

(A Govt. of Maharashtra Undertaking)

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Consumer Grievance Redressal Forum

“Vidyut Bhavan”, Gr. Floor,

L.B.S.Marg,Bhandup (W),

Mumbai – 400078.

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REF.NO. Member Secretary/CGRF/MSEDCL/BNDUZ/162

Date: 20.09.2017

Case No. 16/2017

Hearing Dt.11/07/2017

**In the matter of wrong assessment recovery bill dated 06.02.2017 for amounting Rs. 1, 71,050/- issued to the consumer was challenge by the consumer**

Shri. Ahmed M. Hussain,Plot No.24,  
Sector-09,

- Appellant

(Consumer)

V/s.

Maharashtra State Electricity Distribution Co. Ltd. (MSEDCL)

Vashi Sub Division

- Respondent

**Present during the hearing**

A - On behalf of CGRF, Bhandup

1) Shri. Anil P. Bhavthankar, Chairperson, CGRF, Bhandup.

2) Shri. R.S.Avhad, Member Secretary, CGRF, Bhandup.

3) Dr. Smt. Sabnis, Member, CGRF, Bhandup.

**B - On behalf of Appellant**

Mr. Suraj Chakraborty – Consumer Representative

**C - On behalf of Respondent**

Shri. R.S. Rathod, Addl. Executive Engineer, Vashi Sub Division.

**Consumer No. 000488946285**

1. It is contention of consumer that respondent utility issued bill in the month of 06 /02/ 2017 claiming accumulated arrears as per actual meter reading record and unit consumption which was no recorded properly previously. Consumer stated that all the phase was not verify by the staff properly and they calculated wrong assessment of bill when MRI data available only for 45 days. Respondent utility calculated arrears more than one year assessment is made by respondent utility from not in accordance with rule and also as per guidelines issued as per Circular. Consumer pray for reassessment of the bill on the basis of meter fault under 15.4 Regulations average 3

months assessment bill should be revised considering connecting load. Initially consumer made representation to respondent utility MSEDCL and raised the dispute to which respondent utility replied on 06.02.2017 that the officer visited the premises on 02.02.2017 and inspected meter and infrastructure attached to the said meter was verified bearing meter no MSP 10767. According to report the said meter 'R' phase was not recorded and displayed '0'. The meter was accu-check by method of inspection found the meter was slow of 33.8% slow in calculation. Therefore additional unit 15868 less recorded by the meter. Therefore this consumer required to pay the cost of the said unit 15868 for amounting Rs. 1, 71,050/-. As per bill issued within 15 days on failure of payment the supply will be disconnected. Consumer given copy of said the revised bill as per inspection report on 06.02.2017. Consumer also given meter inspection report 02.02.2017 for his consumer. Consumer disagrees with the said demand of bill and raised the dispute on Schedule 'X' before IGRC. Consumer attached all relevant document Schedule 'X' meter testing report, additional assessment of bill along with the complaint before IGRC. After receiving the said complaint IGRC registered case filed vide No.133/2016-17 on 21.03.2017 opportunity was given by IGRC to consumer and representative for hearing .On dated 01.06.2017 IGRC pass the order and dismiss the complaint of consumer and directed consumer to pay the demanded bill in 3 equal instalment as per plain additional recovery bill copy of IGRC order is attached. Being dissatisfied with the said order consumer approach to the complaint and filed his grievance Schedule 'A' on 16.06.2017. Thereafter the case is registered filed 16/2017 on dated 21.06.2017 this office issued notice to the respondent utility and directed to file the reply.

2. After receiving the said notice respondent utility appeared and filed reply on 10.07.2017. Respondent utility submitted that the connection is situated in the name of Ahmed M. Hussain Plot No 24, Sector-19, Vashi and the consumer having consumer no 0000488946285 meter MSP10767 is 3 phase connection which was made 3X50/5 capacity is attached and date of power supply on 14.08.2003. Respondent utility submitted on 02.02.2017 Assistant Engineer, MSEDCL check to meter and found that 'Y' phase current displayed '0' Value then the meter was check and accu-check found the meter recorded 33.08% less consumption then actually working slow by 33.08%. Thereafter respondent utility retrieve data to MRI found the 'Y' phase missing from 7.1.2016 onwards. Therefore the calculation of less recorded

consumption on meter was calculated since 7.01.2016 by less recorded by 33.08 % and the assessment for unit calculated 15868 amounting Rs.1, 71,050/-. The same inform to the consumer by additional Executive Engineer, Vashi Sub Division letter on the 493 on 6.02.2017. Thereafter the grievance was raised before IGRC on 21.03.2017 the case was dismissed. The respondent utility submitted that the calculation made of less recorded unit on 'Y' phase by displayed '0' form 07.01.2016. Therefore proper assessment was calculated after satisfaction of accu-check meter report and MRI Data actual assessment of unit is made without charging any penalty or other charges the plain recovery was claim under the plain recovery bill and demanded amount of Rs. 1,71,050/- which is payable by the consumer . Respondent utility relied order of IGRC amount payable in equal instalment by consumer and pray for dismiss of complaint with cost. Respondent utility attached accu-check report, meter testing report, MRI data sheet and calculation of unit difference by 33.08% slow and copy of CPL .I have verified all the document at the time of hearing.

After perusing rival contention of the consumer and the respondent utility following point arose for our consideration to which I have recorded by finding to the point for the reason given below

- I. Whether consumer is liable to pay the difference of arrears accumulated calculated from 07.01.2016 less recording 33.08% slow unit from consumer in revised bill.
- II. Whether consumer is entitled for benefit under 15.4 of meter fault procedure of 3 months average bill under 15.4.1 of Regulation applicable in this case.
- III. Whether consumer was entitled for any relief.

### **Reasoning**

1. I have given opportunity to the consumer and his representative Mr. Suraj Chakrabourty appeared before the Forum on date of hearing. I have also gave opportunity of add. Executive Engineer, Vashi Sub Division. The document submitted the consumer minutely verified as the technical issued raised in this matter the technical member Secretary opinion was also obtained by verification of MRI data and calculation sheet provided by respondent utility in this case .Consumer raised the dispute and challenge the plain recovery bill for amounting Rs.1,71,050/- dated 06.02.2017. The necessity and requirement of calculation of said bill the reason was verified it obviously found that the MRI data provided which is technical as per the norms where 'Y' phase record is '0' unit since 07.01.2017. The calculation provided

by respondent utility also verified by me and technical member. The calculation is less unit recorded of 33.08% less on “Y” phase reading display ‘0’ the total load considered 47KW on TOD tariff is LT consumer and meter falls in the category of CT operated meter. Therefore MRI data which is normally available only for 45 but in this case data provided by utility since 2016. The unit consistently recorded on meter ratio as from 16.01.2017 was consistently ‘y’ phase meter terminal not recorded unit properly. Therefore the assessment is made by considering ‘Y’ phase ‘0’ should have been 33.08% slow. As per accu-check meter report and the MRI data since 07.01.2016 ‘Y’ phase consistently shown ‘0’ in this case. I found that the error in calculation on the said unit by respondent utility by data provided on 02.02.2017. The consumer final to satisfied the Forum that how the meter fault status Regulation No15.4 should be applicable in this case the reason was not satisfactory submitted by consumer. I have made scrutiny of IGRC order and the reasoning given thereof. To my view the additional plain recovery assessment which is made properly by calculating unit giving benefit of TOD charges the said total charges to be recover and no error was found in calculation. The issue as already decided by Hon’ble Ombudsman in case and confirm by Hon’ble High Court Bombay that when ‘Y’ Phase terminals missing recording unit but other terminal showing the actual consumption recorded then it is not the fact of defective meter and as such benefit under 15.4 cannot be given . While going to the said observation I come to conclusion in this case also ‘Y’ phase terminals not recorded proper unit. Consistently from 07.01.2017 and therefore calculation of less recorded consumption of 33.08% slow is properly and consumer is liable to pay the additional unit charges accordingly. I come to conclusion detective meter status benefit cannot be available to this consumer in view of earlier finding recorded by competent Higher Authority. Therefore this consumer complaint this not exceptional give such benefit. Hence I am not inclined to any benefit to consumer. Therefore consumer is liable to pay the plain recovery of arrears bills issued to the consumer for amounting Rs.1, 71,050/- in equal six monthly instalments instead of three as period is more than six months.

### **ORDER**

The consumer complaint 16/2017 is stands dismissed with cost.

No order as to the cost.

Both the parties should be informed accordingly.

Proceeding close.

The compliance should be reported within 45 days.

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

Note:

1) If Consumer is not satisfied with the decision, he may file representation within 60 days from the date of receipt of this order to the Electricity Ombudsman in attached "Form B".

**Address of the Ombudsman**

**The Electricity Ombudsman,  
Maharashtra Electricity Regulatory Commission,  
606, Keshav Building,  
Bandra - Kurla Complex, Bandra (E),  
Mumbai - 400 051**

2) If utility is not satisfied with order, it may file representation before the Hon. High Court within 60 days from receipt of the order.

(I Agree/Disagree)

(I Agree/Disagree)

**DR. ARCHANA SABNIS  
MEMBER  
CGRF, BHANDUP**

**ANIL P. BHAVTHANKAR  
CHAIRPERSON  
CGRF, BHANDUP**

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