



Consumer Grievance Redressal Forum, Kalyan Zone
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No. K/E/1102/1323 of 2016-17

Date of registration : 25/01/2017

Date of order : 20/12/2017

Total days : 329

IN THE MATTER CASE OF GRIEVANCE NO. K/E/1102/1323 OF 2016-17 IN RESPECT OF ELASTOMER LINING WORKS PVT.LTD, A-21, ADDITIONAL AMBERNATH, MIDC, ANAND NAGAR, AMBERNATH (E), PIN CODE -241 501. REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING BILLING DISPUTE.

Elastomer Lining Works Pvt.Ltd,
A-21, Additional Ambernath,
MIDC, Anand Nagar, Ambernath (E),
Pin Code -241 501.

(Consumer No.021520352497) (Hereinafter referred as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited

through its Nodal Officer,
MSEDCL,Kalyan Circle-II,

. . . . (Hereinafter referred as Licensee)

Appearance : For Licensee : Shri. Shailesh Kalantri, Ambernath (E), S/dn.
For Consumer : 1) Shri. Vipul Jadhav
2) Shri. B.R.Mantri (CR)

[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) The grievance application in brief is as under :-

The Consumer industrial concern having its factory at Ambernath receiving electric supply from the Licensee. The Consumer states that on 18/04/2015 the vigilance staff of Licensee inspected the premises of Consumer and noticed that B-phase secondary current is showing zero in meter. Hence Licensee raised a recovery bill of Rs.289430.00. According to the Consumer the bill so raised is wrong and it is not liable to pay the same.

Consumer further contended that the meter was removed by Licensee in absence of the consumer and was taken away by the Licensee without properly sealing and testing. According to the Consumer this action of the Licensee is highly arbitrary.

Consumer also submitted that it has paid the provisional electricity bill for the month of Jan-2016 and even the current bill for the month of Jan-2017 is paid by the Consumer.

Consumer claimed that its average electricity consumption has been reduced which according to the Consumer is an indication that its previous meter was defective. It is also submitted by the Consumer that the MRI data was not retrieved in its presence. Even its request to install parallel meter for testing was not accepted by the Licensee, meter was tested in the lab without its knowledge so there is a chance that the meter might have been tampered by the Licensee.

Consumer states that the original intimation was given to the Licensee on 11/06/2015. The Consumer therefore states that it is not liable to pay the wrongly raised bill for Rs.2,89,430.00 and claimed compensation for 3 days production loss and harassment.

3) Licensee submitted that the recovery bill of Rs.2,89,430/- was against '30517' units for the period of May-2013 to April-2015 As B-phase was not recording consumption properly in the following months.

- a) May-2013
- b) July-2013
- c) Sept-2013
- d) Jan-2014

An assessed bill was issued to the Consumer. However the above fact brought to the notice of the Consumer representative on 18/04/2015. Licensee also states that the MRI data retrieved shows that B-phase was not recording the consumption for the period May-2013 to April-2015. Licensee submitted that MRI data is retrieved in testing lab hence it is authentic and the assessment is also correct.

Licensee further submitted that the old meter was replaced by new meter and hence there was no production loss as claimed by the Consumer. In support of their statement. Licensee produced some documents on record.

On aforesaid premises grievance of the Consumer is that he had to suffer 3 days production loss because of the negligence of the Licensee, for which he should not be penalized and submitted that his previous meter be treated as defective and be charge accordingly.

- 4) We have gone through the record placed before us and have heard the arguments. Record shows that the meter was not working properly. In the letter dtd.15/05/2017 The Executive Engineer, Testing Division-II, Kalyan it is clearly mentioned that “meter’s errors are found beyond permissible limit.” A test report is also attached with this letter. On the query of the forum “whether C.T.P.T. are the parts of the meter?” Licensee replied in affirmative. In this respect we have gone through the definition of meter which is provided under **Regulation 2.1 (5) of MERC (Standards of performance of Distribution Licensee, Period for giving Supply and Determination of Compensation) Regulation 2014** it reads as under :-

“Meter” means a set of integrating instruments used to measure and/or record and store the information regarding amount of electrical energy supplied or the quantity of electrical energy contained in the supply, in a given time, which includes whole current meter and metering equipment, such as current transformer, capacitor voltage transformer or potential of voltage transformer with necessary wiring and accessories, communication system used for Automatic Meter Reading (AMR) and also includes pre-payments meter”

Thus as per the definition of meter as referred above meter includes whole current meter and metering equipment such as current transformer, capacitor, voltage transformer or potential transformer with necessary wiring & accessories, communication system used for automatic meter reading. In the present case B-phase was not recording consumption. Licensee has tested the meter in the testing lab and retrieved MRI data showing that on 06/01/2013 there was correct current and on 06/05/2013 B-phase current found 0.014 Amps compared to R-Ph = 26.643 Amp and Y-Ph = 35.703 Amp. Record also shows, that on 04/09/2013 and 07/01/2014 B-phase currents are very less nearly zero . All this clearly indicates that B-phase C.T. is faulty. In our opinion when B-phase C.T. is an integral part of the meter, the whole meter should be treated as defective for that disputed period and the assessment be made as per clause 15.4.1 which reproduced as under:-

Billing in the Event of Defective Meters :-

Subject to the provisions of Part XII and Part XIV of the Act, in case of a 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 result of the test taken subject to furnishing the test report of the meter along with the assessed bill.

More over as per the regulation 14.4.1 of MERC Supply code , periodical inspection is the responsibility of the Licensee, hence any part of the meter if not working properly the assessment should be done as per the provision of 15.4.1 and Consumer should not be penalized for that.

- 5) Consumer also claimed an amount of compensation towards the 3 days production loss, however no evidence has been laid down by the Consumer before the forum for quantifying/calculating the amount to be awarded. Hence this prayer of the Consumer can not be taken into consideration.
- 6) The delay is due to both parties have to produce some documents, Also there was heavy work loan on forum due to ACE/FAC cases.

Taking into consideration all the above facts we pass the following order.

ORDER

- 1] Grievance application of consumer is hereby partly allowed.
- 2] The Liability workout by the Licensee for Rs.2,89,430/- is hereby set aside.
- 3] Licensee is directed to calculate the bill for the three months prior to 18/04/2015 i.e. the months of detection of the defect and issue of fresh bill to the Consumer. The excess mount recovered if any be refunded to the Consumer with RBI rate of interest.
- 4) Licensees directed not to charge DPC &Interest from the Consumer.
- 5) The testing fees recovered from the Consumer be refunded.
- 6] Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

Date: 20/12/2017.

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

(A.P.Deshmukh)
Member Secretary
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, KeshavBldg, BandraKurlaComplex, 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.*