
REF.NO. Member Secretary/CGRF/MSEDCL/BNDUZ/66/542 Date: 19.07.2018

Hearing Date: 05.06.2018

CASE NO.66/2018

In the case of Defective Meter

M/s. Asian Chemtex, unit No.25,
unique Indl. Estate,
Dr. R.P. Road, Mulund west-80
(CONSUMER NO.600000182106)
. . . . (Hereinafter referred as Consumer)

Versus

Maharashtra State Electricity Distribution Company Limited
through its Nodal Officer,
Thane Circle, Thane
. . . . (Hereinafter referred as Respondent)

Appearance

For Consumer:- Mr. Manish Shah, Consumer Representative

For Respondent: - Kuril Additional Executive Engineer,
Pacharasta Subdivision MSEDCL, Mulund

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

1. 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.

2. Aggrieved by the order of the Internal Grievance redressal cell, The Appellant filed this Representation stating following points amount the others.
 - i. Complaints of Supplementary bill for faulty Defective meter ('B' Phase missing). Recovery for the period of Oct. 16 to Jan. 17 was proposed later provided bill for January 2016 to December 2016. After further Concern section office submitted 1/3 less consumption due to missing 'B' phase voltage on meter but never tested the meter for defect and pressed their say telling they had retrieved the data vide MRI which has confirmed the consumption but never tried to test the meter, We prayed verbally and they had assured us will take necessary action.
 - ii. Further is that the meter was defective and therefore in terms of MERC Regulations 15.4.1 the period of assessment is to be restricted to three months only. The faulty in the meter could be occurred 24 months before and may have risen only on the day of detection. Therefore question of provisional/supplementary bill does not arise. In worst case, we should be billed for past 3 months only from the date of detection of the fault in meter which was detected in December

2017 and was replaced there after more than 3 weeks due to non availability of meter with them. But till date the faulty metering device is not tested by concern Authority.

iii. Further is that MRI machine cannot be used to test the accuracy of a metering device. Therefore they are requested for assessment is restricted to 3 months only as per the terms of MERC regulations 15.4.1. Provisional bill and regular bills be set aside as metering device went faulty. Further prayed not to disconnect electricity connection till further orders.

3. Notice was issued to the Nodal officer and executive Engineer IGRC of Thane circle. The Respondent ,MSEDCL has filed reply dated 22 Feb 2018 stating as under:-

- i. while going through MRI data report as per reference no.10 (Annexure1) of secure make CT operated meter (Sr. MSE65938) it has found that 'B' phase CT voltage was missing on meter.
- ii. He further contended that the site inspected by AE veenanagar on dated 16.01.2017 and found 'B' phase voltage was missing on meter due to burning of CT cable at stud for B phase. B phase voltage had set right by removing burnt cable immediately on same day. The spot inspection prepared by AE veenanagar submitted vides ref no. 9 (Annexure-2).
- iii. He further submitted that the bill assessed by considering meter was recording 33.33% less energy due to 'B' phase missing voltage for the period Oct. 16 to Jan. 2017. Provisional bill issued to consumer vide ref. no. 9 (Annexure 3).
- iv. Consumers appealed in IGRC on date 30.10.2017 vide ref. no. 6 (Annexure -4).

- v. He further submitted that the final assessment has proposed for period Jan.16 to dec.2016 as per the available MRI data. Ref. No. 5 (Annexure-5).
 - vi. He further submitted that final provisional bill of amount Rs179094.9/- including previous provisional bill amounts has issued to consumer vide ref. No.4 (Annexure 6).
 - vii. Further that consumer grievance had held on date 19.12.2017 and order passed by IGRC is issued vide ref. no.1 (Annexure7).
 - viii. Concern meter is not display as per spot inspection report by AE veenanagar on date 29.12.2017 vide ref. letter No. 2 (Annexure 8).
 - ix. As per IGRC order instalment bill prepared and issued to consumer on dtd. 21.02.2018 vide refer. No. 11 (Annexure -9)
 - x. He further submitted that the issued already decided by Ombudsman in a case and confirm by Hon'ble High Court Bombay that B phase terminal is missing recording unit but other terminal showing the actual consumption recorded then it is not a fact of defective meter and as per benefit and as such benefit under section 15.4.1 cannot be claimed.
4. During the hearing, the Applicant argued that the B phase CT was defective. This clearly means that meter was defective. The faulty in the meter could be occurred 24 months before and may have risen only on the day of detection. Therefore question of provisional/supplementary bill does not arise As per Regulation 15.4.1 of supply code Regulations, in case if the meter is defective, the consumer is to be billed for maximum period of three months based on the average of previous twelve months. The MSEDCL has not given the details as to when the CT was burnt and also meter shows not display. The appellant therefore prayed to quash the Supplementary bill and to issue bill only for a period of 3 months. The report shows that there is faulty meter as per 23.12.2017. Therefore he had submitted

that the meter was apparently faulty and only bill shall be adjusted for minimum period of 3 months as per provision of 15.4.1 of the Supply Code Regulation and after stating that as set aside the order passed by IGRC.

5. The Respondent stated during that while going through MRI data report of secure make CT operated meter (Sr. MSE65938) it has found that 'B' phase CT voltage was missing on meter. He further contended that the site inspected by AE veenanagar on dated 16.01.2017 and found 'B' phase voltage was missing on meter due to burning of CT cable at stud for 'B' phase. B phase voltage had set right by removing burnt cable immediately on same day. The report shows that there is faulty meter as per 23.12.2017 & 'B' phase shows the faulty meter as report dtd. 08.07.2017. The same is MRI report dated 06.07.2017 showing B phase not working 17.07.2012 till last report o f April 17. The respondent has demanded recovery form Nov. 16 April 17 for 7 months Rs.88280/- dtd. 18.05.2017 and assessment for the period 16 to April 2017 as per average 116 units per day and per month 3500 units. The final assessment bill issued for period Jan2016 to Dec 2016 by considering 33.33 les s consumption for 'B' phase voltage missing on meter and the final provisional bill of amount 179094.90/- including pervious provisional bills has issued to consumer. The Respondent stated that the meter is not at all faulty only 'B' phase was missing. Further submit that the MRI reading is there those it was display it cannot be stated the faulty meter. No extra charges settle the application.
6. On hearing both sides and on going through the provisional bill of May 2017 dated05.05.2017 shows that the respondent that the claim arrears only from Nov. 16 to April 2017 of Rs. 88280/-and The final assessment bill issued for period Jan2016 to Dec 2016 by considering 33.33 less consumption for 'B' phase voltage missing on meter and the final provisional bill of amount 179094.90/- There is no

complaint of excess billing MRI report clearly shows the meter reading. It is fact of record that 'B' phase is not working since 17.07.2012. In every report of annexure 1. Instantaneous parameter (while reading meter) dtd. 07.07.2017 (MRI reading 06.07.2017 MRI reading dated 20.12.2016, meter reading 17.07.2012 on comparing on 'R' phase 'Y' phase and 'B' phase with the prayer that the 'B' phase is missing. It apparently shows that the meter is slow by 33.33%. However MRI data produced by the respondent shows that the 'B' phase current was missing from 17.07.2012.

7. Hence, I found that meter was not defected and only 'B' phase was not recording the consumption hence a provision of Regulation 15.4.1 is not applicable and therefore the bill issued on the basis of MRI data is correct. It is also cleared form all the Annexures on record that the meter is not faulty on the ground of missing of 'B' phase or display was not there. Respondent has taken all the care and due diligence in calculating the bill as per MRI data. However as it is admitted that meter is slow by 33.33% due to missing of 'B" phase. It is not in dispute that energy was not used during the dispute period. The data available on MRI and recovery from Jan 2016 and DEC2016 by considering less consumption is already allowed.
8. It is directed to the respondent MSEDCL not to charge any interest and DPC for the period claim by the applicant for 12 month from Jan. 2016 to December 2016. It is directed to the MSEDCL to prepare the Supplementary bill and issued to the applicant within 15 days from the date of the receipt of this order. The applicant is at liberty to pay the arrears to the respondent by 12 equal monthly instalments from the date of receipt of supplementary bill. Hence proceed to pass order

ORDER

1. This application no 66/2018 is dismissed with following directions to the respondent.

2. Respondent shall prepare a supplementary bill of arrears from Jan.2016 to Dec. 2016 of the net bill without any interest and DPC.
3. Applicant shall be pay outstanding amount of arrears to the respondent by way of 12 equal instalments from the date of receipt of the supplementary bill.

No order as to the cost. Both the parties are informed accordingly.

Compliance should be reported within 30 days from the receipt of this order.

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, and 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.