



CONSUMER GRIEVANCE REDRESSAL FORUM
M.S.E.D.C.L., PUNE ZONE, PUNE

Case No. 56/2017

Date of Grievance : 28.09.2017

Date of Order : 10.11.2017

In the matter of recovery of arrears in case of defective meter.

The Chairman,
Kamal Green Leaf,
Gat No.571, Ne.ZP School,
Kirkatwadi, Pune- 411024.

Complainant
(Herein after referred to as Consumer)

Versus

The Executive Engineer,
M.S.E.D.C.L.,
Parvati Division,
Pune.

Respondent
(Herein after referred to as Licensee)

Quorum

Chairperson
Member Secretary
Member

Mr. S.N.Shelke
Mrs. B.S.Savant
Mr. S.S.Pathak

Appearance

For Consumer

Mr. Ajit S. Mahadar (Representative)
Mr. Rajkumar Lodha, Secretary,
Green Leaf Socy.

Mr.Rajkumar Lodha, ----''-----

Mr.Ganesh Khandekar,Representaive

For Respondent

Mr. Ajit Patil, Addl.Ex.Engineer,
Wadgaon-Dhayari Sub/ dn.

Mr.A.B.Madre, A.A. -''__

Mr.Dipak Jadhav,Dy.M.(F&A)Parvati Dn.

1. The Consumer has filed present Grievance application under regulation No. 6.4 of the MERC (CGRF& E.O.) Regulations 2006.
2. Being aggrieved & dissatisfied by the order dated 16/09/2017 passed by IGRC Rastapeth Urban Circle, Pune, thereby rejecting the grievance, the

consumer above named prefers the present grievance application on the following amongst other grounds.

3. The papers containing the above grievance were sent by the forum to the Executive Engineer, Parvati Division vide letter No. EE/CGRF/PZ /300 Dated 29/09/2017. Accordingly the Distribution License filed its reply on 24/10/2017.
4. We heard both sides at length, gone through the contentions of the consumer and reply of the respondent & documents placed on record by the parties.
5. The facts giving rise to the grievance may be stated as under :

The above named consumer having consumer No.180855452209 with connected load 85 KW was connected on 5th Sept.2013 in the tariff category LT-I Res. I –Phase. The consumer was regularly paying the energy bills. In the month of Dec.2016 consumer was billed for Rs.16,76,826/-. The consumer deposited the disputed bill on 28.12.2016. According to the consumer it was the bill of the defective meter. The Licensee cannot charge for more than 3 months in case of defective meter. Therefore the consumer claims that the disputed bill be issued only for the period of three months prior to the date of detection of error based on average consumption for 12 months and excess amount be refunded.
6. The consumer representative Mr.Ajir Mahadar, submitted that the consumer was regularly paying the energy bills issued by the Licensee under normal status from the date of connection. In the month of Dec.2016 the Licensee issued bill of Rs.16,76,826/- for 17 months. The said bill is illegal. It is the case of defective meter. Therefore the Licensee cannot charge bill for more than three months prior to the date of detection of the error as per Reg.15.4.1 of MERC supply code Regulation, 2005. Therefore the amount of disputed bill deposited by the consumer be refunded to him along with interest.
7. On the other hand Mr.Ajit Patil, Addl.E.E., Wadgaon-Dhayari S/dn. submitted that the consumer was under billed from Aug.2015 to Feb.2016. The bills for 00 consumption have been issued to the consumer from Sept.2015 to Dec.2016. The Licensee made bill revision for the period Nov.2015 to Dec.2016 for 1,08,710 units having average of 7765 units per month. Thereafter the bill of accumulated units was issued to the consumer without

- charging DPC & interest. The consumer deposited the said bill of Rs. 11,87,160/- on 28.12.2016. The consumer had no any complaint while depositing the said bill. The said bill was issued to the consumer as per MSEDCL Rules. Therefore grievance of the consumer be rejected with cost.
8. According to consumer the Licensee issued accumulated bill for 17 months amounting to Rs.16,76,826/- in the month of Dec.2016. The meter was defective, therefore the Licensee cannot charge bill for more than three months as per Reg.15.4.1 of MERC Supply Code Regulations 2005.
 9. Regulation No.15.4.1 of the MERC (Electricity Supply Code and other conditions of supply) Regulations, 2005 provides billing in the event of defective meters. It reads as under :

15.4 Billing in the Event of Defective Meters:

15.4.1 Subject to the provisions of Part-XII and Part XIV of the Act. in case of 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 :

Provided that, in case of broken or damaged meter seal, the meter shall be tested for defectiveness or tampering. In case of defective meter, the assessment shall be carried out as per clause 14.4.1 above and, in case of tampering as per section 126 or section 135 of the Act, depending on the circumstances of each case.

Provided further that, in case the meter has stopped recording, the consumer will be maximum period of three months, based on the average metered consumption for twelve months immediately preceding the three months prior to the month in which the billing is contemplated.

10. Perused the CPL of the consumer. It is seen that bills with 00 consumption have been issued to the consumer for 16 months i.e. from Sept.2015 to Dec.-2016. The consumer was under billed in the month of Aug.2015. The Licensee changed old meter of the consumer bearing no.00417053 having final reading 151080 kwh for no display with new meter having no.345436 in the month of Dec.2016 with initial reading 01kwh.

11. Consumption pattern of the consumer prior to 00 consumption i.e. prior to Aug.2015 for 12 months is as under :

Month	Consumption	Month	Consumption
Aug. 2014	8237	Feb. 2015	7615
Sept.	7225	March	7870
Oct.	7316	April	1922
Nov.	7199	May	13777
Dec.	7762	June	7618
Jan. 2015	7772	July	7697
Total :-			92510/12=7709

Therefore consumption pattern of the consumer for the period Aug.2014 to July-2015 is 7709 units.

12. The Licensee made bill revision of the consumer for the period Nov.2015 to Dec.2016 for 14 months having consumption of 1,08,710 units i.e. per month 7765 units. The Licensee issued corrected bill to the consumer for the said period amounting to Rs.11,87,160/-. The consumer deposited the said bill having no any complaint on 28.12.2016 by demand draft. Thereafter regular bills have been issued to the consumer & said bills have been paid by the consumer regularly with no any grievance. However, after about 6 months i.e. on 21.6.2017 the consumer made complaint to the IGRC that the Licensee cannot charge bills for more than three months prior to the date of dispute. However in this case consumer was billed with 00 consumption for about 16 months with normal meter status. The consumer utilized the energy through common meter of the society. Consumer had no any complaint when disputed bill was issued by the Licensee. Taking into consideration connected load of 85 KW, the disputed bill of Rs.11,87,160/- excluding DPC & Interest appears to be reasonable. Hence, Reg.15.4.1 is not applicable in this case. The consumer has filed the said grievance application afterthought. Therefore grievance of the consumer is liable to be dismissed.

13. Lastly we proceed to pass following order.

ORDER

1. Grievance of the consumer stands dismissed.

Delivered on: - 10.11.2017

Sd/-
S.S.Pathak
Member
CGRF:PZ:PUNE

Sd/-
B.S.Savant
Member/Secretary
CGRF:PZ:PUNE

Sd/-
S.N.Shelke
Chairperson
CGRF:PZ:PUNE

Note :- The consumer if not satisfied may filed representation against this order before the Hon.'ble Ombudsman within 60 days from the date of this order at the following address.

Office of the Ombudsman,
Maharashtra Electricity Regulatory Commission,
606/608, Keshav Bldg., Bandra Kurla Complex,
Bandra (E), Mumbai-51.