

**Consumer Grievance Redressal Forum
Maharashtra State Electricity Distribution Co. Ltd.
Bhandup Urban Zone, Bhandup**

Ref. No. Member Secretary/MSEDCL/CGRF/BNDUZ/

Date :

Case No. 465

Hearing Dt. 30/08/2012
& 10/09/2012

In the matter of average billing

Smt. Pranali Kangukar - Applicant

Vs.

M.S.E.D.C.L. Shil Sub.Div - Respondent

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri S. K. Choudhari, Chairman, CGRF Bhandup.
- 2) Shri R.M Chavan, Member Secretary, CGRF, Bhandup.
- 2) Dr. Smt. Sabnis, Member, CGRF, Bhandup.

B - On behalf of Appellant

- 1) Shri. Sunil Pawar - Consumer Representative
- 2) Shri. Mahesh Shah.

C - On behalf of Respondent

- 1) Shri Prakash Ghogale.

ORDER

Smt. Pranali Kangukar is a single phase commercial consumer under service no.000461036597 at Vinod Villa Bldg, Shop No.3, Ground Floor, Saba Road Diva (E), and consumer was billed on faulty status with the average consumption of 40 units per month.

In the month of Nov.2010 utility issued abnormal bill for 4400 units which was pointed out by consumer vide her application of 09.02.2011. The consumer was using only one tube light and one ceiling fan and running beauty parlor consumer was asked to pay ₹ 6000/- the officials of utility which consumer paid it under protest. Consumers last payment was on 07.09.2008 for an amount of ₹.2000/- and now paid ₹ 6000/- on 09.02.2011. From Dec 2010 consumer was billed with the increased averaged of 200 units per month.

The utility has replaced the faulty meter on 05.05.2012 but from the recent bill copy it appears that effect of new meter is not updated.

On the behalf consumer Shri. Sunil Pawar was present to represent the case. He stated that his consumer was average basis with the faulty status right from beginning and the matter was brought to the notice of concerned Dy Executive Engineer of the Sub Division on 09.02.2011 accordingly the Dy Ex. Engineer direct the Jr. Engineer of the section to verify and inspect the premises but no one had turn up. So he approach to internal grievance cell and filed the compliant; but no hearing was scheduled and hence compelled to approach to this forum.

He further stated that:-

- a) From Dec. 10 to Jan. 11 his bill was not revised.
- b) Faulty meter was not replaced.
- c) Spot visit report & Accu-check report was not given to them.
- d) In Dec.2010 bill with photo was given but he argued that consumer no is incomplete i.e. wrong & a sticker is pasted while photo taken which is not fair practice & was to be verified by MSEDCL.
- e) From Feb.2011 onwards, he started receiving average bill of 200 units per month, due to which false outstanding amount went up to ₹ 60,120/- as on bill of April 2012. Instead of regularizing the matter, again he was threatened & asked to pay ₹ 10, 405/- without any supporting documents or reasoning. So we did not pay the amount.

f) He submitted up their grievance with IGR Thane on 24th May 2012, but hearing was not scheduled. He did not receive any order from IGR. So he has submitted their grievance with this Forum Lapses in Service and deficiency in services.

g) Now he is submitting this additional submission in the said matter.

MSEDCL website account statement shows that still as on June-12 bill, bill is issued with average 200 units per month till this date, every month bills with FAULTY METER STATUS. But MSEDCL has not taken cognizance of their grievance submission to IGR since last 20 months.

1. On appearing before concerned authority the initial Contention was accepted that the meter is FAULTY/DEFECTIVE/STOPPED and the check meter was installed before 05/05/2012 to ascertain the correct consumption. The check meter was removed after 10 days and the reading displayed on check meter was 5 units. The new meter was installed and disputed meter was removed from installation on 5/5/2012, he had requested to concerned authority to issue the check meter report, the new meter test report and CPL copy further he also said that he was ready to pay the official charges for obtaining the same if any. The concerned authority refused to issue the reports. Saying that the reports are official reports and they are not allowed to disclose the same to the consumer. He protests against the activity they were supposed to get the copies related to their account. The authorities are required to be questioned and the issue is to be clarified.

He requested the Hon'ble Forum to treat the case as FAULTY /DEFECTIVE/STOPPED Meter as declared by the Respondent in their bills.

MERC regulation 2005 (supply code) says that in such situation, the matter is to be dealt with sec. 15.3.1 to 15.3.4 for taking meter reading & if not pursued by MSEDCL field staff, then billing to be done as per sec.14.4.1.

In case of stopped i.e. defective meter, billing is to be done as per MERC Regulation 2005 (Electricity Supply Code) Sec.15.4.1 reads as "Provided further that, in case the meter has stopped recording the consumer will be billed for the period for which meter has stopped recording, up to a maximum period of three months, based on the average metered consumption for twelve months immediately preceding the three months prior to the month in which the billing is contemplated".

The consumer representative further stated that as per MSEDCL commercial circular no.118 dt. 18th June 2010 gives solution on our issue & gives how reading & photo are used tactically by MSEDCL meter readers. Annexure "A" of the circular sr.no.1 with billing status ZERO direct the action to be taken & as per MSEDCL comm. Circular No.39, it says that when no abnormality found, billing is to be done as per MERC Regn.2005 Sec.15.54.1 only.

He further reiterated that Vide sec. 56 of E A 2003, he paid ₹ 6,000/- in Feb.2011 Before and after this payment, the issued bill was issued on average basis which is illegal & mistake of meter reader, Jr. Eng & Dy Ex. Eng of Mumbra Sub Div.. So MSEDCL will not attempt to disconnect the supply under whatsoever manner.

He further added that the Regularization of meter is not done nor meter reading is taken at least once in 2 months as per MERC Regn.2005 (SOP) Appendix A sec.7 (i). So he may be given compensation.

The subjected matter also confirms the harassment caused to them that to on regular follow up in the matter. It is also to be noticed that it also proves on merits the deficiency in services, negligence, unfair practice and nil response by the Respondent. Concern attending authorities of Respondent is required to clarify and the action is to be taken for non performance / bad performance as per the framed regulation by the Hon'ble MERC.2005.

On behalf of utility, both the times no one was present and hence hearing has to be postponed twice, on third occasion on 10/09/2012 Shri Prakash

Ghogale, Assistant Accountant was present but he had carried no written submission to produce before the Forum.

The Respondent stated that faulty meter was replaced on 05/05/2012 and readings were noted with the check meter for 10 days. It was revealed that only 5 units were consumed in 10 days. During the proceeding the consumer representative accepted that around 18 to 20 units at the maximum is used in a month where as utility charged for 40 units and latter 200 units per month.

Persual of record and arguments during the hearing reveals that, the Respondent is failed to read the meter as expected in the MERC Regulations 2005. Moreover no one has responded to the consumer even after frequent follow up. It is also true that consumer has approached to the utility belately in the month of Feb-2011. The faulty meter status since from date of connection i.e. 01/10/2007 was not brought to the notice of utility which was consumer's duty. Moreover from the record it is observed that consumer was not paying bill regularly. The payment details shows that some where in Sept-2008 consumer had paid partly ₹ 2000/- and on 09/02/2011 ₹ 6000/-.

Consumer approached to the Respondent on receipt abnormal bill of 4400 units which the utility claimed for its rectification. However, it is observed that there is a mere consumption of around 20 units for a month; hence Forum hereby directed to the Respondent should used this average for correction of bills from the date of connection and bills already charged should be withdrawn. Moreover being Respondent has not corrected bill in time no delayed payment charges or interest should be leveled.

It is also observed that even after lapse of three months for the replacement of meter, utility has not updated the new meter details in the consumer's bill; hence it should be corrected immediately without further delay.

About the compensation towards S.O.P. for non-reading of meter, consumer representative has not insisted upon during the proceeding, hence not consider.

The Respondent should correct the bill as stated above and the amount paid by the consumer should be adjusted against the arrears, if any.

No order as cost.

Both the parties should be informed accordingly.

Compliance should be reported within month period.

The order is issued under the seal of Consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 04th October 2012.

Note :

1) If Consumer is not satisfied with the decision, he may go in appeal 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 go in appeal before the Hon. High Court within 60 days from receipt of the order.

DR. ARCHANA SABNIS
MEMBER
CGRF, BHANDUP

S. K. CHOUDHARY
CHAIRMAN
CGRF, BHANDUP

R.M. CHAVAN
MEMBER SECRETARY
CGRF, BHANDUP