

(A Govt. of Maharashtra Undertaking)  
CIN : U40109MH2005SGC153645

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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/20/168

Date: 26.09.2017

Case No. 20/2017

Hearing Dt.06/09/2017

**In the matter of wrong and incorrect bill issued by respondent utility in  
the month of March 2017**

Mr. Chandrakant K. Shetty\_

- 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. 000076536520, CL-25KW CD**

**31.25KVA, meter No.055 MHD 13405 category 70LT II B date of connection**

**23.12.2005**

1. Above named consumer using the said connection for commercial purpose to his premises since date of connection 23.12.2005. Consumer received the bill on 15.03.2017 along with current bill for arrears of consumption unit valued amounting Rs.3,28,390/-. After receiving the said bill consumer approach initially to IGRC in Schedule 'X' from 20.04.2017 raised the dispute consumer receive the said bill which is wrong and excessive to extract money unnecessary claiming use of consumption since 09.06.2017 claim by respondent utility 'R' & 'Y' phase are missing from the meter display According to consumer the said occurrence falls under the category of

meter defect and the consumer should be valued and access as per 15.4 Regulation and as per circular No.39. consumer attached copy of circular dated 21.07.2006 commercial circular No.39 , copy of bill 13.03.2017, copy of IGRC decision compliant received by IGRC 1971 opportunity was given to consumer and representative by IGRC on 19.01.2017. IGRC decided the said complaint against the consumer claiming R&Y phase difference short display due to miss the phase as per the report of the joint inspection on 09.02.2017. The assessment was made from Feb.2016 to Jan.2017 and deficit of 66.66% less value was R&Y was calculated and the bill was access accordingly. Being dissatisfied with the order of IGRC consumer approach to the Forum and filed complaint in schedule 'A' on 04.07.2017 pray that claiming of R&Y phase missing the meter display which is fault of meter and consumer should have been access as per Regulation No.15.4 and following commerce circular No.39. Consumers also pray to guideline to the respondent utility to revalue and reassess the bill accordingly. After filing the said compliant notice was issued to the respondent utility. Respondent utility appeared and filed reply on 08.08.2017. Respondent utility submitted that as per joint inspection dated 09.02.2017 by assistant Engineer MSEDCL check the installation of meter and found R&Y phase is missing said assembly of meter in consumer premises and therefore less consumption recorded in meter from April 2016 which access the unit 21290 which was valued for amounting Rs.291,99.30/-. According to the respondent utility the details inspection report and MRI data was retrieve and as per calculation of MRI data assessment was made of recorded fewer units at R&Y phase missing and the bill was generated in the month of March 2017. Respondent utility gave the extract of assessment, joint inspection report MRI data dated 13.02.2017. Respondent utility gave bill revision report as approved B-80, copy of joint inspection report and mathematical calculation of unit less recorded due miss place of R&Y phase record on the meter. I have perused consumer complaint and document filed of consumer. I also perused reply of technical data, MRI data assessment sheet and bill revision report carefully.

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 entitled for revise of bill as per Regulation No.15.4 and following commercial circular No.39/2006.

- II. Whether consumer prove that the bill issued by respondent utility after assessment of unit on 15.03.2014 legal valid and proper.
- III. Whether consumer was entitled for any relief.

### **Reasoning**

1. I have given opportunity to the consumer and his representative Mr. Suraj Chakraborty appeared before the Forum on date of hearing. I have perused document filed by consumer it appeared that dispute start raised by the consumer after receiving assessment bill claim by respondent utility after verification and checking of the meter at premises joint inspection report dated 09.02.2017 which is prepared and find by competent authority revealed that R&Y phase was missing recording display and consumption was recorded low by 71.88%. Thereafter MRI data was retrieve after meter check in the laboratory as per retravation of data calculation was made of less assessment unit recorded since Feb.2016 to Jan.2017. The mathematical calculation given by respondent utility by recording 66.66% less Y&R Phase CT meter missing the unit for calculating by multiplier calculation given the unit recorded 21290 was access and accordingly the said data was provide to the consumer. After verification of said calculation the assessment is verified by this carefully. I found no error or any technical or mathematical mistake found in calculation of assessment unit less recorded due R&Y phase missing in the meter.
2. In view of observation is already given in Hon'ble Ombudsman and also by MERC a missing of R&Y phase but remaining terminals gave the unit consumption properly it is not a meter fault. It is been clearly observed that regulation No.15.4 of recording assessment of unit as per meter fault cannot be applied in this case. In view of consistent decision which place before this Forum considered and verified in this particular case also. The assessment data recorded unit for consumption at the premises R&Y phase 66.66% less was charge on two phase R&Y separately and therefore the respondent utility is not fault in claiming shortage of assessments of unit which is not recorded due to R&Y phase was missing. The financial calculation Rs.2,91,099.33/- is required to be recovered from consumer.
3. In the fair interest of justice a less recording was unit not notice by the respondent utility at appropriate time since Feb.2016 and there are no fault on the part of consumer therefore the calculation should have been assess without charging any interest DPC and penalty. As the said assessment was charge in the bill dated

15.03.2017 and it is cumulative effect of arrears of bill since Feb.2016. The consumer must be given opportunity to pay the said bill in equal six monthly instalments along with current bill. However the prayer made by the consumer to revised and reassess the bill by application of Regulation No.15.4 and following commercial circular No. 39 dated 17.03.2006 cannot be applied in present case. Hence in view of earlier decision referred I am not inclined to grant any relief to the consumer. Hence I proceed to pass following order.

**ORDER**

The consumer complaint 20/2017 is stands dismissed with cost.

No order as to the cost.

Respondent utility do recover the cumulative arrears Rs 2, 91,099/- in six equal instalment along with current bill if not paid

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**

