



Consumer Grievance Redressal Forum, Kalyan Zone

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No. **K/E/907/1106 of 2015-16**

Date of Grievance : 06/07/2015

Date of order : 16/10/2015

Total days : 102

**IN THE MATTER CASE OF GRIEVANCE NO. K/E/907/1106/2015-16 IN RESPECT OF NANKIBAI ISSARDAS, STEEL FURNITURE SHOP NO.1117, U-123, FURNITURE BAZAAR, ULHASNA GAR-421 002. DIST. THANE REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING BILLING DISPUTE.**

Nankibai Issardas,  
Steel Furniture Shop No.1117,  
U-123. Furniture Bazaar,  
Ulhasnagar-421 002,  
Dist. Thane.  
(Consumer No. 021510722504)

..... (Hereinafter referred as Consumer)

Versus

Maharashtra State Electricity Distribution  
Company Limited  
through its Nodal Officer,  
MSEDCL, Kalyan Circle-II, Kalyan ..... (Hereinafter referred as Licensee)

Appearance : - For Licensee : Shri Gawali, AEE, Ulhas-II S/Dn.  
Shri Mahajan L.G, AA, Ulhas-II S/Dn.  
For Consumer-Consumer's Representative- Shri Rajput.

(Per C.U.Patil-Executive Engineer – cum- Member Secretary

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

The consumer Nankibai Issardas having her shop No.1117 at Furniture Bazaar located in Ulhasnagar -02 and is having III phase industrial connection bearing consumer No. 021510722504. The consumer raised her first complaint on 20/12/2014 to AEE of Ulhasnagar-III Sub-Divn for excess billing as she received the bill for the month of December 2014 for Rs.1,05,100/-. The consumer is having connection for her steel furniture and she claimed that for the past billing period she was receiving the bill for Rs.3500/- approximately per month. She lodged her grievance at CFC Centre on 20/12/2014 which was acknowledged by the Licensee allotting ticket No.1953875. On the same day, i.e. on 27/2/2015 she communicated to AEE that she received excessive bill, however one phase of the connected meter is burnt. The 02 phases of the meter are working and requested for inspection of meter in the presence of the consumer and for issue of bill as per the meter test report. Simultaneously she registered

the complaint at CFC on 27/2/2015 with ticket No. 215443 requesting for meter checking. Later on consumer received the notice no.373 dated 2/3/2015 under the provision of Section 56(1) of Electricity Act 2003 for payment of Rs.97,375/- which was due on January 2015.

The consumer approached to IGRC by filling 'X' form dated 12/3/2015 which was heard by IGRC. IGRC placed the order 2462 dated 24/2/2015 rejecting the grievance application of the consumer and confirmed that bill issued to the consumer is as per the units recorded by the meter and the amount is correct. The another grievance linked with Section 126 was dismissed by IGRC stating barred by jurisdiction.

Aggrieved with the order of IGRC, the consumer approached to the Forum and submitted grievance in application form 'A' which was registered by allotting No. K/E/907/1106 dated 6/7/2015. The hearing was scheduled on 28/7/2015 at 12:30 hours. The hearing letter No.228 dated 06/7/2015 was served to the Nodal Officer of KC-II with the copy to the consumer.

On hearing date i.e. on 28/7/2015, the Licensee appeared with reply no.1318 dated 24/7/2015, which was addressed to the Nodal Officer of KC-II with copy to the consumer, covered the following aspects:

AE Nehru chowk inspected the premises of consumer on 15/12/2014 and confirmed that neutral terminal of the meter bearing SR. No.243217 is burnt during the month December 2014 and bill for 7663 units for the amount of Rs.1,08,220/- was processed. As per consumer's request meter was sent to the testing unit of Division, but due to burning of R phase, the meter could not be tested. Meter data was collected further through MRI on 17/12/2014 and it was observed by the Licensee that maximum demand recorded was 39.8 KVA on 4/11/2014. Also MD was

recorded as 32.54 KVA on 2/12/2014 and 4/12/2014. Hence Licensee processed the bill as per reading recorded in the meter.

Further, considering the detail order of IGRC, the meter was sent to Secure Company. The company's report dated 29/6/2015 is reproduced below: "during meter analysis at our end, meter is found completely burnt internally, hence testing and analysis is not possible". The company's report was sent to the consumer by AEE vide Letter No.1137 dated 2/7/2015.

The Forum confirmed the MD values recorded in the meter from MRI report enclosed by the Licensee along with above reply. The Forum also confirmed the secure company's report dated 29/6/2015 in which the inability of the testing and further analysis is shown by the company.

Consumer approached to the Forum for the excessive bill received to the consumer for December 2014 and not for the assessment raised u/s. 126 of the Electricity Act by Licensee. Hence in this grievance the bill raised against Section 126 of EA is not considered for hearing and discussion. Only the bill issued of amount Rs.1,08,220/- for 7663 units in December 2014 is taken for consideration.

The consumer contended that before December 2014 and even after meter replacement the consumption recorded has not exceeded beyond 800 units. Consumer also said that neither he increased nor added any equipment's or removed from the original set box machinery. The consumer further added that the complaint dated 20/12/2014 and 27/2/2015 was not replied by the Licensee on the contrary notice for disconnection dated 2/3/2015 was served directly.

During the hearing Licensee contended that consumer had taken renovation of steel furniture shop and utilized the building material etc. during the course of renovation. That is why consumption has been recorded in the meter along with count of maximum demand to 39.8 KVA.

Consumer argued and contended that sanction load given to him is 16 HP. But he never connected the electrical equipments / load up to that level. Consumer further stated that the renovation activity was undertaken by him well before December 2014 and during the course of such renovation consumer's regular load was not in use. Also consumer contended that the meter provided to consumer is 03 phase having current carrying capacity of 10-60 Amps. Consumer further said that if any demand persists continuously for half an hour then only said demand get recorded in the meter as maximum demand. The MD of 40 KVA means near about load of 52 Amps. Consumer is not having the installed wiring capacity to sustain such load and so much quantum of load was if utilized by him, then the internal wiring may get damaged / burnt.

The Forum observed the spot inspection report of Licensee dated 15/12/2014 which is taken after the issue of bill under dispute. The said report confirms the connected load of 03 HP for industrial purpose and 2.635 KW for commercial purpose. The inspection report also shows the recorded MD as 39.8 KVA.

It is a fact that MD of value 39.8 KVA is recorded by meter and as reflected in the MRI report of the said meter. The MRI report cannot be kept aside, however the report does not mean or indicates that the meter is working or functioning normally. Hence mere recording of MD does not lead to the conclusion that meter on particular dates and during the dispute period was working normally. The status of the meter gets

visualized in the meter testing report and also in the cases where billing dispute arises and in the events of defective meter, the MERC Regulations 2005 for Electricity Supply Code and other Conditions of Supply vide Clause 15.4.1 allows assessment of bill in accordance with the test results, i.e. the test report of the meter under dispute are evaluated. The Licensee has not put any kind of submissions in which such test results of the meter under dispute are evaluated. The AEE of Ulhasnagar-3 Sub-Divn in his letter addressed to the Nodal Officer of KC-II vide letter No. 1041 dated 17/6/2015 also mentions that meter was sent to Divn. Testing Unit, but due to the burning of R Phase CT and neutral termination of meter, it is not tested. Manufacturers test report is also not available as already mentioned in the above paras.

However, quantum of the connected load mentioned in this report is only up to the total of 4.7 KW and against such small quantum of load, recorded MD 39.8 KVA is nowhere appearing justified.

In another case registered in our Forum vide No. 1108 in respect of Shri Vijay Hassani, the MSEDCL considered such type of abnormal functioning of the consumer's meter. In that case the meter was of Montel make and the bill @ 1392 units was given to the consumer for the month of March 2015. Before March 2015, the consumer was receiving the bills in the range of 200 – 400 units per month. The meter under dispute was found within permissible limit after testing at MSEDCL's Testing Unit. In spite of meter testing report showing OK status, of the meter, the Licensee has formed the committee at their respective Billing Centre and treated the grievance by applying the average of the consumption recorded by the meter during its normal working status during last period.

Accordingly, the case of Hassani was settled by revising the original bill under dispute of amount rs.15,414/- to the tune of Rs.1950/-.

It is not understood as to why such committee was not formed in the present grievance of Nanakibai also to sort out the dispute.

From all above scenario, the Forum came to the conclusion in the present grievance that Licensee is recording only 4.7 KW load in the consumer's premises, however the recorded MD 39.8 KVA is nowhere matching to the circumstances of the physical connected load. Also consumer's previous recorded consumption prior to December 2014 has not exceeded 894 units and also after the meter replacement, i.e. from January 2015 onwards, the units recorded in new meter has not exceeded beyond 860 units.

In this case, the authentic meter testing report illustrating meter accuracy or it' calibration report is not coming before the Forum. Also the manufacturer has shown his inability vide letter dated 29/6/15 for any such analysis of the meter.

Under such circumstances, the possibility of the load reading up to the tune of 39.8 KVA as seen from the recorded MD is beyond our imagination.

Hence this Forum treat the meter under dispute as faulty meter during the billing period of December 2014. The maximum recorded units and Maximum Demand during last 12 months prior to December 2014 should be taken in to consideration to which the consumer has also shown consent and applying these units, the bill for December 2014 should be rectified accordingly.

This matter could not be decided within time as Licensee was to provide the details sought from time to time, those were provided on

7/10/2015 and their submissions are heard on that day and clarification taken on 7/10/2015. Moreover, the Forum is functioning in absence of regular Chairperson and the Member Secretary is discharging the additional work of Chairperson along with the regular work of Member Secretary.

Under these circumstances, the grievance of the consumer deserves to be allowed.

Hence the order.

**ORDER**

Consumer's bill of amount Rs.1,08,220/- for 7663 units issued in December-2014 is set aside.

Licensee is directed to revise the bill for December 2014 considering the maximum recorded units and Demand (MD) during last 12 months prior to December 2014 and that too without imposing DPC or interest on disputed amount.

The excess amount, if any paid by consumer be adjusted in the ensuing bills.

The compliance of the order should be submitted within 45 days from the date of the order.

Date:16/10/2015.

**I agree**

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

**(Chandrashekhar U.Patil)  
Chairperson-cum- Member Secretary  
CGRF,Kalyan.**

**\*\* ( In the sitting of Forum, the Chairperson is not available. As per MERC Regulations (2006), Clause 4, the technical member shall be the Chairperson of such sitting in which Chairperson is not available and hence in the present case, the technical member performed the role of Chairperson of the Forum ).**

**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.