



Consumer Grievance Redressal Forum, Kalyan Zone  
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301  
Ph- 2210707, Fax – 2210707, E-mail : cgrfkalyan@mahadiscom.in

No. K/E/832/1010 of 2014-15

Date of Grievance : 11/11/2014

Date of order : 23/12/2014

Total days : 43

**IN THE MATTER OF THE CASE OF GRIEVANCE NO. K/E/832/1010 OF 2014-15 IN RESPECT OF DATTARAM SAHADEO DHANAWADE, VANDRE, POST ASROLI, TAL. MURUD, DIST. RAIGAD-402401 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING INTEREST ON REFUND AMOUNT AS PER SBI BANK RATE.**

Dattaram Sahadeo Dhanawade,  
Vandre, Post: Asroli,  
Tal. Murud,  
Dist. Raigad- 402 401

(Consumer No. 048244000404) ..... (Hereinafter referred to Consumer)

Versus

Maharashtra State Electricity Distribution  
Company Limited through it's  
Executive Engineer, MSEDCL,  
Pen Circle, Pen &  
Dy. Executive Engineer,  
Murud Sub/Divn., Murud

..... (Hereinafter referred as Licencee )

Appearance : - For Licensee Ganesh Landge, Asst. Engineer

For Consumer–Consumer's Representative, Shri Purshottam Gokhale

(Per Shri. Sadashiv S. Deshmukh, Chairperson)

Maharashtra Electricity Regulatory Commission, is, constituted u/s. 82 of Electricity Act 2003 (36/2003). Hereinafter for the sake of brevity referred as 'MERC'. This Consumer Grievance Redressal Forum has been established as per the notification issued by MERC i.e. "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman)

Regulation 2006” to redress the grievances of consumers vide powers conferred on it by Section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, (36/2003). Hereinafter it is referred as ‘Regulation’. Further the regulation has been made by MERC i.e. ‘Maharashtra Electricity Regulatory Commission. Hereinafter referred as ‘Supply Code’ for the sake of brevity. Even, regulation has been made by MERC i.e. ‘Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply & Determination of Compensation) Regulations, 2014.’ Hereinafter referred ‘SOP’ for the sake of convenience (Electricity Supply Code and other conditions of supply) Regulations 2014’.

2] Present consumer is having residential supply of Licencee from 18/4/1992 bearing consumer No. 048244000404. Consumer approached this Forum as he was issued bill in the month of November 2013 covering the period from July 2012 to October 2013 which is for more than 20,000/- rupees. He approached Officers of Licencee and IGRC against it, but there was no response. Hence he filed this grievance on 11/11/2014.

Copy of this grievance along with accompaniments sent to the Nodal Officer vide this Officer letter No. EE/CGRF/Kalyan 0403 dated 12/11/2014. In response to it reply filed on behalf of Licencee on 16/12/2014 along with CPL.

3] Matter taken up for hearing. With the help of consumer, consumer’s representative and Officers of Licencee, material placed on record by both sides noted and discussed. Arguments of both sides are heard. On it’s basis , following factual aspects disclosed:-

a] Consumer is having residential supply LT-I one phase under consumer No. 048244000404 from 18/4/1992 .

b] There is no dispute for period prior to July 2012.

c] As per consumer, dispute is pertaining to the period from July 2012 to October 2013 and old meter in the consumer's premises was changed in July 2012. For these 16 months i.e. from July 2012 to October 2013 meter was working, but bills were issued showing consumption of 83 units per month it was not as per the actual reading. Reading itself was not taken. Consumer paid bills issued, for 83 units per month, regularly.

d] Consumer received bill dated 18/11/2013 for the month of November 2013 for Rs.24,294/- of 3995 units, it was of huge amount and for heavy consumption. Towards it consumer disputed bill, deposited Rs.2500/- on 7/12/2013 and Rs.3000/- on 31/12/2013. Thereafter consumer received bills covering the period from October to December 2013, showing previous reading 3995 units and current reading 4924, units consumed 293. For January 2014 bill received, showing previous consumption 4229 current reading 4372, consumed units 88 and for February 2014 previous reading is shown 4312, bill reading is shown 4368 units and consumed as 56 units. Accordingly average of 5 months is worked out to 83 units.

e] It is contended that consumer addressed letters to the Licencee from time to time. When there was insistence for paying amount and amount was not paid, supply of consumer is disconnected on 25/2/2014.

f] Consumer has written letter dated 10/3/2014, making grievance about disconnection in spite of dispute. He has approached Janjaguruti Grahak Manch Raigad and they had addressed letter to Asst. Engineer on 13/3/2014. Thereafter consumer was asked to pay the amount, hence he gave letter on 21/4/2014 undertaking to pay the amount in installments @ Rs.2000/- per month that too without prejudice to his rights. He addressed one more letter on 28/10/2014, seeking bills as per reading shown in the meter. It is contended that none of these letters pertaining to the grievance of consumer heard and decided.

g] Accordingly, consumer approached this Forum with a grievance on 11/11/2014. He is seeking relief about the failure on the part of the Licencee to record reading regularly per month, issuing bills of extra units, though average is of less units.

4] It is contended on behalf of Licencee that consumer was receiving average bills during the period from July 2012 to October 2013. CPL is placed on record, it shows the consumption of 83 units per month during the said period and it is contended that bills were issued on the basis of average. Aspect of average was followed as actual change report of meter installed in July 2012

was not entered in the system. It is a fact that in July 2012 old meter was bearing No.54589 and as contended by Licencee it's last reading was 09824 units and new meter installed was bearing No. 41418 and it's initial reading was 0001. According, though this new meter was installed, monthly reading of said meter is not reflected in the CPL till bill of November 2013. In November 2013 reading is recorded in CPL for the said month as 4493 units as a last reading and initial reading is shown as 0001 unit. Accordingly on it's basis for that month bill was issued. As consumer raised dispute and consumer could not pay the said bill, his supply was disconnected on 25/2/2014. Said disconnection further resulted into reconnection on 22/4/2014 as consumer without prejudice to his rights agreed to pay dues by installments and at that time new digital meter was installed bearing No. 2878354. It's initial reading was 0001 unit.

It is contended by Licencee that considering the dispute raised by consumer the bill issued in November is considered and reduced by Rs.3,854.89 Ps. towards additional charges and total bill claimed is for Rs.17,315.59 ps. In respect of previous meter No.41418 dispute was raised and hence it was sent for testing by the Officers of Licencee on 18/3/2014 with a letter and it is shown as tested on 21/3/2014 and it is reported that meter is OK. Accordingly, it is contended that bill issued is correct and there is no fault with Licencee.

5] We find that in the testing report reading prior to the test is shown as 4396 and reading after test is shown as 4400 units. As against it current reading for the month of February 2014 shown as 4368. PD report of said meter dated 25/2/2014 is not on record. One report in format is kept on record which is prepared on the basis of register kept but it is also not tallying with the actual aspects of reading of units. Previous reading of 4368 reflected as per CPL for March 2014 current reading is shown as 4393. The bill dated 13/2/2014

covers the period from 4/2/2014 till to the date of disconnection i.e. 25/2/2014. In it previous reading is shown as 4312 and current reading shown as 4368. Accordingly, though in the CPL on 25/2/2014 as per the above inference, reading was 4368, but in the meter testing report, it is shown as 4396. Hence there is difference of about 38 units or so. Secondly, it is seen that testing report is totally not giving clear picture. %. In respect of this report, CR commented that this is not at all required to be taken in to account while considering the case of consumer. He submitted that during disputed period from July 2012 to November 2013 and till February 2014 bills are paid as per .83 units shown about it dispute is raised. It is contended that prior to July 2012 or after reconnection from 22/4/2014 average of consumer's consumption not exceeded at any point of time more than 70.5 units per month. At this juncture, we have noted the previous consumption of 12 months from June 2011 to May 2012 and said total consumption is of 907 units and divided by 12 months, average comes to 75.5 units per month.

6] CR submitted that reading after reconnection i.e. from 22/4/2014 is not disputed, it also speaks the trend which is of 64 units per month He contended that if there would have been any consumption at higher side after reconnection, using the new meter it could have supported the inference of Licencee that consumer has consumed more units. Subsequently, consumption reflected in the CPL from May 2014 as it was reconnected on 22/4/2014 and hence from May 2014, bills are issued, consumption for May 2014 is of 100 units. Towards June 2014 it is of 134 units, July 2014 it is for 56 units, August 60 units, September 65 units and October 59 units. He contended that if this subsequent consumption trend is considered, then consumption shown for the dispute period from July 2012 to November 2013 at the rate of 275 units is not correct and he submitted that no testing at all is required in this matter as facts

are clear. Bill issued for May 2014 covers the period from 4/4/2014 . In fact in CPL, previous reading is shown as 1 subsequent reading is shown as 1 and bill is issued for 100 units. In CPL there is remark of normal functioning of meter, but in the bill there is remark of RNA (reading not available) Hence these two are not tallying with each other.

7] We find in this matter testing of meter is done on the load of 400 wat lamp. But it is totally silent, what was the error prior to the adjustment or what was the error after test. Those columns are not filled in and those are kept but remark is given “ above said meter seems to be ok”. Accordingly, this report speaks itself about its nature and manner in which it is prepared. Technically and even factually this testing report found not correct. Testing was not done on the load of 100%, 50% or 10%. It cannot be upheld or inferred that meter was normal.

8] In view of the above discussion, it is clear that meter testing is not correct and finding of said testing report cannot be relied on by the Licencee. Under such circumstances, now, it is clear that previous average consumption of consumer prior to July 2012 was about 75 units per month or so, whereas subsequent consumption from April 2014 is also near about 65 units per month or so. Hence, the heavy units shown @ 275 units per month during the period from July 2012 to October 2013 and recovery raised towards it, found totally at higher side. This aspect remained unanswered by Licencee. Consumer has maintained that his average consumption is not more than 83 units and already for the disputed period from July 2012 to October 2013, he has paid the bills issued by Licencee showing 83 units. Accordingly, he claimed that the bill issued by Licencee in November 2013 seeking differential amount cannot be allowed and amount paid towards it by him be refunded with interest. We find this prayer cannot be rejected.

9] It is already noted that CPL is speaking of a different position. Bills issued to the consumer speaks about the consumption differently. It is claimed that reading is taken but it is not seen in the CPL or in the bill, as the meter replacement report was not fed to the system. If such contention is accepted then question comes up whether really there is any regular recording of reading. As per SOP it is expected that reading is to be taken promptly, regularly and if not, Licencee is liable to pay compensation. Accordingly, one thing is clear that there is no consistent record to show that monthly reading is taken of the consumer's meter from July 2012 to October 2013. Merely saying/showing that reading is taken is not sufficient though in some bills photo reading is seen, it is to be ensured by Licencee that said reading is tallying with the contents in the bill. In other words, previous reading and current reading along with total units consumed must tally. Readings of meter to be taken regularly, is, not only for Licencee but it is for consumer also. Hence, we find the failure as claimed by consumer about meter recording not done regularly includes, not even just recording, but it should consistently reflect in the bills as well as in the record of Licencee. This flaw, we find, attracts the clause of SOP and it can be said that there is no reading of consumer's meter from July 2012 to October 2013. Thereby, it will apply Clause 7 of Appendix-A to the SOP 2005. Hence for the month of July 2012 Licencee is liable to pay Rs.100/- and for subsequent months Licencee is liable to pay @ Rs.200/- per month.

10] The aforesaid conclusion clearly speaks that consumer was made to face action of disconnection in the light of heavy bill issued and recovery thereof. If things would have been taken care in time this could have been avoided. Without any fault of consumer he was required to face this incident. He approached Officers of Licencee, written applications by himself and even

through one association , to which there was no response in writing. He is made to approach the various Officers of Licencee and as there was no positive response, he approached this Forum. Under such circumstances, we find consumer is to be compensated towards it and hence Licencee is to be directed to pay an amount of Rs.1000/- under MERC (CGRF & Electricity Ombudsman) Regulation 8.2 (e).

11] In view of the above, consumer is entitled to refund of the amount which he has deposited towards the disputed bill issued in November 2013. Said amount is to be refunded with interest u/s. 62 of Electricity Act as per the RBI Bank Rate from the date of deposit till it is paid. This grievance is to be allowed.

Hence the order.

### **ORDER**

Grievance of consumer is hereby allowed.

Bill issued by the Licencee in the month of November 2013, towards the period from July 2012 to October 2013 hereby stands set aside. Amount deposited by the consumer, towards the said claim be refunded by Licencee with interest as per the RBI Bank Rate u/s. 62 of Electricity Act from the date of deposit till to the date of payment. The bills issued from July 2012 to October 2013 showing 83 units per month are not interfered.

Licencee to pay to the consumer compensation as per SOP @ 100/- for the month of July 2012 and @ Rs.200/- per month from August 2012 to October 2013.

Licencee to pay to the consumer an amount of Rs.1000/- as discussed above under MERC (CGRF & Electricity Ombudsman) Regulation 8.2 (e).



Above payments be done by the Licencee issuing cheque within 45 days from the date of this order and submit compliance report thereafter within 15 days.

Dated: 23/12/2014.

I agree

**(Chandrashekhar U.Patil)**  
**Member Secretary**  
**CGRF, Kalyan**

**(Sadashiv S.Deshmukh)**  
**Chairperson**  
**CGRF, Kalyan**

**NOTE**

- a) The consumer if not satisfied, may file representation against this order before the Hon. Ombudsman within 60 days from the date of this order at the following address.  
*“Office of the Electricity Ombudsman, Maharashtra Electricity Regulatory Commission, 606/608, Keshav Bldg, Bandra Kurla Complex, Mumbai 51”.*
- b) Consumer, as per section 142 of the Electricity Act, 2003, can approach Hon. Maharashtra Electricity Regulatory Commission for non-compliance, part compliance or
- c) delay in compliance of this decision issued under “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2003” at the following address:-  
*“Maharashtra Electricity Regulatory Commission, 13th floor, World Trade Center, Cuffe Parade, Colaba, Mumbai 05”*