



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/475/559 OF 2010-2011 OF M/S
VIPRAS CASTINGS LTD. KHOPOLI REGISTERED WITH CONSUMER
GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN
REGARDING EXCESSIVE ENERGY BILL.

M/s. Vipras Castings. Ltd.
Village – Niphan,
Savroli – Kharpada Road,
Khopoli, Tal : Khalapur,
Dist : Raigad – 410 203

(Here in after
referred to
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its
Superintending Engineer Pen Circle

(Here in after
referred to
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 (MERC) vide powers

conferred 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 H.T. Industrial consumer of the Licensee. The Consumer is billed as per Industrial tariff. The consumer registered grievance with the Forum on 20/12/2010 regarding Excessive Energy Bill. The details are as follows: -

Name of the consumer : M/s. Vipras Castings Ltd.

Address: - As above

Consumer No : 031069019300

Reason for Dispute : - Regarding Excessive Energy Bill

- 3) The batch of papers containing above grievance was sent by Forum vide letter No. EE/CGRF/Kalyan/0965, dt. 20/12/2010 to the Nodal Officer of the Licensee, and the Licensee through Nodal Officer, MSEDCL Pen Circle filed reply vide letter No. SE/PC/HTB/787, dt. 05/02/2011.
- 4) The Members of Forum heard both the parties at length on 08/02/2010 @ 16.30 Hrs. in the meeting hall of the Forum's office. Shri Ramesh Shigwan, Shri B. R. Mantry consumer representatives, Shri B. B. Khandare Nodal Officer, Shri Sanjay Dond Asstt. Engr., Shri A. K. Patole Asstt. Acctt. representatives of the licensee, attended hearing. Minutes of the hearing including the submissions made by the parties are recorded and the same are kept in the record. Submissions made by the parties in respect of grievance since already recorded will be referred at the appropriate stage to avoid repetition.
- 5) On the grievance application filed by consumer bearing No. 364 of 2010 on hearing both the parties at length this Forum by order dt. 07/04/2010 directed the licensee to bill the consumer company for the relevant period i.e. 24/07/2009 to 16/09/2009 as per the proviso to Clause 15.4.1 of

Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Other Conditions of Supply) Regulations 2005 and accordingly licensee raised the bill dated 30/06/2010. However, consumer raised objection dated 15/07/2010 on the said bill on the ground that it is not in line with the order of C.G.R.F.

- 6) As the CGRF's order dt. 07/04/2010 not complied with by the licensee consumer submitted a complaint No. 57 of 2010 before the Hon. MERC on 30/06/2010 under Section 142 of Electricity Act 2003. By letter dt. 20/07/2010 licensee pointed out that it raised the assessment of the faulty 'R' phase P.T. for the period 24/07/2009 to 16/09/2009 as per the average consumption of last twelve months i.e. Aug. 2008 to July 2009 as per Clause 15.4.1 of the Code and thereby the order of CGRF has been complied with. However, by letter dt. 25/09/2010 consumer objected the same contending that for the period meter being defective assessment should be done with withdrawal of complete recorded consumption by faulty meter and addition of the average consumption of last twelve months. On hearing the parties Hon. MERC found that the matter being of examining the factual position as to whether calculation done by the licensee is in line with the CGRF order, directed the consumer complainant on 18/11/2010 to approach this Forum to seek necessary clarification in accordance with Law.
- 7) As per the above said direction consumer approached this Forum contending to direct the licensee to assess in line with the order of CGRF dated 07/04/2010. On the other hand by reply dt. 05/02/2011 licensee pointed out that assessment during the material period has been revised amounting to Rs. 31,83,910/- and apprised the same to the consumer vide letter dt. 05/02/2011 in line with the order of CGRF.

- 8) As per Clause 15.4.1 of the Regulation 2005 in case of defective meter, if stopped recording, the consumer will be billed for the period for which the meter has stopped recording upto 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 billing is contemplated. In this context assessment disputed period is from 24/07/2009 to 16/09/2009 i.e. for 55 days and as such consumer will have to be billed for the said period as per the provision, immediately preceding the three months prior to the month in which billing is contemplated. Both consumer as well the licensee have filed their assessment charts before this Forum. As per the directions of Hon. MERC we have to examine the factual position as to whether calculation done by the licensee is in line with the order of this Forum and to issue necessary clarification in accordance with Law.
- 9) We have gone through the assessment made by both the parties. Licensee made assessment considering 33.33% on 'R' phase P.T. assessment, whereas consumer insist for assessment on average calculation. As per MRI report faulty period is from 24/07/2009 to 16/09/2009 i.e. affected period (faulty metering period) average of last twelve months is 42825 units per day (as per calculation submitted by licensee) will have to be charged and recording done by the meter during this faulty period will have to be subtracted from the assessed units as these are already billed units. Meter reading of 24/07/2009 i.e. on the date of failure is available on G-7 card maintained by consumer and reading of 16/09/2009 (restoration of normal metering) as per testing report will have to be considered for calculation of faulty period consumption. In short :

- i) Recording under faulty condition :
24/07/2009 to 16/09/2009 i.e. 55 days
24/07/2009 reading – (A) (available on G-7 card)
16/09/2009 reading – (B) (available as per testing report)
Recording under faulty condition :
 $B - A = C$
 $C \times M.F. = D$ units
 - ii) Assessed consumption on the basis of per day average of last 12 months period prior to fault :
Say E units per day (42824 units)
 - iii) Affected period 24/07/2009 to 16/09/2009 i.e. 55 days.
 - iv) Assessed units of faulty period
 $55 \times E$ units = F units
 - v) Hence additional units to be charged to faulty metering will be
 $F - D = G$ units to be charged.
- 10) On examining the factual position in the light of rules and regulations and the discussion supra, we issue the clarification as above and the licensee is directed to bill the consumer company accordingly within 15 days and compliance be reported within 20 days from the date of receipt of this clarificatory order.

Date : 22/02/2011

(Mrs. S.A. Jamdar)
Member
CGRF Kalyan

(R.V.Shivdas)
Member Secretary
CGRF Kalyan

(S.N. Saundankar)
Chairperson
CGRF Kalyan