



Consumer Grievance Redressal Forum, Kalyan Zone
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EE/CGRF/Kalyan/

Date of registration: 02/05/2017

Date of order : 14/07/2017

Total days : 74

IN THE MATTER OF GRIEVANCE NO. K/E/1188/1410 OF 2017-2018 OF SHRI ANIL S. GAWATE, BHAYYA SAHEB AMBEDKAR NAGAR, BARRACK NO. 505, O.T. SECTION, ULHASNAGAR -421 002, DIST. THANE, REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT BILLING DISPUTE.

Anil S. Gawate,
Bhayya Saheb Ambedkar Nagar,
Barrack No. 505,
O.T.Section,
Ulhasnagar-421 002,
Dist. Thane
(Consumer No.021510827004)

... (Hereinafter referred as Consumer)

V/s.

Maharashtra State Electricity Distribution
Company Limited
Through it's Nodal Officer.
Kalyan Circle-II,

... (Hereinafter referred as Licensee)

Appearance : For Consumer – Shri Rajput.

For Licensee - Shri M.S.Gawali-Addl.EE Ulhas-S/dn-II.

[Coram- Shri A.M.Garde-Chairperson, Shri A.P. Deshmukh-Member Secretary
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,
the consumer Mr. Anil Gawate is having an industrial unit situated at Ulhasnagar, named and styled as “Om Plastic”. Consumer received an electricity bill for the period of 06 months i.e. from January 2016 to June 2016, amounting to Rs.3,78,200/-.

3] According to him, the bill was excessive and he made a complaint to the Addl. Ex. Engineer Ulhasnagar immediately, about the same. Consumer further stated that he has not increased load nor made any change in the nature of production.

4] Consumer further stated that though his meter was not faulty nor he has tampered the meter, Licensee has raised a bill for an amount of Rs.3,78,297/- to him. Consumer submitted that to avoid the disconnection he has paid the bill in two installments.

5] However. According to the consumer, the recovery made by Licensee is illegal and has asked for the refund along with interest. In this connection, consumer made two applications dated 20/9/16 and 28/11/16 and requested to refund the amount. But, Licensee did not heed to his request.

Consumer, therefore, approached IGRC. Not satisfied with the decision of IGRC consumer approached to the Forum and prayed to direct the Licensee to refund the amount along with interest.

6] On receiving the grievance, it's copy along with it accompaniments sent to the Nodal Officer vide letter No. EE/CGRF/Kalyan/201 dated 2/5/2017. In response to it Licensee appeared and submitted that after going through the consumer's CPL and observing less consumption for 06 months, Licensee deputed a testing batch to the consumer's premises on 12/7/2016 for checking of meter. After checking the meter of the consumer, Licensee observed that the meter was functioning normal. However, Licensee further added that due to reported abnormality of P.T. missing of R & Y phase, MRI data from the meter was retrieved for further analysis. Licensee also submitted that it has observed from the report dated 12/7/16 as under-

“ As per inspection only 'B' phase is recording on meter, other two phases are not counted on meter, case is shown to the consumer. Hence, pls issue consumer bill, a difference amount of other two phases bill.”

Licensee further added that on the date of inspection it was observed by Asst. Engineer (QC) that only one PT was showing voltage and two other PT voltage was missing. Hence, a recovery bill of six months against slow meter is issued to the consumer for an amount of Rs.3,78,197/- for the query of the Forum, the Licensee replied that even though consumer's load was normal at that time hence energy is consumed, but not recorded under P.T. missing condition. Such condition logs a false “non consumption event.” Licensee also added that when the said meter was opened for further analysis it was found that PT were loose, and stopped recording the consumption hence, assessment for unbilled period of 6 months was carried out and raised the said assessment through energy bill which is legal and proper.

We have gone through the submissions made by both the parties and the record kept before us. We are of the opinion that –

a] There is no adequate evidence to show that the metering equipment was defective.

b] The present case is purely a case of raising bill for unbilled consumption due to technical reason and it is not a case of faulty meter. U/s. 18, Before proceeding further we may reproduce here clause 15.4.1 of MERC (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005.

which reads as under:

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.”

7] It is to be noticed that the said provision only applies when meter in dispute founds defective. It is not disputed that the meter has not recorded the consumption from January 2016 to June 2016. But this was not due to the defective meter. According to us, the consumer has consumed the electricity during the above disputed period but the consumption was not recorded due to technical reason. The consumer only complains about the exorbitant bill, meaning thereby that he complains only about faulty reading. But the MRI data on record shows that the electricity has been consumed by the consumer. Hence according to our opinion, Clause 15.4.1 of MERC (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005 does not attract to the present case.

8] We also feel that unless there is adequate evidence to show that the metering equipment was defective, we cannot doubt the correctness of the bill merely on the basis of suspicion. It will not be proper and legally justified even

legally permissible to treat the meter in question as defective when direct evidence of MRI is on record that the energy was consumed during January 2016 to June 2016 by the consumer however unfortunately it was not recorded by the meter due to some technical problem.

9] In view of the above, we are of the opinion that the amount recovered by the Licensee for the period from January 2016 to June 2016 is correct.

10] However we are also of the view that Licensee has not followed the procedure to check the correctness of meter/reading per month, which is mandatory for the Licensee. Licensee after observing less consumption from January 2016 to June 2016 on fine morning raised a bill to the consumer for Rs.3,78,197/-. This procedure is not at all correct. Licensee should always analyze the meter reading and it's correctness so that such assessments can be avoided in future. In this view, DPC interest collected if any, be refunded to the consumer.

This matter is not decided within time as the parties to have produced some documents.

Hence the order.

ORDER

1] Grievance application of the consumer stands rejected except that If any DPC interest collected by Licensee, it be refunded to the consumer.

2] Compliance be made within 45 days and report be sent within 60 days from the date of receipt of this order.

Date: 14.07.2017.

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

(A.P.Deshmukh)
Member Secretary
CGRF, Kalyan.

(A.M.Garde)
Chairperson
CGRF, Kalyan.

Note:

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”.

- a) Consumer, as per section 142 of the Electricity Act, 2003, can approach Hon. Maharashtra Electricity Regulatory Commission for non-compliance, part compliance or
- b) 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”
- c) 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.