



Consumer Grievance Redressal Forum, Kalyan Zone  
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301  
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No. **K/E/840/1025/2014-15**

Date of Grievance : 31/12/2014

Date of Order : 23/01/2015

Total days : 23

**IN THE MATTER OF GRIEVANCE NO. K/E/840/1025 OF 2014-15 IN RESPECT OF MRS. SINDHU PRAKASH TAYADE, ORT-NO.11, APPROVA LAKE VIEWS, ADHARWADI, KALYAN (W), DIST. THANE. REGOSTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING REFUND OF AMOUNT TOWARDS EXCESS AMOUNT RECOVERED DUE TO FAULTY METER.**

Mrs. Sindhu Prakash Tayade,  
ORT- NO. 11, Approva Lake View ,  
Adharwadi, Kalyan (W) Dist-Thane .... (Hereafter referred as Consumer)  
Consumer No. **020024062733-LT-1, Residential)**

Versus

Maharashtra State Electricity Distribution  
Company Limited through its  
Addl. Exewcutive Engineer,  
Sub-Divn-II, Kalyan (E) in  
Kalyan Circle-I, .... (Hereinafter referred as Licensee)

Appearance : For Consumer -Mr. Prakash Tayade consumer's representative.  
For Licensee – Mr. Lahamage-Nodal Officer/Exe. Engineer  
Mr. Narsingh – Addl. Executive Engineer.

(Per Shri Sadashiv S.Deshmukh, Chairperson)

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. {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 and Determination of Compensation) Regulations, 2014.' Hereinafter referred 'SOP' for the sake of convenience (Electricity Supply Code and other conditions of supply) Regulations 2014'.

2] Consumer brought this grievance before Forum on 31/12/2014, contending that consumer's meter was running fast for last 18 months, hence approached Licencee on 5/5/2014 with a plea to replace the fast meter, installing new meter. Thereafter meter was replaced on 23/5/2014 and it was tested on 27/5/2014. During testing, it was found 100% fast. Thereafter consumer approached Licencee and claimed that said faulty meter status was from date of its installation i.e. 5/11/2004 and hence sought revision of bills from that date. Consumer then approached IGRC on 19/7/2014. IGRC not decided the matter in 60 days, hence consumer approached this Forum for revising the bill from beginning and for refund of the amount.

3] On receiving this grievance its copy along with accompaniments sent to the Licencee vide this Office Letter No. EE/CGRF/Kalyan /005 dated 1/1/2015. In response to it, Officers of Licencee appeared and filed reply on 22/1/2015 along with CPL and submitted that already in response to IGRC letter dated 4/8/2014, reply is submitted on 16/9/2014 and bill is revised from March 2014 to May 2014, resorting to B-80 and revised bill is issued.

4] We heard both sides. We have gone through the grievance and reply. On its basis, following factual aspects disclosed:

a] Consumer is having residential connection from 5/11/2004.

b] Consumer for the first time approached Licencee on receiving bill dated 30/4/2014 for 607 units, covering the period from 7/3/2014 to 7/4/2014 for Rs. 5380/- vide letter dated 5/5/2014, making a grievance that inflated bill is issued, meter is running fast for the last 18 months, it be replaced with new meter and old meter be tested.

c] Consumer deposited meter testing fee of Rs.150/- on 20/5/2014 and accordingly old meter No. 115020 replaced on 23/5/2014 with new meter No. 2215028. Thereafter old meter No. 1185020 was sent for testing with a letter dated 26/5/2014. Said meter was tested on 27/5/2014 and during testing it was found fast above 100%. Copy of testing report was provided to the consumer.

d] Consumer thereafter addressed letter to the Licencee on 3/7/2014 to revise the bill from date of connection, but there was no response.

e] Further consumer approached IGRC on 19/7/2014 with a prayer to revise the previous bills from date of connection in the light of meter testing report IGRC addressed letter on 4/8/2014 to Dy. Executive Engineer in the light of complaint of consumer and date of hearing was fixed as 13/8/2014. Reply was given to the said letter by Dy. Executive Engineer on 16/9/2014. Thereafter consumer addressed letter to IGRC on 27/9/2014 and sought refund of amount, revising the bills from the date of connection.

f] IGRC not passed any order within 60 days, hence consumer approached this Forum on 31/12/2014. As stated above, Licencee appeared filed reply along with CPL of consumer from inception.

5] In the light of aforesaid facts it is clear that till 5/5/2014 consumer paid bills from time to time as per the demand. However, bill dated 30/4/2014 for Rs.,5380/- received for 607 units consumed and hence consumer noted that it is due to meter running fast. Consumer further perceived that meter is running fast for last 18 months. In that light, sought replacement of said meter and it's testing. Accordingly, testing is done, meter was found 100% running fast. Accordingly, it is clear that status of meter was not normal or fit. It definitely comes under the category of defective meter.

If, once it is concluded that meter was defective, then question comes up from which date it became defective or erratic. Consumer at the initial stage, came up with a contention that it was running fast for last 18 months, but in further complaint and grievance, on receiving the meter test report, she claimed that it is running fast

right from beginning, hence prayed for relief of revising the bill from beginning. On the other hand, there is no any other material placed on record from Licencee's side when the defect of fast running commenced.

In absence of any clear material from Licencee's side, from which date meter started running fast, we are required to consider the factual aspect. In this regard, consumer's representative submitted that on 23/5/2014 old meter which was running fast replaced and new meter installed. It is giving the readings till date which are correct and hence, as per these readings previous entries of consumption/bills are to be revised. At this stage, it is just and proper to note that after replacement of meter bills from July 2014 to December 2014 are issued and consumption of units is in between 137 to 290 units. Though this submission is made, legal provision needs to be considered in the light of Clause No.15.4.1 of Supply Code. Sum and substance of said clause speaks that if defect can be traced out from a particular period, it can be considered. But now, we have noted that precise date from when meter became erratic or found running fast is not definite. No doubt, consumer's representative equitably sought relief, referring to healthy consumption from July 2014 onwards after new meter installed. But as per the Regulation we are to consider previous healthy period also and while considering it, the healthy period from July 2014 onwards will also be a sort of aid to consider previous healthy period. Though consumer initially restricted allegation of fast running of meter for 18 months, but after testing report claimed that it's position is same from beginning. In this regard, we scrutinized the CPL and it is noticed that just prior to 18 months of the complaint of consumer in November 2012 consumption is shown as 288 units and thereafter there is consistent change/ increase in the consumption which is of 607 units in April 2014, 665 in May 2014. With an anxiety to scan consumer's claim about defect in meter from beginning, again we verified the CPL and we noticed that in March 2012 consumption of 180 units and thereafter from April 2012 to May 2014 consumption is being running in between 306

units to 665 units. Accordingly, this is one of the clue available to consider the claim of consumer. Prior to April 2012 at no point of time, consumption ever crossed more than 180 units. Only once in December 2011, it was of 263 units. Accordingly, we find that from April 2012 to May 2014, said meter's reading found not consistent if considered with the consumption prior to that period or subsequent to that period. Accordingly, in absence of any specific proof or specific contention from Licencee's side from which date said meter was functioning fast, we are required to stick up to the factual aspect as stated above for the period from April 2012 to May 2014. We are not able to endorse consumer's contention that meter was defective right from beginning or restrict relief granted by Licencee for the period from March 2014 to May 2014. We conclude on the basis of above analysis that said meter was running fast during the period from April 2012 to May 2014.

6] On the basis of above conclusion, it is clear that for the period from April 2012 to May 2014 consumer's meter was running fast, it was defective, hence units charged are not proper. In this regard, it is necessary to consider the average consumption pattern of consumer for 12 months prior to April 2012 which comes to 126 units per month and on it's basis bills needs to be revised from April 2012 to May 2014. Accordingly, applying the said average for the disputed period, refund comes and Licencee is to refund the said amount with interest as per Bank Rate from 5/5/2014 i.e. the date when consumer complained, till it's payment. Said payment be done by issuing cheque. This much relief will take care of consumer's grievance. She has approached in May 2014 and meter was replaced on 23/5/2014 and now he dispute is dealt

7] In view of the above, grievance of the consumer is to be allowed.

Hence the order.

**ORDER**

Grievance of the consumer is hereby allowed.

Licencee is directed to revise the bills of consumer from April 2012 to May 2014, applying the average consumption worked out of 12 months prior to April 2012 which comes to 126 units per month. Accordingly, considering the payment already done by consumer from April 2012 to May 2014 deducting it from the liability now to be worked out on average basis, amount be refunded with interest on total refund amount from 5/5/2014 as per Bank Rate till to the date of payment by issuing cheque.

Licencee to issue refund cheque as ordered above within 45 days from the date of this order and to submit it's compliance report further within 15 days.

Dated: 23/1/2015.

I agree

(Chandrashekhar U.Patil)  
Member Secretary  
CGRF, Kalyan

(Sadashiv S.Deshmukh)  
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"*

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- 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.