



Consumer Grievance Redressal Forum, Kalyan Zone

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No.EE/CGRF/Kalyan Zone/

Date of Grievance : 06/05/2015

Date of Order : 03/05/2017

Total days : 726

IN THE MATTER CASE OF GRIEVANCE NO. K/E/884/1079/2015-16 IN RESPECT OF RATAN POLY PLOTS, SHED NO. 1 & 2, CHINTUPADA RD. NEAR SHEFEX, OPP. DRYANI, MAHIM VILLAGE, PALGHAR, PIN CODE - 401 404, REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING REFUND OF AMOUNT.

Ratan Poly Plast,
Shed Nos. 1 & 2, Chintupada Rd.,
Nr. Shefex, Opp. Dryani,
Mahim village,
Dist. Palghar,
Pin Code-401 404
(Consumer No.003659034770)

... (Hereinafter referred as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited
through its Addl. Ex. Engineer,
Vasai Circle, Vasai (E), S/Dvn.

..... (Hereinafter referred as Licensee)

Appearance : - For Consumer : Shri Harshad Sheth-Consumer's representative.
For Licensee :- Shri Jagtap-EE, Vasai Circle.

Coram- Shri A.M.Garde-Chairperson, 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] Case in brief is that on 8th of March 2014 MSEDCL testing wing verified the premises of the consumer and tested the meter. They found it normal. MRI report and Kiosk testing was done and thereupon old meter No. 7327054 was replaced by new meter No.12627084. Thereafter in the bill of March 14 received on 15th April 2014 for 13204.82 units were added by way of adjustment and a large bill. Due to non-payment of this bill the supply was disconnected. Consumer had to pay entire amount along with reconnection charges on 23rd May 2014.

3] It is further contention that the letter dated 12/3/14 of Executive Engineer (Testing) Vasai Circle is very clear and indicating defective meter. Regulation 15.4.1 reads thus:-

15.4.1: 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 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 defective meter, the assessment shall be carried out as per clause 15.4.1 above and, in case of tampering as per Section 126 or Section 135 of the Act, depending on the circumstances of each case.

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 a 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.”

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 a 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.

4] It is the contention that consumer's case falls in (a) being a defective meter as such the amount added from April 2014 is illegal not being rectified to three months. MSEDCL also vide its Commercial Circular No. 118 dated 18th June 2010 *inter-alia* directed the Officers that “ in case “ artificial means / tampering of meter is observed, the consumer should be billed as per Regulation No. 15.4.1 of the MERC Electricity

Supply Code Regulation 2005.” Consumer relied on CGRF Judgment in Case No. K/E/325/364 dtd 7.4.2010 Vipras Castings Ltd.

5] Licensee filed reply and contended inter alia that on testing of meter No. 7327054 of the complainant /consumer on 8/3/14 the meter was found jumping normally, but while analyzing the MRI data on that day it was found that meter recorded major power failure events / display stuck up even though the load was normal at that time, as such loads to non-recording of energy consumption during the said power failure even. Such occurrence are installed with C & T meter. Thus, in view of testing report and retried MRI data, though meter was OK but due to some technical reasons it gone in condition under display stuck up, meter logs a false power failure event and it did not record consumption, hence assessment for unbilled period of 151 days, 09 hrs and 28 minutes is required to be made. MSEDCL has accordingly, carried out assessment of 13,104 voltage. The present case is purely case of raising unbilled consumption due to technical reason beyond the control of Licensee on account of faulty meter etc. and hence Section 15.4.1 MERC Supply Code does not apply.

6] We have heard both sides. The meter in question was sent for analysis of MRI data. No data was retrieved except for 16 days. MSEDCL produced the consumption table and tried to show the pattern of consumption. It is submitted that the pattern shows low consumption recorded from September 2012 which dropped from 12202 to 7422, then 2386, 3290, 268,0,0,0.0. 2466, 3964, 522 etc. September 2011 to August 2012 total consumption comes to 1,30,236 whereas from September 2012 to February 2014 it comes to more 38672. When there is admittedly no MRI data for the period of 151 days of stuck up meter condition how can bill be raised merely on the basis of consumption pattern or graph.

- 7] Thus bill in question has to be revised only for sixteen days.
- 8] Consumer has asked for SOP/compensation as per MERC Regulations 2014, but he has not explained under which provision he is entitled for SOP/ Compensation.

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

- 1] Grievance application of consumer is hereby allowed.
- 2] The bill in question for March 2014 is hereby set aside.
- 3] Licensee is directed to revise this bill by applying available MRI data and excess amount be refunded to the consumer with interest as per section 62 (6) of Indian Electricity Act, without applying DPC and interest.
- 4] Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

Date: 03/5/2017.

(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.