



Consumer Grievance Redressal Forum, Kalyan Zone  
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301  
Ph- 2210707, Fax - 2210707, E-mail : cgrfkalyan@mahadiscom.in

No.EE/CGRF/Kalyan Zone/

Date of Grievance : 02/09/2015

Date of Order : 04/01/2017

Total days : 490

**IN THE MATTER CASE OF GRIEVANCE NO. K/E/916/1120/2015-16 IN  
RESPECT OF RAM CONST. FLAT NO. A/102, PANCHVATI BLDG., PANDIT  
DINDAYAL NAGAR, VASAI ( W ) PIN CODE NO 401 202, DIST. PALGHAR  
REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM  
KALYAN ZONE, KALYAN REGARDING BILLING DISPUTE.**

Ram Const.

Flat No. A/102,

Panchavati Bldg.,

Pandit Dindayal Nagar,

Vasai (W)

Pin Code No.401 202,

(Consumer No. **001611316367**)

..... (Hereinafter referred as Consumer)

Versus

Maharashtra State Electricity Distribution

Company Limited

through its MSEDCL, Addl. Ex. Engineer,

Vasai Circle, Vasai ( W ), S/Dvn.

..... (Hereinafter referred as Licensee)

Appearance : - For Consumer : Shri Harshad Sheth-Consumer's representative.

For Licensee :- Shri Rajesh Laddha-AEE, Vasai (W) S/Dvn.

[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 brief facts of the grievance application are :-

The consumer’s meter of Genus make ( meter No. 6501694491) was showing faulty status since January 2011. It was changed in November 2011 and entered in IT data system in March 2015. According to the consumer, it is a case of wrong billing since January 2011 till filing of this grievance application and consumer has asked for refund of excess amount collected by Licensee.

3] Consumer made a continuous follow up with the Licensee, visited Sub/dvn for getting the faulty meter replaced and for refund of excess amount collected by Licensee but Licensee did not heed to his request and consumer was forced to pay the amount.

4] Main grievance of the consumer is that the reading of his meter was not taken for 48 months and the meter was showing faulty status for this

entire period. Consumer submitted that as per Section 14.4.1 it is the duty of the Licensee to take periodic testing and to maintain the meters of the ‘ consumers.’

5] The consumer further relied on Clause 15.3.2 of Supply Code and submitted that as per this clause if the Licensee found the meter is inaccessible for reading then in that case Licensee can serve a notice to the consumer to keep open the premises for taking the meter reading. But in this case the consumer’s supply is for domestic purpose and hence there is a remote possibility of the meter remaining in accessible.

Consumer has also given an alternative option, stating that if MSEDCL is not ready for above proposal, it may be resolved as per sec. 15.4.1 of MERC Regulation 2005 of Supply Code which reads that “ 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 this connection, consumer submitted that since 48 months meter was showing faulty status hence as per Clause 15.4.1 his meter be treated as faulty and Licensee be directed to refund the amount paid by him. Further consumer claimed SOP as per Appendix A Para 7 ( I ) . Consumer prayed to refund this amount with interest and further prayed to take disciplinary action on the concerned.

6] Notice along with accompaniments was sent to the Nodal Officer vide this Office letter No.EE/CGRF/Kalyan/264 dated 02/09/15.

7] The Licensee appeared and filed reply. The Licensee in their reply submitted that the old meter ( Genus) was replaced in the month of November 2014. This meter was faulty. The consumer has paid the bill of this meter.

8] Licensee further stated that replacement report of the meter was fed late to the I.T. Dept. and so consumer was getting the bills with a faulty status. This fact has been rectified by feeding the replacement report to the master data on March 2015. Licensee further submitted that after that officials of Licensee corrected all the bills issued to the consumer from 1/11/14 and a credit of Rs.1505 has been given in the month of May 2015 to the consumer. Further Licensee pleaded that Licensee monitored the consumption of the consumer for a period of 212 days i.e. from 1/11/14 to 23/6/15 which shows that the average consumption of the consumer was / is 356 units for 30 days against which we have charged the consumer 200 units during faulty period. In the light of this Licensee submitted that we have not charged any exorbitant amount to the consumer hence consumer's grievance application be rejected.

9] After going through the record and submissions made by both the parties, we are of the opinion that there is no evidence on record to establish that the metering equipment was defective and in absence of any record that the meter in question is defective, relief cannot be granted to the consumer as per section 15.4.1 **Or** unless there is adequate evidence which may be either indirect or circumstantial to show that the meter was defective Forum cannot direct Licensee to bill the consumer as per Clause 15.4.1. Even there is no record to show that consumer has asked Licensee to get its meter tested.

10] Admittedly the electricity has been used by the consumer for these 48 months.

11] We also feel that not rectifying the mistake for 48 months ( showing faulty status on record) is highly objectionable and assurance be given by the Licensee that appropriate and effective action will be taken against the concerned person responsible for such misconduct. Coming to the merits of the case, we are of the opinion that in absence of any material on record to establish that the meter in question is defective, it will be proper to direct Licensee to bill the consumer with regard to the disputed bills / period on the basis of average bill for the past one year immediately preceding the disputed bills and to refund the excess amount, if any, paid by the consumer.

12] As per the provisions laid down by Hon'bleMERC, Licensee shall undertake the reading of consumer's meter at least once in every two months and if the Licensee fails to take reading, Licensee is liable pay compensation to the consumer as per Appendix – A. We have also noted that the case in our hand Licensee has not taken reading of the meter for 48 months, Hence, consumer is entitled for compensation.

This matter could not be decided within time as the Hon'ble Chairperson took charge on 20/09/2016 of this Forum and the matter was reheard.

Hence the order.

### **ORDER**

- 1] The grievance application of the consumer is partly allowed.
- 2] Licensee is directed to work out the amount of bill on the basis of average bill for one year immediately preceding the disputed bills and issue a fresh bill for disputed period as mentioned in Para 11.

3] Licensee is directed to work out amount of compensation as mentioned in Para 12 ( as per Appendix –A Clause (7)] and to issue a cheque to the consumer within 45 days from the date of receipt of this order.

4] Licensee is directed to take precaution and take periodic testing and to maintain the meters of the consumer.

Date: 04/01/2017.

(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.