



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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No. K/E/868/1063 of 2015-16	Date of registration	: 29/04/2015
	Date of order	: 14/12/2017
	Total days	: 960

IN THE MATTER CASE OF GRIEVANCE NO. K/E/868/1063 of 2015-16 IN RESPECT OF SHRADDHA AGRO PRODUCTS, AT GUT NO.64 VILLAGE KANCHAD, TAL. WADA, DIST.PALGHAR, PIN NO.- 421 303 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING FAC.

M/s Shraddha Agro Products,
At Gut no.64 Village KANCHAD,
Tal. Wada, Dist.Palghar
Pin no.- 421 303.

(Consumer No.010790001538)

... (Hereinafter referred as Consumer)

V/s.

Maharashtra State Electricity Distribution
Company Limited

Through it's Nodal Officer/Addl.EE.

Vasai Circle, Vasai.

... (Hereinafter referred as Licensee)

Appearance :- **For Licensee** : Shri. D.R.Wattamwar, Dy.EE, Wada

For Consumer : Shri Harshad 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 29/04/2015 contenting that less recording is observed due to faulty meter. MERC Regulation 15.4.1. to be applied & 3 month recovery to be made. But entire amount of Rs.734969.67 is added, so it should be set aside. TOD incentive for Jan-2013 to Dec-2014 not given, which should be refunded along with interest. Wrong adjustment units '2434' added in bill of Sept-2014 which should be refunded. IC+DC+TC charge refunded in Jan -2015 bill but elect duty not yet refunded.

3) On receiving the said grievance it's copy along with accompaniments sent to nodal officer by this forum vide letter no.EE/CGRF/Kalyan/115 dt.02/05/2015.

In response to it officers of Licensee appeared & filed reply on 10/08/2015 and from time to time added explanations, similarly consumers too added rejoinders.

4) Licensee in its reply contended that M/s Shraddha Agro Products is its LT Consumer vide Consumer no. 010790001538 & having date of supply 06/02/2012. Testing division on date 18/06/2014 replaced the meter & CT, in which they found 'Y' phase current on meter display is zero & it is since Dec-2012 Accordingly 50% less consumption was recorded in meter during said period and hence assessment of '61700' units for less recording was added in bill of Nov-2014 which is legal & consumer has paid the amount without any protest.

The credit amount of Rs.133910/- given in Jan-2015 energy bill & Consumer is not entitled for any refund other than this. As far as TOD is concern there is no consumption recorded in off peak hours' time so he was not given TOD rebet. MRI data of meter no.0383062 was not available with the MSEDCL testing division due to PC formatted over the period. Letter of testing division date 03/08/2015 is kept on record.

5) Now the first grievance is regarding less recording for which Licensee has contended that 'Y' phase is zero Since Dec-2012, in meter & for which they did not provide meter MRI or any document which will show from when the 'Y' phase current is zero. It first noticed when the testing division visited the consumer on 18/06/2014. Licensee is not able to produce MRI report as the computer was formatted. In Support of

the said recovery Licensee in its letter dt.17/10/2016 contended that new meter consumption from Jul-2014 to Dec-2014 in six months average 11716 unit/month, whereas the disputed meter consumption from Jan-2013 to Jun-2014 in eighteen months average 6856 unit/month, Hence the assessment added is even less considering the consumption pattern.

In this regard the forum has gone through the provisions in the MERC (Electricity Supply Code and Other Conditions of Supply) Regulation 2005 clause 15.4 which gives directives for billing in the event of defective meters which reads as follows.

15.4 Billing in the event of Defective Meters:

15.4.1 Subject to the provisions of Part –XII and Part XIV of the Act. in case of defective meter the amount of the consumer’s bill shall be adjusted, for a maximum period of three months prior to the month in which the dispute has arisen, in accordance with the results of the test taken subject to furnishing the test report of the meter along with the assessed bill.

Provided that, in case of broken or damaged meter seal, the meter shall be tested for defectiveness or tampering. In case of defectives meter, the assessment shall be carried out as per clause 14.4.1 above and, in case of tampering as per section 126 or section 135 of the Act, depending on the circumstances of each cases.

Provided further that, in case the meter has stopped recording, the Consumer will be, billed for the period for which the meter has stopped recording up to maximum period of three months, based on the average metered consumption for twelve months immediately preceding the three months prior to the month in which the billing is contemplated.

In case of defectives meter recovery can be done for a maximum period of three months only, prior to the month of dispute. However, every now and then there is contention that exact date when defect developed, is not brought on record. However to bring it on record MRI data could have been retrieved. This may limit liability for lesser period than three months if the defect develop is found within three months. However Licensee did not place MRI on record. This matter is pending before the forum from 29/04/2015. Forum required to decide grievance within 60 days.

6) The aforesaid factual aspects, clearly demonstrate that consumer is dealt on the basis of inspection by flying squad and it is concluded that the meter is running slow due to fault of ‘Y’ phase CT. It is concluded by officers of Licensee that the consumption is

recorded less by 33% and on its basis dues are worked out. Those dues are worked out for the period from Dec-2012 to 18/04/2014 i.e. For period of 18 months.

In this light, representative of consumer insisted that as per provisions of MERC supply code 15.4.1 it is a case in respect of defective meter. There can be only recovery for the period not more than three months prior to the dispute. In other words maximum recovery can be for three months prior to the month in which dispute arisen. He also submitted that neither MRI report placed before forum to conclude date of CT failure.

7) We find that in absence of MRI report & available testing report it is a case of defective meter due to failure of 'Y' phase CT. Accordingly less recording of 33% due to failure of one CT is to be accepted.

As far as liability is concerned, as stated above MERC regulation supply code 15.4.1 clearly speaks that it is to be adjusted for maximum period of three months, prior to dispute. Accordingly claim of Licensee is to be set aside for total period. it is now required to be worked out afresh and making it limited for three months as discussed above. In result, this grievance of consumer is to be allowed.

8) Regarding second grievance regarding TOD incentives not given since Jan-2013 to Dec-2014. Licensee contended in their letter that the amount is already credited in bill of sept-2013 of Rs.187497.40 & Rs.182899.19 but details of amount not submitted. Hence we are of the opinion that Licensee should verify the credit amount & refund if any amount payable by calculating the TOD night rebet considering average of 12 months consumption from when the meter recorded zone wise consumption.

9) Regarding wrong adjustment of 2434 units in bill of Sept-2014. Licensee has already refunded the same in month of Jan-2015 bill hence need not to go in details.

10) As far as IC+GC+TC charges refund is concerned Licensee has given detailed calculation in their letter on 8/10/2015. The same is refunded in Jan-2015 bill & Consumer too agreed to it, hence as this issue is concern it is solved.

11) 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 allowed.
- 2] Recovery of Rs.734969.67 is set aside Licensee to calculate recovery for 3 months preceding date of inspection & refund excess amount collected with interest as per RBI rate.
- 3] Licensee to verify the TOD night benefit claim of consumer & refund the amount if payable with interest as per RBI rate.
- 5] Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

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.*

