

CASE NO.165/2018

In the matter Retrospective Rectory and slowness of meter

M/s. IBP Company Ltd.,
c/o Mahape Auto Mobile,
plot No.x44/4, TTC industrial,
Mahape, Shil Phata Road,
Navi Mumbai..... (Hereinafter referred as Applicant)

Vs

Maharashtra state Electricity Distribution Company Ltd
Through it's Nodal Officer,
Vashi Circle,Vashi (Hereinafter referred as Respondent)

Appearance

For Consumer :- Suraj Chakraborty

Representative For Respondent :- Shri.Sonekusale Additional Executive Engineer ,
Koperkhiarne Sub Division

[Coram- Dr. Santoshkumar Jaiswal- Chairperson, Shri. R.S.Avhad -Member Secretary and
Sharmila Ranade - 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 subsection 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] Here in after 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.

This application is filed by the consumer for grievances against the Respondent company MSEDCL for issuing the supplementary bill of Rs 17,05,740/- which includes tariff difference and slowness of the meter due change in one CT. The applicants further submit that calculation is not given and also the assessment is not as per technical grounds without mentioning days or months. Consumer prays to revise the supplementary bill as per days and actual months.

The notice issued to the Respondent on dated 14/08/2018 to appear before Forum and submit parawise reply. The Respondent did not submit any reply on subsequent hearing on dated 27/08/2018,25/09/2018 and 30.10.2018. The Respondent submit reply on dated 28/02/2018 stating that the said consumer connection number 000436529279 is charged /assessment for metering 15% slow as per report received from additional Executive Vashi flying squad and

also stated that consumer was charged wrongly of Rs 17,05,740/- and it is revised to Rs 8.89,763/- and issued to the consumer on dated 01.03.2018.

During the hearing, the applicant argued that on dated 14/11/2017 given the letter to Respondent asking to provide calculation sheet that how the units calculated? On that ground Respondent has found the tariff difference calculated twice which is already paid by the consumer and resulted revised supplementary bill to Rs 8,89,770/- . The applicant further stated that recovery of slowness is not as per actual days and months. Consumer claim that CT was replaced eight month before the date of inspection of Flying squad therefore recovery for 24 month is illegal and ready to pay assessment for eight months before the inspection by Flying Squad.

On the other side Respondent mention that slowness of bill and tariff difference assessment is given as per flying squad report dated 22/09/2017 is correct.

Heard both sides and I have gone through documents submitted by the applicant and Respondent it is found that the tariff of units of meter to consumer revise properly during the period Hearings and load is revised by utility is correct and the applicant has not raise any dispute in tariff difference .The dispute arises when the flying Squad of Respondent visited observed second irregularity the premises of the applicant and found observed second irregularity that two nos CT's of ratio 200/5 A and one CT is of ratio 300/5 A on which basis the assessment of 15 % slowness for period of 24 months was raised . The Forum is asked MRI data of meter and the date on which the CT 200/5A replaced by 300/5 A CT . It is responsibility of utility to maintain the installation and proper apparatus belongs to utility. But in this case it is found that wrong ratio of CT installed by the Respondent himself there is no fault of consumer and the Respondent also not having any record when actually CT replaced. The MRI data is also not available with Respondent but on record it is produced by the Respondent spot inspection report dated 26/2/2016 duly signed by Assistant Engineer MIDC Pawane which show three CT's are of same ratio i.e 200/5 A. Hence it is proved that

one of the CT replace after the spot inspection dated 26/02/2016. There is no record obtained by the Respondent when the one CT actually was actually replaced. Therefore I have no option to rely upon consumer statement as Respondent has no record which is mandatory to maintain the record. It is clearly negligence of the officials of Respondent which make loss to the distribution Licensee and referred the strict action should be taken to concern staff Hence I proceed to pass following order

ORDER

1. This application 165/2018 here by allowed.
2. The supplementary bill issued for 24 months for slowness of meter is set aside.
3. The applicant is entitled for the payment of slowness of meter for the period eight month prior to the date of inspection of Flying Squad.
4. The consumer request for 3 installment granted without DPC and Interest
5. Compliance of this order be made within one month from the date of receipt of this order.

No order as to the 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, 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.