



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 : 07/06/2017

Date of Order : 27/07/2017

Total days : 51

**IN THE MATTER CASE OF GRIEVANCE NO. K/E/1224/1447 of 2017-18 IN RESPECT OF PURSHOTTAM RAMKRISHNA KUMAWAT, A, 502, BEHIND SANJAY MARBLE, KALIAN MOHANE ROAD, SHAHAD (W), PIN CODE - 421301, REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING BILLING DISPUTE.**

Purshottam Ramkrishna Kumawat,  
A,502, behind Sanjay Marble,  
Kalyan Mohane Road,  
Shahad (W). Pin Code 421 301.  
(Consumer No. 020100024561)

... (Hereinafter referred as Consumer)

Versus

Maharashtra State Electricity Distribution  
Company Limited  
through its Ex. Engineer  
Kalyan Circle-I,

... (Hereinafter referred as Licensee)

Appearance : - For Consumer : In person.

For Licensee - Shri Yadav-Addl.Ex. Engg.-KC-I.

[Coram- Shri A.M.Garde-Chirperson, Shri A.P.Deshmukh-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] Briefly the facts of the case are:

That the consumer is having an electricity connection from 2012, through old meter No.76/A 4056691. Consumer submit that till December 2013, he was paying the bills regularly, however, this meter was changed in December 2013 and he started receiving erratic / excessive bills till March 2016. The case of the consumer is that his electricity consumption hardly ever exceeded 100 units per month from the date of connection till November 2013, and that suddenly he started receiving excess billing from December 2013 when his meter was changed and was removed without his knowledge. Consumer has also stated that he has even not received the meter replacement report till date. Consumer further stated that this could be because of faulty meter which was installed in December 2013 and pleaded

that for the mistake of the Licensee he should not be penalized. Consumer further submitted that the reading appearing on the meter in the disputed period (i.e. December 2013 to May 2016) was highly inflated and way above his actual consumption, moreover, in the month of February 2015, he received a disconnection notice from the Licensee for non-payment of bills. Consumer, therefore, prayed for the revision of the bills received in the above disputed period and refund of excess amount along with interest recovered by the Licensee from him and compensation. Consumer also contended that inspite of his continuous follow up with the concerned Officers of the Licensee, his bill was not corrected/revised. Even he wrote letters to the Licensee but Licensee did not pay heed to his request. Consumer, therefore, approached IGRC who after hearing both the parties observed that the consumer is not at fault, hence Licensee is directed to test the meter at Lab and revise the bill as per MSEDCL Rules and Regulations application disposed off accordingly.

3] Unfortunately, Licensee did not implement the order of IGRC, consumer, therefore, approached CGRF with prayer to refund the excess amount paid by him along with compensation.

4] On receiving the grievance, it's copy along with it accompaniments sent to the Nodal Officer vide letter No. EE/CGRF/Kalyan/253 dated 7/6/2017. In response to it Licensee appeared and submitted that bill issued to the consumer for the month of December 2015 was of wrong reading. Hence a bill of accumulated reading of 338 units was issued to the consumer in the month of January 2016. Accordingly, a slab benefit for the month of December 2015 and January 2016 was given to the consumer and an amount

of Rs.125.57/- was credited to consumer's account. Similarly, bill for the month of February 2016 was issued to the consumer was of "0" (Zero) unit.

Licensee admitted that this bill was also wrong, hence again an accumulated bill of 369 units was issued to the consumer, however by making B-80 an amount of Rs.736.57 was credited to the consumer's account and a slab benefit was given to him. Licensee further stated that as per consumer's request his meter was tested and it was found OK. Licensee, therefore, submitted that the bills issued to the consumer are correct and proper, hence his grievance be rejected.

4] We have gone through the arguments laid down by both the parties and the record kept before us, we are of the opinion that---

a] CPL on record shows that there is a sudden inflation / increase in the consumption of consumer's units,

b] Record shows that the meter in dispute ( i.e. meter No. 02573448) was not lab tested by the Licensee.

c] It was also brought to our notice that Licensee accu-checked meter No. 04874632 which was not in dispute and reported that meter is OK.,

d] To the query of the Forum, Licensee replied that the disputed meter is not available with them for lab testing. We are of the opinion that Lab testing is a mandatory procedure which should be followed by Licensee in case of disputed meter, which had admittedly not done by the Licensee,

e] Consumer pleaded that prior to December-2013 he was receiving the bills as per his consumption. Even after May 2016, he started getting proper bills as per his consumption. We had specifically directed to

the Licensee to produce the copy of CPL of consumer from the date of connection till the date. But, Licensee failed to produce the same, though sufficient time was given. Hence, there is no proof to the contrary.

f] In absence of availability of the disputed meter for lab testing, or any other document on record to show that the disputed meter was in working condition for the thorough examination as demanded / claimed by the consumer, we have to accept /rely on the submissions made by the consumer.

g] It is beyond anyone's comprehension as how can a person jump from 80 to 100 units consumption per month to a high figure of over 300 units per month. We have perused the CPL from December 2013 to April 2016 which shows erratic / heavy consumption.

h] We have also observed that consumer was compelled to run from pillar to post for getting relief when he was not at fault. We cannot term it anything less than mental harassment to a common consumer. There is no answer to this question on the part of the Licensee. Hence, we are of the opinion, that the consumer is entitled for compensation as per Clause 8.2(e) of the MERC, (CGRF & Ombudsman) Regulations, 2006, which reads as under:-

“8.2 (e) any other order deemed appropriate in the facts and Circumstances of the case.”

i] Since the disputed meter is not available for lab testing with the Licensee, in our opinion, it will be proper to direct Licensee to bill the consumer for the disputed period on the basis of average consumption prior to December 2013 and average consumption for the subsequent period after April 2016 which comes to 100 units per month approximately.

j] It will be proper to direct the Licensee to revise the bill issued to the consumer for the disputed period, accordingly.

Taking into consideration, all the above points , we pass the following order.

Hence the order.

**ORDER**

- 1] Grievance application of the consumer stands allowed.
- 2] Bills issued to the consumer in question i.e. ( from December 2013 to May 2016 are set aside.
- 3] Licensee is directed to issue a fresh bill to the consumer on the basis of average of 100 units per month without interest and DPC.
- 4] The Licensee is also directed to work out the excess amount wrongfully recovered from consumer and refund the same to the consumer along with interest as per RBI rate from June 2016 till refund date by adjusting in next ensuing bill.
- 5] Licensee is directed to refund the amount of meter checking to the consumer if collected.
- 6] Licensee is also directed to pay an amount of Rs.2000/- to the consumer towards compensation by cheque as described in Para 4 (h).
- 7] Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

Date: 27/7/2017.

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

(A.P.Deshmukh)  
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

- d) on (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”

- e) 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.