



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/0118/0135 OF 08-09 OF
M/S HOTEL GURUDEVPRASAD PVT. LTD. REGISTERED WITH
CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE
KALYAN ABOUT EXCESSIVE BILLING.

M/s Hotel Gurudevprasad Pvt. Ltd.,
Dishank Apartment, Khadakpada,
Circle, Birla Collage road,
Kalyan (W).

(Here in after
referred to
as Consumer)

Verses

Maharashtra State Electricity Distribution
Company Limited through its
Dy.Executiive Engineer .
Sub Division-II Kalyan(W).

(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. The Maharashtra

Electricity has made this regulation 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. The Consumer is billed as per Commercial Tariff (tariff code 57 LT-II). Consumer registered grievance with the Forum on dated on 26.05.08.

The details are as follows: -

Name of the consumer: - M/s Hotel Gurudevprasad Pvt. Ltd.

Address: - As above

Consumer No: 020024086586.

Reason of dispute: Slow meter recovery.

- 3) The batch of papers containing above grievance was sent by Forum vide letter No.EE/CGRF/Kalyan/129 dt. 26.05.08 to Nodal Officer of licensee. The letter was replied by Nodal Officer vide letter No. SE/KC-1/2755 dt. 10.06.08.

- 4) The Member Secretary & Member of the Forum heard both the parties on 23.06.08 @ 15.00 hours and on 07.07.08- @ 16 Hrs. in the meeting hall of the Forum's office. Shri A. M. Dubey, Shri S. N. Shetty & Shri B. A. Shetty consumer, Shri P.V.Shirodkar, Consumer's Representative and Shri D. B. Nitnaware Nodal Officer, Shri S.S.Bakshi, Dy.Executive Engineer, Shri S. M. Jadhav Assistant Engineer & Shir S.G.Shirke,(LDC) representatives of the licensee attended the hearing.
- 5) Consumer Representative (CR) repeated his grievance regarding slow meter recovery. CR stated that the Flying Squad unit visited his

premises on 05.12.07 and tested the meter in our presence applying the accucheck. The test result was 70.64 % slow as per accucheck equipment. This was done in our presence and we have signed the same. Further CR stated that they requested the licensee, if the meter is faulty replace it immediately and arrange the faulty meter thorough checking. But the licensee allowed to remain the faulty meter in circuit up to 31.12.07. The licensee replaced the faulty meter along with CT box on 31.12.07. CR stated that they have been called for witnessing the laboratory testing on 4.1.08. The whole day we waited there but the testing was not carried on the day. Again we have been called on 5.1.08 to be present for the testing. On 5.1.08 the meter was tested. At the time of lab testing, we came to know that the meter is slow by 32 to 40% slow. Hence CR stated that recovery imposed in the bill as per Flying Squad Report i.e. 70.64%

slow has no base and it is illegal. Hence we are not agree this recovery as both the test reports are contradictory to each other. After demanding the test report, they given a statement in which slowness of meter was shown as 66% with CT.

- 6) Consumer stated that we got first bill for Rs.3,81,573/- on 13.02.08 on the basis of Flying Squad Inspection dated 5.12.07. Since this was baseless, we disputed the recovery and approached to Asstt. Engineer, MSEDCL Kalyan (W) on 27.02.08 with copy to Consumer Grievance Redressal Forum. In reply to this Superintending Engineer, Kalyan Circle-1 conveyed vide his letter No.SE/KCK/Tech/2013 dt. 22.04.08 that recovery proposed by the licensee is correct. This was

not acceptable hence we registered the case with the CGRF.

After that we suddenly received a bill on 05.07.08 for Rs.

2,06,855/- from Dy.Ex.Engr. Sub Dn.II Kalyan (W) in continuation to the bill dated 13.02.08.

- 7) On this licensee stated that when the meter tested at site with accucheck the meter found slow 70.64 %. To verify the accucheck results more accurately, the MRI (Meter Reading Instrument) of meter (No.35254) was taken on 07.12.08 in presence of Testing Engineer, licensee Representative and Consumer Representative. Further licensee stated that only meter (No.35254) i.e. without plug in type CTs was tested on 05.01.08 and the results found that the meter was slow 32.5% to 40.4% under different conditions. The

accucheck results was 70.64% (the result was found when meter as well as plug in type CTs are in circuit). Hence MRI report was thoroughly investigated by Executive Engineer (Testing) Kalyan and he given his report vide letter No.EE/TDK/Tech/T-23/109 dt. 29.02.08 which more confirmed the action. The following analysis of the report given that -

a). The meter errors (when tested at the laboratory on 05.01.08 without the plug-in type CTs) varied from -32.5% to -40.4% under different conditions.

b). Analysis of the meter data retrieved through MRI indicate-

i). 'R' phase current failure' event restored on 15.12.07 at 22.20 hrs.

ii). 'Y' phase current failure' event occurred on 14.02.07 at 21.00 hrs.

From the above it is evident that the meter was not getting 'R' phase

current until 15.12.07 and 'Y' phase current from 14.02.07 onwards.

This in other words means that-

"The meter did not get one phase's current (namely 'R' phase) until 14.02.07". Hence the bill issued by licensee on the basis of MRI results is correct.

8). Forum observed that –

a). After technical scrutiny of MRI report and Testing results observed by Testing unit licensee, it is clear that at the time of Flying Squad Inspection dated 05.12.07 i.e. this inspection date comes in between 14.02.07 to 15.12.07 when the 2 phases currents viz. 'R' & 'Y' were missing and not counted by the meter. Therefore,

the accucheck testing is correct. There was no any alteration or tampering inside the meter.

b). As per the above observation the licensee should make assessment for recovery due to slow meter reading as per the Clause No. 15.4.1 :

Billing in the Event of Defective meters as per Maharashtra Electricity Regulatory Commission (Electricity Supply Code and other Conditions of supply) Regulations, 2005 which read as follows:

“15.4.1: Supply to the provisions of Part XII and Part XIV of the Act, in case of a 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:-

Provided that, in case of broken or damaged meter seal, the meter shall be tested for defectiveness or tampering. In case of defective meter, the assessment shall be carried out as per clause 15.4.1 above and, in case of tampering as per Section 126 or Section 135 of the Act, depending on the circumstances of each case.” The bill for 70.64 % slowness of meter should be charged for 3 months prior to the date of accucheck i.e. 05.12.07.

9). **The** Forum observed that during 1st hearing on 23.6.07, when the consumer raised objections of lab test, not giving testing report and not understand the assessment etc, he has been instructed to obtain

all documents from the licensee (such as MRI report, FS report, lab test report etc.), study the whole case and if not satisfied, get it understand from his technical expert and still not understand, he may inform the forum in writing on or before 30th June 08, so that forum will make arrangement to retest the meter in front of the consumer, if required, or forum have technical expert who will explain the consumer. There is no such response from the consumer.

- 10) It is observed by forum that as per the Consumer Personal Ledger (CPL) record, before replacing the defective meter the average consumption for five months arrived to **4608** units per month and after replacement of meter the average consumption for five months is **10702** units per month i.e. the average consumption per month after replacement of meter is increased by **6094** units per month. Therefore the recorded slowness of 70.64% by Flying Squad can be justifiable because

MRI print is machine made information which record each and every momentarily events and it is authentic document.

- 11). Forum observed that if the licensee took a little effort to go through all the test reports, considered all technical aspects, referred all MERC's directives and issued only one final correct bill along with all documents, (instead of rushing to issue bill), the consumer would not have been confused and disputed the issue.

- 12). In the above circumstances the forum is inclined to pass the following Order unanimously.

O- R- D- E- R

1. The energy bill issued for Rs.3,81,573/- (Rupees three lakhs eighty thousand five hundred seventy three only) on 13.02.08 and second energy bill in continuation to the above bill for Rs.2,06,855/- (Rupees two lakh six thousand eight hundred fifty five only) on 05.07.08 are quashed and set aside.
2. The licensee should make assessment for recovery as per 70.64% slow (accucheck inspection dated 05.12.07) as per the Clause No. 15.4 : Billing in the Event of Defective meters as per Maharashtra Electricity Regulatory Commission (Electricity Supply **Code and**

other Conditions of supply) Regulations, 2005 which read as follows:-

“15.4.1: Supply to the provisions of Part XII and Part XIV of the Act, in case of a 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:

Provided that, in case of broken or damaged meter seal, the meter shall be tested for defectiveness or tampering. In case of defective meter, the assessment shall be carried out as per clause 15.4.1 above and, in case of tampering as per Section 126 or Section 135 of the Act, depending on the circumstances of each case.”

The bill for 70.64% slowness of meter should be charged for 3 months considering the date of accucheck i.e. 05.12.07 (assessment should be calculated for 3 months prior to this date) to the consumer within 2 billing cycles from the date of this order (as per Clause No. 15.4.1 of Maharashtra Electricity Regulatory Commission (Electricity Supply Code and other Conditions of Supply) Regulation 2005.

3. The bill amount if any, paid by the consumer against the above mentioned 2 bills (at order Sr.No.1) should be adjusted.
4. The compliance report should be submitted to the forum within stipulated time i.e. within 60 days.
5. Consumer can file appeal against this decision with the Ombudsman at the following address.

*“Maharashtra Electricity Regulatory Commission,
606/608,Keshav*

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

6. Consumer, as per section 142 of the Electricity Act, 2003, can

approach Maharashtra Electricity Regulatory Commission at the following address:-

*“Maharashtra Electricity Regulatory Commission,
13th floor, World Trade Center, Cuffe Parade,
Colaba, Mumbai 400 005”*

For non-compliance, part compliance or delay in compliance of this decision issued under “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2003”

Date: - 21/07/2008

(Sau V. V. Kelkar)

Member

CGRF Kalyan

Kalyan

(R.V.Shivdas)

Member Secretary

CGRF