



Consumer Grievance Redressal Forum, Kalyan Zone  
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301  
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No. **K/E/1106/1327 of 2016-17**

Date of Grievance : 16/02/2017

Date of order : 26/05/2017

Total days : 90

**IN THE MATTER CASE OF GRIEVANCE NO. K/E/1106/1327/2016-17 IN RESPECT OF MR. DINESH R. SOMANI , C/O. MITESH MARBLE, MOHANE ROAD, SHAHAD, KALYAN ( E )- 421 301, REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING BILLING DISPUTE.**

Mr. Dinesh R. Somani,  
C/o. Mitesh Marble, Mohane road,  
Shahad, Kalyan ( E )  
(Consumer No.020100987091)

.... (Hereafter referred as Consumer)

Versus

Maharashtra State Electricity Distribution  
Company Limited through its  
Nodal Officer,  
Kalyan Circle-I.

.... (Hereinafter referred as Licensee)

Appearance : For Consumer-Shri B.R.Mantri – CR.

For Licensee- Shri Yadav-Addl. EE S/dn-I, Kalyan (W).

[Quorum- 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 consumer Mr. Somani has filed a grievance application regarding excess billing in respect of his electricity consumption . Consumer submitted that he has received a bill of Rs.36,180/- in the month of June 2013, showing the consumption of 6558 units. The consumer immediately wrote a letter dated 20/6/13 to the Licensee and paid an amount of Rs.500/- to the Licensee for testing of his meter. Consumer had also paid the bill amount under protest.

3] Consumer further contended that his meter was accu-checked by the Licensee, though he has paid the charges for lab testing. Consumer, therefore, again referred the matter to the Licensee by his letter dated 15/9/13 and requested for lab testing of his meter.

4] It is pleaded by the consumer that though Licensee has replaced his meter with a new meter, till date he did not received any further communication regarding lab testing and it's report.

5] It is alleged by the consumer that since he has not received any lab testing report from the Licensee and how that his old meter is misplaced by the Licensee, he has been subjected to harassmt and also suffered

mental agony. The consumer further claimed that if the said ( old ) meter is not available with the Licensee for lab testing, then it should be treated as faulty meter for the disputed period ( i.e. from January 2013 to May 2013) and the excess amount paid by him be refunded along with interest and lab testing charges / fees.

6] The copy of grievance application and its accompaniments sent to Nodal Officer vide this office letter No. EE/CGRF/Kalyan/074 dated 16/2/17.

7] The Licensee appeared and submitted that inflated bill of 6558 units was issued to the consumer due to faulty / wrong meter, reading during the disputed period ( i.e. from January 2013 to May 2013 ) and hence an accumulated bill for the said period was raised by us which is correct. Licensee further contended that this bill was divided in six months. The consumer's meter was also accuchecked. It is further pleaded by the Licensee that an error of + 005.3% was found which means meter is working within permissible limit. The inflated bill was raised because of the faulty / wrong meter reading by the agency for which agency is penalized.

8] It is also submitted by the Licensee that consumer's meter was replaced immediately as per his request.

9] Licensee further submitted that the consumption pattern of the consumer prior to disputed period and subsequent period is on an average is the same i.e. approximately 1700 units. Hence the bill raised in the month of June 2013 is correct and grievance application of the consumer be dismissed.

10] We find substance in the contention of the Licensee. We have gone through the record placed before us and the submissions made by the

parties. At the time of hearing we have asked Licensee whether the old meter of the consumer is still lying with the Licensee and can it be tested in the lab to which Licensee replied that the said meter cannot be tested in the lab as it is now not available with them. Since the meter cannot be tested in the lab, we cannot safely said that meter is faulty or not. Hence, we took the average consumption of 12 months prior to January 2013 and also took the average consumption of subsequent 12 months (approximately) after June 13 and noted that average consumption of previous 12 months and subsequent 12 months comes to 1700 units. However, we have also noted that meter was not tested in the Lab after repeated follow up and now the meter is not available with the Licensee. Consumer is deprived from his legitimate right to get the meter tested in the Lab, so it will be proper to award a compensation to the consumer as per Section 8.2 sub section ( e ) which is as under:

Section 8.2 (e) ----any other order, deemed appropriate in the facts and circumstances of the case.

We also feel that wrong reading was taken by the Licensee and an accumulate bill was issued to the consumer for no fault on behalf of the consumer, for which consumer is entitled for compensation.

There were copies of some letters produced on which signatures did not tally with that of the consumer appearing on main complaint. Hence some enquiry was made. It is revealed that the CR himself has signed as consumer on the letters which is illegal, which the CR should note in future. Due to the said enquiry there was delay.

Hence the order.

**ORDER**

- 1] The grievance application of consumer is hereby partly allowed.
- 2] Licensee is directed to pay an amount of Rs.3,500/- towards compensation to the consumer as directed in Para No.10 of this order.
- 3] Compliance be made within 45 days and report be sent within 60 days from the date of receipt of this order.

Date: 26/05/2017.

(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.

