offices/competent authority to settle claims for compensation:*

*Provided further that the Distribution Licensee shall compensate the affected person(s) within a maximum period of ninety (90) days from the date of filing his claim.*

In the present case consumer gives the application for SOP beyond 60 days as such, he is not entitled for SOP compensation

7) The delay is due to complicated issue involved & different grievances clubbed in one case. Also Licensee & Consumer submitted number of rejoinders. Also there was heavy work load on forum due to AEC/FAC cases.

Hence the order.

**ORDER**

1] Grievance application of consumer is hereby Rejected.

Date: 14/12/2017

(Mrs.S.A.Jamdar)  
Member  
CGRF, Kalyan

(A.P.Deshmukh)  
MemberSecretary  
CGRF, Kalyan.

(A.M.Garde)  
Chairperson  
CGRF, Kalyan.

**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, 606/608, Keshav Bldg, Bandra Kurla Complex, Mumbai 51”.*
- b) *Consumer, as per section 142 of the Electricity Act, 2003, can approach Hon. Maharashtra Electricity Regulatory Commission for non-compliance, part compliance or*
- c) *delay in compliance of this decision issued under “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & 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.*

