

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

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

Date :

Case No. 266

Hearing Dt. 03/06/2009

In the matter of billing complaint

M/s. Ayush Tex. Dye Pvt. Ltd.. - Appellant

Vs.

MSEDCL/T.P.L. (Bhiwandi) - Respondent

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri R.M Chavan, Chairman/Member Secretary, CGRF, Bhandup.
- 3) Mrs. Manik P. Datar, Member, CGRF, Bhandup.

B - On behalf of Appellant

- 1) Shri G.B. Singh, consumer representative.

C - On behalf of Respondent

- 1) . Shri S. Anand, Ex. Engr. & Nodal Officer, Bhiwandi.

Preamble :

Consumer registered his grievance with this Forum on 05/05/2009 vide case no. 266. He did not get any relief from ICGRU of MSDECL. Accordingly hearing was fixed on 19/05/2009, But on request of Nodal Officer, MSEDCL of Bhiwandi, the hearing was postponed on 03/06/2009.

Consumer say :

From the Appellant side Shri G.B. Singh represented the case as under :

He stated that consumer's meter was found faulty in the month of June 2006. Utility billed on assessed basis and charged M.D. as 51 KVA and units for 150867 which is exorbitant. The same was brought to the notice of Respondent vide consumers letters 13/07/2006. 3/8/2006. 06/06/2007, 08/06/2007, 04/07/2007, 14/07/2007.

Respondent gave credit for an amount 2,27,265/- in the bill of Nov 2006 against the average billing for June 2006. Whereas clarification for the credit passed for the month of July 2006 to October 2006 and Jan 2007 is not given from MSEDCL.

The Appellant reiterated in his rejoinder that in the month of June 2006 no recording of MD is available with Respondent as meter was faulty but Respondent arbitrarily charged for 510 KVA MD which afterworld revised to 365 KVA without giving any reason. From consumers past record, Forum can observed that the highest recorded MD from the date of connection is in the month of March 2006, which is 365 KVA. As per MERC Regulation, Respondent should billed as :

- i) 50% of the sanctioned MD
- ii) 75% of the highest MD recorded during last eleven months.
- iii) Recorded during the month. However no record of MD is available in the month of June 2006 with utility.

Consumer further stated that in the month of July 2006, the MD. However as per MERC, Regulation Respondent should be bill 75% of 365 KVA that is highest recorded. Hence the excess bill MD in July 2006, is {383-274(i.e.75% of 365 KVA)} = 109 KVA. Thus the Respondent charged excess MD during June 2006 to Jan 2007 is as follows:

Month	Excess MD billed
June 06	25 KVA
July 06	109 KVA
August 06	48 KVA
Sept. 06	55 KVA
Oct. 06	27 KVA
Nov 06	-
Dec 06	-
Jan 07	<u>41 KVA</u>
Total	305 KVA

Hence excess MD recovered for 305 KVA as against 206 KVA should be refunded.

He further agitated that the Respondent charged the additional recovery of 150867 units for the month of June, July & August 2006 as against faulty meter. This recovery is based on MRI data and physical measured observations. Thus the Respondent violated the provision of MERC Regulation 2005 under section 15.4. Respondent has not collected the necessary report from L&T company (meter make company)) which was been suggested by Ex. Engr., Testing vide his letter no. 1958, dtd.

10/08/2006. Respondent have not furnished accurate testing report ascertaining the slow ness of meter and hence the assessment charged for slowness of meter is baseless and unjustified as Respondent billed purely on assumption basis. Hence the same should be withdrawn.

Consumer representative reiterated that the utility had charged excess units in the month of June 2006 for 75724 units and in the month of July 34847 units and in the month of August 40195 units i.e. total 150867 units.

Utility Say :

Shri S. Anand represented the case on behalf of utility as under :

Excess billing of M.D. :

In the month of June 06, the consumer was initially billed for 510 KVA. However, the same was subsequently revised to 365 KVA and the relief (for 145 KVA) was passed on to the consumer in Nov 2006 bill.

However, the benefit of this revised M.D. for calculation of M.D. during subsequent months remained to be passed to the consumer. It is now proposed to pass the relief in M.D. for subsequent months as follows :

.S.No.	Month	M.D. billed (KVA)	M.D. proposed to be billed now (KVA)	Relief in M.D. (KVA) proposed to be passed on to consumer
1	July 06	383	348	35
2	Aug 06	383	335	48

3	Sept 06	383	328	55
4	Oct 06	383	356	27
5	Nov 06	366	366	-
6	Dec 06	373	373	-
7	Jan 07	350	309	41
				206

Excess billing of unit :

The consumer was initially billed for 227122 units for the month of June 06. However, the same was subsequently revised considering the actual date (i.e. 09/06/2006) from which 'B' phase consumption has not been recorded. The bill has been already revised for 189342 units and thus giving a relief of 37830 (227172-189342) units. The credit on account of the same was passed on to the consumer in the month of Nov 2006. Hence the consumers demand or relief of 75724 units is not justified.

In the month of July 06 recorded consumption was 104540 units. However, during the month due to the fault in the metering, the meter was not recording the consumption on 'B' phase. As such 1/3rd consumption was not being recorded. Therefore the assessment had been proposed by then Dy. Ex. Engr. S/Divn-V for charging additional 1/3rd consumption. However while calculating 1/3rd consumption the assessment was mistakenly carried out as 1/3rd of recorded consumption instead of considering half the recorded consumption. This fact has come to the notice of this office now. It is kindly requested to allow to this office to charge the supplementary bill for an additional 17423 units (52270-34847) on account of the same.

During Aug 2006, the meter was replaced on 31/07/06. Here also the consumption is calculated considering-

- i) Recorded +1/2 recorded consumption till the replacement of meter i.e. $26864+13432=40296$
- ii) After replacement of meter the units billed = 154952

Hence, the total billed units for Aug-06 was $40296 + 154952 = 195248$

Hence, the consumer is billed correctly and the consumer's claim for relief of 40296 units for Aug-06 is not justified and may please be rejected.

Observations :

Documents on records and submission by both the parties reveals that from the retrieved MRI data and opening of meter in presence of consumer by Testing Division of utility confirms that one phase of meter CT was out of circuit and hence meter was recording only 2/3rd of total consumption and accordingly suggested the concerned officer to assessed the bill from 09/06/2006 to date of meter replacement.

During the course of hearing Forum confirms from utility & consumer Representative that metering system was of 3 phase 4 wires.

In the month of June-06 consumer's meter recorded maximum demand of 339.83 KVA, considering this as 2/3rd recording of maximum demand, the utility assessed the bill adding the less recorded M.D., which comes to 510 KVA (i.e. $339.83 + 169.90 = 509.75$). Utility revised the assessment after disputing by the consumer to 365 KVA. During the course of hearing the representative of utility also explained for this revision that being the maximum recording capacity of meter is 400 KVA, it is not

technically supported to charge consumer for 510 KVA maximum demand, hence consumer was charged considering last 11 months highest recorded maximum demand.

Forum observed from the record, the MRI data was retrieved from the meter, which shows 'B' phase C.T. of meter is missing from 09/06/2006. Moreover from the submission of utility, it also confirms that the meter was opened in presence of consumer and found that 'B' phase of C.T. was burned. In such cases there is a possibility that meter become defected and can record only 2/3 consumption. As such in the present case Forum feel that the meter testing was not carried out in Laboratory and hence meter testing report was not supplied to consumer as required under section 15.4 of MERC (Electricity code and other conditions of supply) Regulation, 2005. The regulation reads as under:

15.4 Billing in the Even of Defective Meter:

"15.4.1 Subject to the provisions of Part XII and Part XIV of the Act, in case of defective meter, the amount of the consumer's bill shall be adjusted, for a maximum period of three months prior to the month in which the dispute has arisen, in accordance with the results of the test taken, subject to furnishing the test report of the meter along with the assessed bill"

Therefore, assessment made for the maximum demand is not supported by the condition of supply in Force. Hence assessment made for maximum Demand by adding 1/3rd less recorded or made as highest demand recorded in past 11 months is not correct. Forum is of opinion that consumer should charge for maximum Demand recorded during the month as it is higher than 75% of highest recorded or 50% of sanctioned contract demand.

Forum also observed from the bills submitted by consumer representative, in the month of July 2006 the highest recorded MD was 232 KVA, which is assumed as 2/3 of maximum demand. Hence the utility again assessed the same by adding the 1/3 less

recorded maximum demand, which comes to 348 KVA. Forum feel that it is not in support to the condition of supply, hence utility should billed as per provision given in Regulation i.e.

- i) Maximum demand recorded during 6.00 hrs. to 22.00 hrs. of the month
 - ii) 75% of the Highest Recorded demand in past 11 months.
 - iii) 50% of sanction contract demand.
- Which ever is higher in above.

From the submission of the utility, Forum observed that utility revised the KVA MD from August-06 to Jan 2007 as per the recording of new replaced meter, which is accepted by the consumer representative during the course of hearing.

Consumer also agitated for recovery made against the less recoded units consumption for the month of June-06, July-06 and August-06 for total units of 1,50,867. It is evident from facts and record that the meter was not tested in laboratory for ascertaining the slowness of meter working.

It will be in fairness of thing if the consumption is assed on the basis of an average of actual consumption recorded in the past twelvemonths and accordingly bills should be revised for the period of faulty meter.

However, utility charged excess units of 37930 units in the month of June 2006 is already refunded in the bill of Nov 2006. Considering above, utility should observe this refund of unit and should be adjusted while rectifying the assessed bills.

From the perusal of records and proceeding during the hearing the representation is disposed off with the directions as elaborated in the proceeding paragraphs.

No orders as to cost.

Both parties should inform accordingly.

Compliance shall be intimated within two months from the date of receipt of this order

The order is issued under the seal of consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 26th of June 2009.

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.

MRS. M.P. DATAR
MEMBER
CGRF, BHANDUP

R.M. CHAVAN
MEMBER SECRETARY
AND I/C CHAIRMAN
CGRF, BHANDUP