



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
Ph: – 2210707 & 2328283 Ext: - 122

IN THE MATTER OF GRIEVANCE NO.K/E/096/0109 OF 07-08 OF
MRS M. CHANDRAKANT DESHPANDE FLAT 37, AWANTI CHS
LTD OKE BAUG KALYAN (W) REGISTERED WITH CONSUMER
GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN
ABOUT INCORRECT BILLING.

Mrs. M. C. Deshpande (Here in after

Flat 37, Awanti CHS Ltd, referred to

Oke Baug Kalyan (W) 421301 as consumer)

Versus

Maharashtra State Electricity Distribution (Here in after
Company Limited through its Assistant referred to
Engineer Sub-Dn. III, Kalyan (E) as licensee)

1) Consumer Grievance Redressal Forum has been established under regulation of "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006" to redress the grievances of consumers. This regulation has been made by the Maharashtra Electricity Regulatory Commission vide powers conformed on it by section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, 2003. (36 of 2003).

2) The consumer is a L.T. consumer of the licensee connected to their 415-volt network. Consumer is billed as per residential tariff. The consumer is Mrs. M. C. Deshpande while the electricity bill stands in the name of M/s Awanti Co-operative Housing Society Ltd. The consumer registered grievance with Forum on 28/05/07.

The details are as follows: -

Name of the consumer:- Mrs. M.C. Deshpande

Address: - As above

Consumer No: - 020020285240.

Reason of dispute:- Violation of Maharashtra Electricity Regulatory Commission's (MERC) order contained in case No 19 of 2004 dated 23/02/02005 in the matter of amendment/supplementary bills.

3) The batch of papers containing above grievance was sent by Forum vide letter No.0998 dated 28/05/2007 to Nodal Officer of licensee. The letter was replied by Deputy Executive Engineer vide

letter dated 18/06/07 addressed to Superintending Engineer Kalyan Circle & copy to Forum (received in Forum on 27/06/07).

- 4) All three members of the Forum heard both the parties on 28/06/07. Shri Deshpande, consumer' representative and Shri R. V. Shivdas Nodal Officer, Shri B. P. Bhoje Deputy Executive Engineer, Smt A. D. Jogdev Assistant Auditor representatives of the licensee attended hearing.
- 5) The details of grievances & relief sought for on these grievances by consumer from Forum are given below.
 - a) Violation of MERC order contained in case No 19 of 2004 dated 23/02/02005 in the matter of amendment/supplementary bills by charging Rs 994.84 as arrears for meter running slow vide demand note dated 2/12/04. Amount of Rs 747/- was credited in billing month of August 2006 & the balance amount of Rs 247.84 is to be credited now.
 - b) The meter No 412560 was in working condition as can be seen from the bill of the month of April 2005 but it was replaced on 5/05/05 by meter No 61695 & an amount of Rs 1000/- was charged vide bill No 405 dated 20/04/06 as meter replacement cost. The said amount has been paid by him.
 - c) The meter No. 61695 was faulty & has not been replaced till now. Bills are charged on average basis from 17/08/05 till date. All these bills need to be revised & correct bills to be prepared & final amount of credit/debit should be intimated.
- 6) The abstract of reply on above grievances as per letter dated 18/06/07 of licensee is given below.

- a) The meter No. 412560 was tested at consumer's premises on 3/12/04 & was found to be 22.3 % slow. An amount of Rs 994.83 was charged in the billing month of January 2005 as arrears of 6 months for slow running of meter. Later an amount of Rs 454.07 (arrears of 3 months) was credited in the billing month of June 2005. On receipt of complaint from consumer about remaining arrears, as there is no proof available of consumer's signature on testing report of meter of dated 3/12/04, decision to credit the remaining amount has been taken & would be credited in the next billing month.
 - b) The recovery of Rs 1000/- as meter replacement cost for replacing faulty meter No 412560 by meter No 61695 on 5/05/05 is correct.
 - c) The meter No. 61695, which was faulty since August 2005, has been replaced on 16/06/07.
- 7) We now take up each of the above grievance for decision.
- a) The amount already credited of Rs 747/- & amount to be credited of Rs 247.84 mentioned by consumer is not correct. Out of arrears of Rs 994.83 licensee has already credited Rs 454.07 in the billing month of June 2005 & agreed to credit remaining amount of arrears $(994.83 - 454.07) = \text{Rs } 540.76$ in the billing month of June 2007 because the meter No 412560 was not tested in presence of consumer & meter test report was not sent to consumer at the time of claiming arrears. In view of this action of licensee there is no violation of MERC order contained in

case No 19 of 2004 dated 23/02/05 in the matter of amendment/supplementary bills.

- b) Licensee has claimed meter replacement cost for replacing faulty meter No 412560 by meter No 61695 on 5/05/05 but meter No 412560 was in working condition as can be seen from the readings of May 2004 to June 2005 in Consumer's Personal Ledger (CPL). MERC vide order contained in case No 26 of 2202 dated 28/06/05 in the matter of recovery of meter cost has clarified as follows.

"The meter rent has been abolished by the Commission & the cost of the metering equipment shall be recovered from all the prospective consumers. In case of existing consumers, the cost of metering equipment shall be recovered at the time when the existing meter is replaced, but only once in the lifetime of the consumer, except in the case of burnt meters. The recovery of cost of meters from existing consumers will be made in the next billing cycle after replacing the defective meters".

In the present case the meter No 412560 was not defective & as such licensee cannot recover the cost of meter replaced by them.

- c) CPL shows that meter No 61695 had stopped working from August 2005 as it was showing 320 reading from August 2005 to May 2007. Licensee has replaced this meter on 16/06/07. Second proviso of Regulation 15.4.1 of SCR, 2005 states that in case the meter has stopped recording, the consumer should be billed for the period for which the meter has stopped recording, based on the average metered consumption for twelve months

immediately preceding the month in which the billing is contemplated. The last meter reading taken in June 2005 was 19640 & meter reading in July 2004 was 18852. Thus difference is $19640-18852=788$ units. The average monthly consumption, based on 12 months preceding metered consumption, works out to be $788/12=65.67$ Say 66 units. Licensee should charge the consumer @ 66 units per month for the period from August 2005 to 16/06/07 except for the period from March 2006 to December 2006 when flat was closed. The bill for ten months from March 2006 to December 2006 should be charged as minimum on fixed charges.

- 8) After taking all points into consideration, Forum unanimously passed following order.

O-R-D-E-R

1. Licensee should credit Rs 540.76 in consumer's bill within two billing cycle.
2. Licensee should credit meter cost of Rs 1000/- in consumer's bill or refund it to consumer within two billing cycle period.
3. The bills prepared by licensee & issued to consumer for the period from August 2005 to May 2006 on random assessment basis & from June 2006 to May 2007 for minimum charges are, hereby, quashed & set aside. Licensee, however, should prepare the said bills from August 2005 to 16/06/07 @ 66 units per month except for the period from March 2006 to December 2006. The bill for ten months from March 2006 to December 2006 should be charged as minimum on fixed charges. Credit of amount already paid against

quashed bills should be given while preparing above said bills. This claim should be sent to consumer within two billing cycle.

4. Consumer can file appeal against this decision with the Ombudsman at the following address.

Maharashtra Electricity Regulatory Commission, 606/608,
Keshav Building, Bandra Kurla Complex, Mumbai 51

Appeal can be filed within 60 days from the date of order.

5. Consumer, as per section 142 of Indian Electricity Act 2003, can approach Maharashtra Electricity Regulatory Commission at the address

Maharashtra Electricity Regulatory Commission,
13th floor, World Trade Centre, Cuffe Parade, Colaba, 400005.

for non-compliance, part compliance or delay in compliance of this decision issued under "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressed Forum & Ombudsman) Regulation 2006".

Date: - 04/07/07

(Sau V. V. Kelkar)
Member
CGRF Kalyan

(I. Q. Najam)
Chair person
CGRF Kalyan

(D. B. Nitnawre)
Member Secretary
CGRF Kalyan