

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/1289/1520 of 2017-18

Date of registration : 02/02/2018

Date of order : 14/02/2018

Total days : 13

IN THE MATTER OF GRIEVANCE NO. K/E/1289/1520 OF 2017-18 OF JITENDRA RAMDAS ATTARDE, SHOP NO.3, PADMARAJ BLDG, VASAI (W) - 401 202 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING BILLING DISPUTE.

Jitendra Ramdas Attarde,
Shop No.3, Padmaraj Bldg,
Vasai (W) - 401 202.

(Consumer no.001690432591)

... (Hereinafter referred as Consumer)

V/s.

Maharashtra State Electricity Distribution

Company Limited,

Through it's Nodal Officer,

Vasai Circle, Vasai

... (Hereinafter referred as Licensee)

Appearance : For Licensee - 1) Smt. Manisha Jadhav, AE, Vasai (W) S/dn.

2) Smt.Mrudula Chavan, AA, Vasai (W) S/dn.

For Consumer- Shri. V.K.Vaze (C.R.)

[Coram- Shri A.M.Garde- Chairperson, Shri A.P. Deshmukh-Member
Secretary]

1) 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 Redressed 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. [Electricity Supply Code and other conditions of supply 2005]

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.

2) The brief details of the case are as follows:-

- a) The contention of Consumer is that wrong billing is done for six months for period April-2017 to Sept-2017 with RNT status, Excess bill issued in month of Oct-2017 of Rs.185690/-.
- b) No remedy given to the application given to concerned SDO.
- c) Disputed meter replaced without knowledge of applicant.
- d) Nov-2017, Dec-2017 & Jan-2018 bills issued as per faulty status even after meter replacement.
- e) Disconnection notice issued without solving the dispute.

3) After receipt of this grievance, entire case papers were forwarded to the Nodal Officer, Vasai Circle vide Letter No. EE/CGRF/Kalyan/037 dt.03/02/2018 to this Letter Licensee replied through its Addl. Executive Engineer, Vasai Rd (W) S/dn. On date 05/02/2018.

4) In its reply Licensee submitted that consumer Shri. Jitendra Attarde billed as per RNT status for period April -2017 to Sept-2017 but actually meter was working & recording the consumption. In month of Oct-2017 actual reading '16493' received, the photo is kept on record. The Consumer billed as per reading in month of Oct-2017. The said accumulated reading bill is already revised by giving slab benefit and withdrawing RNT billed units, amount of Rs.5644.40 credited to Consumer. Average use of Consumer for new meter is near about '1647' units/month & average use as per previous meters reading is '1500' units /month hence there is no more scope for bill revision. Presently the disputed meter is having display problem & hence could not be tested in LAB. Consumer did not pay the bill, hence disconnection notice is served to the Consumer.

5) After going through the documents on record, the reply submitted by Addl. Executive Engineer, Vasai Rd. (W) Sub division & argument heard from both sides it is seen that Licensee has billed RNT to the Consumer for period Apr-2017 to Sept-2017 for average of '400' units. In month of Oct-2017 Consumer billed for '16093' units as per reading. However the applicant demanded to revise the bill as per average monthly consumption of new meter in view of 15.4.1 of MERC supply code 2005. Also suitable installments demanded as per Licensee Head Office Letter No. 24156 dt.28/07/2009.

As far as bill revision is concerned in view of 15.4. 1 of MERC supply code 2005. The regulation is reproduced here for convenience.

Regulation 15.4.1.

"Subject 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.

Provided further that, in case the meter has stopped recording, the consumer will be billed for the period for which the meter has stopped recording, up to 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 the billing is contemplated."

As per regulation 15.4.1 the average bill can be adjusted for the period of 3 months considering previous 12 months average. In this case meter reading is available. The connection was released 19/12/2016 & the reading available in month of Oct-2017 is '16493' The average Consumption is '1499' units/month. The new meter is installed on date 29/11/2017 & reading on date 04/02/2018 is '3077' hence the average as per new meter is '1358' units/month. As the average for both the meter is nearly matching, as per our

opinion there is no need to revise the bill as per new meter's average consumption considering the photo reading of previous meter is showing clear reading.

Another request of applicant is to grant suitable installments, as per our opinion Licensee has issued the bill for period 7 months together hence Licensee to give seven equal monthly installments for payment of arrears bill together with current monthly bills.

6) So for as bill for the month of Nov-2017 Dec-2017 & Jan-2018 are concerned, Licensee has issued the bills as per faulty status. Even after replacement of meter. Hence these bills needs to be rectified as per actual meter readings of new meter.

Hence the order.

ORDER

- 1) The Grievance application of consumer is partly allowed.
- 2) Licensee to give seven equal monthly installments of arrears bill, without interest & DPC.
- 3) Licensee to rectify bill for the month of Nov-2017 to Jan-2018 as per actual meter reading of new meter.
- 4) Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

Date: 14/02/2018

(A.P.Deshmukh)
MemberSecretary
CGRF, Kalyan.

(A.M.Garde)
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”*
- d) *It is hereby informed that if you have filed any original documents or important papers you have to take it back after 90 days. Those will not be available after three years as per MERC Regulations and those will be destroyed.*

