



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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No. **K/E/1070/1290 of 2016-17**

Date of Grievance : 03/11/2016

Date of order : 13/04/2017

Total days : 162

IN THE MATTER CASE OF GRIEVANCE NO. K/E/1070/1290/2016-17 IN RESPECT OF K.P.CHANDNANI, MEDICAL STORE, AMBIVLI, TAL. KALYAN, DIST. THANE 421 102, REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING BILLING DISPUTE.

K.P.Chandnani,
Medical Store,
Ambivli, Tal. Kalyan,
Dist. Thane 421 102.

(Consumer No. 020160002787)

..... (Hereinafter referred as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited
Through Addl. Executive Engineer,
Kalyan Circle-I

..... (Hereinafter referred as Licensee)

Appearance : - For Licensee : Shri Yadav Nodal Officer/AEE-S/dn-I &
: Shri Chavan- AEE.
For Consumer : Shri Rajput - CR

[Coram- Shri A.M.Garde-Chirperson, Shri L.N.Bade-Member Secretary and
Mrs.S.A.Jamdar- Member (CPO)].

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’.

2] The facts in brief are – that the complainant Mr. Chandnani is the consumer of Licensee having consumer No. 020160002787.

3] Initially there were two commercial connections in the same premises, from 1972 till 2014. However, as per condition supply Clause 2.2.5 one meter was removed (i.e. meter No. 67/00617810 in 2016). Load of two meters was clubbed and transferred on meter No.5803187244 in September 2014.

4] The dispute is regarding the bills for the month of May 2015, June 2015 and September 2015. After the complaint of the consumer, this meter was again replaced.

5] Grievance of the consumer is that the Licensee issued the excess / exorbitant electricity bills for the above disputed period without considering the previous trend of consumption patterns of the consumer.

6] Licensee submitted that as per the complaint of the consumer, meter was changed 2 to 3 times. Licensee's section Officer prepared a detail report. According to the said report the monthly consumption of the consumer was 400 units. Consumer was called upon to pay the amount.

7] It was further contended by the Licensee that considering the huge abnormal reading of Rolex and Flash meters, Licensee formed a committee and as per the report / recommendation of this committee, Licensee revised the bills of the consumer for the above disputed period (i.e. May 2015, June 2015 and September 2015) considering the average of 460 units. However, these bills were again revised as per the report of Section Officer by considering the average of 400 units. According to the Licensee the disputed bills are corrected, hence stated that consumer's claim be rejected.

8] We have heard both the sides and perused the record. There are three questions for determination namely :-

- a] Whether there was a sudden spurt in consumed units in the billing period in question?
- b] Whether the meter was defective?
- c] If defective the basis on which reasonable number of chargeable units for the billing period in question should be determined?

9] In the present case, there was admittedly a spurt in the consumption / units in the above said period. There is a mail dated 9/3/16 of Chief Engineer MMC addressed to Chief Engineer, MSEDCL stating that "Considering the huge volume of Rolex and Flash make meters failed in field. It is decided at corporate level that, the Rolex and Flash make single phase meters are not to be used for new service connection (NSC) and for replacement of faulty meter henceforth till further instruction from

this office.” which clearly shows that Rolex and Flash make meters were defective.

10] Taking into consideration, all the above facts a safe inference can be drawn that there was a defect in the meter which was recording the reading / units at least during the above said period and meter must have jumped in the month of May 2015, June 2015 and September 2015 as stated by the consumer. The effect of which the bills for the period May 2015, June 2015 and September 2015 were excessive in relation to the previous and subsequent bills. We therefore, of the view that it will be proper to direct the Licensee to cancel the said bills and issue fresh bills for the disputed period on the basis of average consumption of 150 units per month. CPL shows that the unit consumption for the previous period (i.e. before May 2015) and subsequent period (i.e. after September 2015) is on an average is 150 units. Consumer has waived the prayer of compensation and has issued a letter dated 7/4/17 to that effect. This matter could not be decided within time as hearing was going on each and every date and parties wanted to produce some documents and therefore, delay is caused.

Hence the order.

ORDER

Grievance application of the consumer is allowed.

2] The bills issued by the Licensee for the period of May 2015, June 2015 and September 2015 are hereby set aside.

3] The Licensee is directed to issue fresh bills to the consumer for the above mentioned period taking into consideration the consumption of 150 units.

4] Licensee is directed not to take interest or DPC on the above so worked out amount.

Dated: 13/4/2017.

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

(L.N.Bade)
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, 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.

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