



Consumer Grievance Redressal Forum, Kalyan Zone

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No.EE/CGRF/Kalyan Zone/

Date of Grievance : 08/06/2015

Date of Order : 03/05/2017

Total days : 728

**IN THE MATTER CASE OF GRIEVANCE NO. K/E/894/1093/2015-16 IN RESPECT OF V PACKAGING, PLOT NO. 1, SY. NO.74./2, NR. RIVER, WALIV PHATA, VASAI ( E ) DIST. PALGHAR, PIN CODE - 401 208, REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING BILLING DISPUTE.**

V. Packaging,  
Plot No.1, Sy. No.74/2,  
Nr.River, Waliv Phata,  
Vasai ( E ),  
Dist. Palghar,  
Pin Code-401 208  
(Consumer No.001849029230)

... (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 the bill for March 2015, in which adjustment consumption of 71,588 units were added, and Rs.6,49,631/- were claimed is challenged in this grievance. Meter was changed on their own by the Licensee in January 2015. Mandatory reports like meter replacement report, final reading report, check report was not given. One sided work was carried out without informing of consumer or by taking consumer’s signature. Thus, there are allegations made about not accepting the payment deliberately for disconnecting supply. Consumer prayed for testing of meter from NABL approved Laboratory, quashing of wrong bill of March 2015 and issue of revised bill. Earlier meter’s entire reports may be handed over to consumer for justifying the adjustment addition. Bill may be corrected after receipt of correct data from NABL approved Laboratory.

3] Licensee in reply contends that consumer M/s. V. Packaging has L.T. Industrial connection bearing consumer No. 008409029390, date of supply 12/1/2006. The Testing Division of MSEDCL in its visit on 23/1/15 replaced the meter and CT/PT. On testing, old meter was found OK but due to loose wiring B phase of meter become unbalanced. The "B" phase current on meter display was Zero, and as per retrieved MRI data it was Zero from 2/6/13. Accordingly 33% less consumption was recorded during the said period and hence assessment is required to be levied for the said unbilled consumption. Last reading on meter at the time of replacement is 271101 KWH. The reading (KWH) on 7/6/13 is 199502 . The total recorded consumption from 7/6/13 to 23/1/15 is 71599 KWH. Accordingly, 33% less recorded consumption = 35795 KWH x 2 (MF) = 71588 units, the bill for which comes to 6,39,631. The same was raised in the bill of March 2015. The recovery is about part consumption which consumer has consumed but due to technical reason it remains to be claimed from the consumer and hence it is legal and proper. Licensee produced testing report, meter replacement report, MRI data and assessment calculation sheet.

4] We have heard both the sides, and have perused the reports. As we see the testing Division visited on 23/1/15. They formed on inspection that 'B' phase voltage was showing Zero consumption on meter display which was normal at primary side of CT. Old meter was taken in custody for testing in Lab. MRI data was not retrieved at the site. Licensee shows that as per old MRI data taken at the time of October 2013 reading 'B' phase voltage was unbalanced and missing since 7/6/13. Due to this meter recorded 33% less energy since 7/6/13 till replacement data. But MRI data of old meter was available from 28/11/14 i.e. for about 3 ¾ months.

5] On behalf of the consumer, it was submitted that this being a case of defective meter, 15.4.1 of Supply Code applies. Even otherwise MRI data is applicable only for a period of 3 ¾ months. Bill can be at most recovered as per MRI data. Any of the two may be applied.

6] Proposal of the consumer to revise the bill for the month of March 2015 as per the available MRI data ( i.e.for the period of 3 ¾ months) is with the line of MERC provision. We, therefore, are of the opinion that it will be proper to direct the Licensee to revise the bill of the consumer for the month of March 2015 as per the available MRI data .

7] In the above view of the matter the bill in question for the month of March 2015 is liable to be set aside and revised.

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 2015 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.