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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/

Date

**Case No. 610**

Hearing Dt. 02.01.2016

**In the matter of withdrawal of wrongly demanded "Stop Meter Adjustment Charge"**

**Shri. Gosrani Mansukhlal Gosar**

- **Applicant**

**Vs.**

**M.S.E.D.C.L., Bhiwandi, Torrent Power Limited, Bhiwandi - Respondent**

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri. Anil P. Bhavthankar, Chairperson, CGRF, Bhandup.
- 2) Shri.Ravindra S. Avhad, Member Secretary, CGRF, Bhandup.
- 3) Dr. Smt. Sabnis, Member, CGRF, Bhandup.

B - On behalf of Applicant

- 1) Shri.Gosrani M. Gosar -Consumer

C - On behalf of Respondent No. 1

- 1) Shri. R.R.Beloskar, Executive Engineer, Nodal Office Bhiwandi.
- 2) Shri. S.K.Dhope, Assistant Engineer, Nodal Office Bhiwandi.
- 3) Mrs. Hemangi Mayekar, Assit. Manager, M/s. Torrent Power Ltd. ,Bhiwandi.

**ORDER (Passed on 06.1.2016)**

1. Above named consumer has filed this complaint against respondent utility. He obtained supply from respondent utility vide consumer no. 13565358809 under LT PG category (meter no B- 35301927). On receipt of the complainant that the display of the meter had stopped, prompt action was taken by M/s. Torrent Power Ltd. and the old meter no. 35301927 was

replaced on 12.10.2014. However the consumer has alleged that there was inordinate delay caused by the utility for changing the meter, for which the consumer has prayed for imposition of cost.

2. However on 27.03.2015 as per convenience of respondent utility change the meter there was 3 month abnormal delay cost. Therefore consumer prayed for taking action against respondent utility toward cropped negligence. Consumer has further submitted that on 27.03.2015 meter change slip no. 303132 was issued to him but the same was devoid of any other particulars. There is endorsement on the slip that meter stopped on 28.07.2015. M/s. Torrent Power Ltd. has shown different meter slip having the said endorsement, which was submitted on 31.07.2015.
3. The consumer received disconnection notice along with calculation of difference of arrases and unit adjustment during the period, amounting to Rs. 3, 62,564.89/-. These arrears are claimed from the consumer. After receiving the said notice and the calculation of unit, consumer approached IGRC of M/s. Torrent Power Ltd. and prayed for breakup details. The consumer was not satisfied with calculation submitted by respondent utility M/s. Torrent Power Ltd. and the bill raised towards adjustment along with disconnection notice.
4. Therefore he filed complaint before IGRC. IGRC during pendency of this case before them gave opportunity by issuing notice to the consumer. But said notice was not received by the consumer. IGRC decided the said complaint ex parte against the consumer and gave its findings.

5. Being dissatisfied with the order of IGRC, consumer filed grievance before this Forum on 07.09.2015 along with the copy of order. Appeal and representation of consumer was dismissed. Manufacturer's test report of new meter was given to the consumer and accordingly, bill raised against the consumer reported proper for the period of dispute. As per supply code 15.4.1, intimation of this letter was given to the consumer regarding assessment of the bill calculated for the period. As per the consumer pattern, units actually used for earlier period and the subsequent period was verified and the units were calculated as per provision.

6. Being dissatisfied with the reasoning, consumer prayed for:-

- withdrawal of 'stop meter adjustment' charges,
- reassessment of bill and
- reassessment meter testing report

Consumer has attached all relevant documents required for adjudication of his claim.

We have verified the documents filed by consumer and reply filed by respondent utility.

7. We have given opportunity to consumer and his representative.

Following points arose for our consideration:

- 1) Whether consumer can be allowed to claim withdrawal of stop meter adjustment recovery bill.
- 2) Whether respondent utility properly calculated and claimed difference of units actually used by the consumer between disputed period.

## **Reasons**

8. It appears that consumer himself was aware of the fact that meter at his premises had stopped and was not giving the reading properly. He had lodged complaint with respondent utility M/s. Torrent Power Ltd. which is admitted by the consumer hence, there cannot be any dispute regarding this issue.
9. Allegation made by consumer that the meter was replaced without informing the consumer and it was sent to laboratory for testing. It is revealed from the record that the meter testing was submitted by the respondent utility at the time of hearing the dispute before IGRC, which is also mentioned by IGRC in its order.
10. To our view, as per Regulations, respondent utility has power to change and replace the meter when it is found to be defective or malfunctioning. Only problem is that proper procedure was required to be followed in the meter testing which should have been done in presence of consumer.
11. However copy of the testing report submitted on 19.05.2015 was handed over to the consumer during the course of hearing on 28.07.2015. Thereafter the issue is whether respondent utility calculated units between disputed period appropriately by following 15.4.1 MERC Rules and Regulations.
12. Admittedly the dispute period is 19.12.2014 onwards. further issues in month of January, February, March, April and May was assets by respondent utility. The doubt arose in mind of consumer as no MRI data was available and therefore the allegation against respondent utility

appears to be valid. We have given opportunity to respondent utility to verify meter testing report again and follow the correct procedure.

13. Accordingly MRI data and graphical use of consumption was reassessed and respondent utility submitted details of the report for subsequent period. It was verified from the earlier MRI data available with respondent utility. The copy of data submitted to the Forum was verified about its correctness by technical Member secretary of CGRF.

14. It is observed that for the disputed period, MRI data value recorded '0' in average and graph was shown blank. However this Forum has taken almost precautions to assess the units for disputed period and its accuracy. The said graph and data of units post consumption, consumption pattern recovered in future, the average assessment of unit etc was considered. Both technical and not technical members helped to verify and assess correct data. The average consumption of unit of disputed period was reassessed and data was submitted to the Forum. We calculated the units which are already charged, assessed and debited on average bill from January, February and March to which consumer raised strong objection stating that during this 3 months' period factory was non-functioning and no consumption was used.

15. However the consumer has not filed any such document or record in enabling this Forum to believe the contention of consumer that between this period 3 of months, the factory was closed. There is no documentary proof to substantiate the statement of the consumer.

16. Therefore the average consumption of units claimed by respondent utility is recalculated and re-assessed as per the data submitted to Forum by respondent utility. The working days are shown 90. Reassessed units calculated for the total period are 674104, out of which units already charged are 23,848 and debited unit amount was Rs.43,256/-. Giving month wise brake up for the amount charged against consumer is Rs. 3,62,564/- On verification and assessment of the said amount, to our view no liability upon consumer can be fixed to pay any interest or penalty or other charges. Therefore the interest, penalty and delayed payment charges shall be excluded.

17. However the average consumption calculated between the period from December to May for the disputed period which is unpaid, shall be recovered from consumer.

We found there is no substantial ground in the allegation of consumer. Hence we proceed to pass following order.

### **ORDER**

1. The Consumer Compliant no 610/2015 stands dismissed with no cost.
2. The respondent utility M/s. Torrent Power Ltd. shall recover charges for assessed units excluding interest, DPC and penalty.
3. Utility shall issue the recovery bill and recover the charges in six instalments of equal EMI along with current bill.

Both the parties be informed accordingly.

The compliance should be reported within 45 days.

Proceeding closed.

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

Note:

1) If Consumer is not satisfied with the decision, it may proceed within 60 days from 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.

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

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

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