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Consumer Grievance Redressal Forum
"Vidyut Bhavan", Gr. Floor,
L.B.S.Marg,Bhandup (W),
Mumbai – 400078.

REF.NO. Member Secretary/CGRF/MSEDCL/BNDUZ/80/546

Date: 19.07.2018

Hearing Date: 20. 03.2018

CASE NO.80/2018

In the matter of defects in slot wise meter reading of TOD Meter

M/s. Sumangal Printers,
Plot No. A-587,TTC Industrial Estate,
MIDC, Mahape, NAvi Mumbai-701.

(CONSUMER NO.000149030940)

. . . . (Hereinafter referred as Consumer)

Versus

Maharashtra State Electricity Distribution Company Limited
through its Nodal
Officer,
Vahi Circle,Vashi

. . . . (Hereinafter referred as Respondent)

For Consumer – Harshavardhan Salgaonkar– Consumer Representative

For Licensee - K.N Zamse, Assistant Engineer

S.D.Deshmukh Assistant Accountant MSEDCL Koparkhairne
Sub –Division

[Coram- Dr. Santoshkumar Jaiswal- Chairperson, Shri. R.S.Avhad -Member
Secretary and Sharmila Ranade - Member (CPO)].

- a. 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. [Electricity Supply Code and other conditions of supply Regulations 2005] Hereinafter referred as 'Supply Code' for the sake of brevity. Even, regulation has been made by MERC i.e. 'Maharashtra Electricity Regulatory commission.
- b. Aggrieved by the order of the Internal Grievance redressal cell, The Appellant filed this Representation stating following points amount the others.
1. Holding that the back dated demand of the Distribution Licensee for the entire period of 2 years is illegal.
 2. Setting aside and quashing the entire amount of back dated demand made by the distribution Licensee. Directing the distribution licensee to adjust the amount already paid in lieu of the back dated demand against future bills.
 3. Interim relief asking the distribution to not take any steps of demanding and recovery of the back dated demand until the present grievance is redressed.
 4. Directions for seeking appropriate disciplinary proceedings against the erring officers of the distribution licensee for

evading implementation of the directions dated 07.10.2017 of the IGRC.

- c. Notice was issued to the Nodal officer and executive Engineer IGRC of Vashi circle . The additional Executive Engineer , Koperkhirne sub division from Respondent ,MSEDCL has filed reply dated 20 March 2018 stating as under
- d. Submission of point wise compliance given by Additional Executive Engineer, koperkhairne Sub Division that

1. D.L. in reply contends that the bill of said consumers was generated with total reading in first slot also this happen as in MRI, total reading recorded in first slot.
2. Bill was revised in July 2017 and assessment from July 2015 to June 2017 amounting Rs. 3, 73,515/- is charges in this month. While calculating the assessment total consumption is considered in second slot. Copy of B-80 i.e. calculation is given to consumer. Meter is now changed.
3. As per new meter consumption pattern is as under
Slot 1- 65%
Slot 2 – 9%
Slot 3-9%
Slot 4- 17%
Assessment is calculated of Rs. 2, 53,470/- form July 2017 till meter replacement. Assessment is now charged to consumer which is amounting Rs. 22,505/-. Also, first slot reading is recorded from the month of Oct. 2014
4. Assessment is now charged to consumer from OCT 2014 to June 2014 and amounting Rs 18,112/-. Credit Rs. 79,428/- given as per revised calculations. Meter is tested by testing division.

- e. Heard both sides, the representative of consumer submitted that new meter was installed in the month of Sep. 2017 in their printing press. There was slot of A, B, D, C Zone of different time. This the meter of TOD type (Time of Day). There are four slot in a day A zone - (concessional) 22.00 hrs to 06.00 hrs, and 06.00hrs to 09.00hrs and 12.00hrs to 18.00hrs B zone - (Normal rate) 09.00hrs to 12.00hrs C zone - (Higher rate) 18.00to 22hrs, D zone - (Highest rate) .
- f. Accordingly , the consumer is paying the electivity bill but dispute arise in the month of Oct. 14 to Sep.2017 for 3 years and therefore respondent has got change the meter as earlier meter was not showing that different four slot and only one type of meter charges are recorded .
- g. The new meter was installed in the month of Sep. 2017 and accordingly the average bill of 3 years of Rs. 3, 73,515/- was issued by the respondent towards recovery of difference. The IGRC has deducted one year bill amounting Rs. 79,428/- and remaining 24 months bill as per section 56 (2) of India Electricity ACT 2003 for 24 month is fixed to Rs. 2, 94, 082/-. The respondent has gave threaten to disconnect the electivity connection therefore consumer has paid under protest 2, 50,000/- and now only 44082/- are balance.
- h. The Consumer submitted that as per reading on the meter the original bill issued by the respondent for the period June 2015 to July 2017 he already paid by the applicant. Therefore the present demand is wrong.
- i. He further submits that the distribution license is recording consumption without any application of mind and without any application of the natural justice. The respondent has not explained the fault or the issue that lead so called incorrect generation of bill for the period of over than 2 years. He further submit that the respondent had would not have administrative power to permit such revised bill as per law without following due procedure of law. He further submits that the meter was faulty one and

IGRC has not passed any final order to the complainant and therefore erred in the following its duty.

- j. He further submit that the holding of entire period of 2 years is illegal and set aside to recover the back dated bill. He further submit that has meter is not showing 4 slot therefore new meter is installed in the month of September 2017. Therefore the said meter be declared is faulty one said earlier meter is faulty one and as per supply code section 15.4.1. The average difference of bill for 3 months to be recovered as the appellate has only paid the earlier bill.
- k. The respondent submit that the bill of consumer was generated with total reading in first slot and this is also happened in MRI total reading recorded in a first slot. The bill was revised in July 2017 as meter is changed and as per new meter consumption the pattern is as under
 - l. As per new meter consumption the pattern consumption is of Rs. 2, 53,470/-.From July 2017 the assessment is change to the consumer amounting Rs. 22,505/- till meter replacement. The first slot recovery from the month of Oct.2014. He further submits that the meter is tested.
- m. I have gone through the report which clearly shows that total consumption recorded one slot only. When the type of meter is TOD then it is duties of respondent to see whether as per slot bill is generated or not. Therefore this meter appears to be faulty one and consumer is entitled for recovery of only 3 months earlier than Sep.2017 as per provision under as per MERC Supply Code and other Conditions of Supply Regulations, 2005 section 15.4.1 disputed meter was defective, Regulation 15.4.1 of the Electricity Supply Code Regulations which deals with billing issues in case of defective meters, stipulate

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 a defective meter, the amount of the consumer's bill should 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 15.4.1 above and, in case of tampering as per Section 126 or Section 135 of the Act, depending on the circumstances of each case.

Hence , I proceed to pass following order.

ORDER

1. This application is allowed.
2. The respondent shall recover only 3 months recover arrears as per supply code section 15.4.1.
3. The amount deposited by the consumer is adjusted in a future bill or refund as per RBI rate.
4. No order as to cost.

I Agree/Disagree

I Agree/Disagree

**MRS. SHARMILA RANADE,
MEMBER
CGRF, BHANDUP**

**Dr. SANTOSHKUMAR JAISWAL
CHAIRPERSON
CGRF, BHANDUP**

**RAVINDRA S. AVHAD
MEMBER SECRETARY
CGRF, BHANDUP**

The order is issued under the seal of Consumer Grievance Redresses Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup.

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, Keshav Building,Bandra - Kurla Complex, Bandra (E),Mumbai - 400 051"

- b) b) consumer, as per section 142 of the Electricity Act, 2003, can approach Hon'ble Maharashtra electricity Regulatory Commission for non- compliance, part compliance or
- c) Delay in compliance of this decision issued under" Maharashtra Electricity Regulatory Commission (consumer Redressed Forum and 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.