



Consumer Grievance Redressal Forum, Kalyan Zone  
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No. **K/E/970/1176 of 2015-16**

Date of grievances : 29/12/2015  
Date of order : 30/04/2016  
Total days : 124

**IN THE MATTER OF THE GRIEVANCE NO. K/ E/970/1176 OF 2015-16 IN RESPECT OF SHRI MOHANDAS S PATHAI, RESIDING AT BARRACK NO. 205-A, ROOM NO.12, ULHASNAGAR-1, DISTRICT -THANE, REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM, KALYAN ZONE, KALYAN REGARDING BILLING DISPUTE.**

Shri Mohandas Sonamal Pathai,  
Barrack No.205/A, Room No.12,  
Ulhasnagar-1,  
Dist.Thane,  
Pin Code 421 001

(Consumer No. 021510669302)

..... (Hereinafter referred as Consumer)

Versus

Maharashtra State Electricity Distribution  
Company Limited through its  
MSEDCL, Addl. Executive Engineer,  
Ulhasnagar, S/dn-I, Kalyan Circle-II

..... (Hereinafter referred as Licensee)

Appearance : For Consumer– Shri Rajput- CR.

For Licensee - Shri J.L.Borkar- AEE &

Shri K.G.Jadhav-AA, Ulhas S/dn-I

(Per Shri CU Patil-Executive Engineer-cum-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’.

The consumer Shri Mohandas Sonamal Pathai, residing at Barrack No.205-A, Room No.12, Ulhasnagar -1, and holding his residential connection bearing in connection with consumer No. 021510669301, approached to IGRC with Form ‘X’ dated 24/6/15. After hearing, the IGRC of KCII placed the order 4832 dated 14/12/15 with decision that bill issued to the consumer is correct as per MERC Regulation 15.4.1 and hence dismissed the grievance with direction to the Officers of the Licensee for testing the meter again in presence of CR /consumer and for revision of the bill according to the meter test report.

In IGRC, CR told that there is no use of electricity since April-2014. They submitted application in April 2015 for replacement of accepting Electro Magnetic Meter bearing Sr. No. 1223222. The meter was replaced on 28/4/15 by new meter bearing Sr. No. 579768. In May 2015, the bill for 750 units was raised which was not correct. The Licensee contended that old meter was tested in Lab and the meter test report dated 2/7/15 indicated that the meter under dispute is ‘ stop ’. Licensee further contended that the section Officers of Dhobighat inspected the spot on 2/7/15 and accordingly recorded 03 months bill

at the average of 250 units per month on load basis. Considering the slab benefits, the original bill of Rs.11,070/- was revised to Rs.8080/-. The Licensee's contention was that there was no intimation regarding any kind of no use from the consumer's side and hence recovery of 03 months is correct.

In IGRC, CR contended that his old meter was not faulty and upon his request, the old meter was replaced and was tested in his absence.

However, being aggrieved by the IGRC's above mentioned order dated 14/12/15, the consumer approached to this Forum by submitting his grievance in schedule " A " dated 28/12/15, which was further registered by allotting No. K/E/970/1176 dated 29/12/15. The hearing was scheduled on 20/01/2016 at 12:45 hours and the letter for hearing bearing No.418 dated 29/12/15 was served to the Nodal Officer of KCII with copy to the consumer.

In his grievance, the consumer submitted that inspite of no use in the residence, the Licensee has raised 03 months recovery which is not accepted by him.

The Officers of the Licensee submitted the reply vide letter AEE/Ulhas-01 / 64 dated 13/1/16 and contended as given below :-

"Application for faulty meter replacement is received from consumer on 23/04/15 accordingly meter was replaced on 28/4/15 being electromagnetic meter, and also connected load is recorded on 28/4/15 during meter replacement.

To confirm consumption on new meter (579768) again spot inspection was carried out by Assistant Engineer, Dhobighat Section Office on 21/5/2015 and new meter recorded 251 units from 28/4/15 to 21/5/15 i.e. for 23 days. Also connected load confirmed and brought to the notice of consumer. Therefore as proposed by Section Officer normal recovery for three months i.e. 250 units / month is assessed in the month of May 2015 as per connected load.

Again on 18/6/2015 consumer complained of not staying at the premises and assessment of three months to be cancelled, therefore, Assistant Engineer

visited the premises on 18/6/2015 itself and noted reading on meter as 00582 and met the tenant and tenant confirmed to him that he is staying there since 3 to 4 months. Hence assessment is not withdrawn”.

AEE of Ulhas-I S/dn contended that as per IGRC order dated 14/12/15, the consumer Shri Pathai was informed vide letter No.1169 dated 23/12/15 for conveying his availability so that meter can be retested as per IGRC’s order. However, retesting of meter is not performed as the consumer / CR are not available.

### **FORUM’S OBSERVATION**

It is found that consumer has been billed at units ranging in between Zero to 24 units for the period August 2014 to March 2015. The Officers of the Licensee has considered the new meters consumptions pattern of next 23 days. After meter replacement its average at the rate of 250 units per month for last three months, i.e. February, March and April 2015.

The IGRC in its order said that the recovery bill, is issued to the consumer is correct in view of the MERC Regulations 15.4.1.

The Licensee contended that the consumer had not reported about his non-use of the residence.

15.4.1 - 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.

The Officers of the Licensee also contended that the tenant was staying there from last 3-4 months and hence assessment is not withdrawn. The Forum observed that the application submitted by the consumer dated 23/4/15 is for replacement of the meter. At Sr. No. 16 of the application, he marked that

his meter is running slow / fast and hence requested for replacement of faulty meter.

However, in view of all above, the Forum found that the assessment raised by Licensee is limited up to three months as per Clause 15.4.1. Consumer's plea " after " issue of Assessment Bill that he was not staying in his residence cannot be accepted and hence no question arise for setting aside the raised bill.

This matter could not be decided within time as Licensee was to provide the details sought from time to time, those were provided on 20/1/2016 and their submissions are heard on that day and clarification taken on 20/01/2016 **Moreover, the Forum is functioning in absence of regular Chairperson and the Member Secretary is discharging the additional work of Chairperson along with the regular work of Member Secretary.**

Hence the order.

### **ORDER**

The grievance application of the consumer is hereby disposed off.

**Dated: 30/04/2016.**

**I agree**

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

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

**\*\* ( In the sitting of Forum, the Chairperson is not available. As per MERC Regulations (2006), Clause 4, the technical member shall be the Chairperson of such sitting in which Chairperson is not available and hence in the present case, the technical member performed the role of Chairperson of the Forum ).**

**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.