



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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No. K/E/698/824of 2013-14

Date of Grievance : 17/12/2014

Date of order : 18/02/2014

Period Taken : 54 days.

IN THE MATTER OF GRIEVANCE NO. IN RESPECT OF K/E/698/824 OF 2012-13 IN RESPECT OF RIKOSH FASHIONS PVT. LTD. OF PLOT NO. N-211/2/18, MIDC, TARAPUR, BOISAR, DIST-THANE , REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING EXCESSIVE ENGERY BILL.

Rikosh Fashions Pvt. Ltd.,
Plot No. N-211/2/18, MIDC,
Tarapur, Boisar,
District-Thane.

(Hereafter referred as Consumer)

Consumer No.001690603728/1

Versus

Maharashtra State Electricity Distribution
Company Limited though its

Dy.Exe.Engineer, Vasai Road, Sub.Divn, (Hereinafter referred as Licencee)

Appearance : For Consumer – Shri Harshad Seth.

For Licencee - Shri Purohit –Nodal Officer

Shri Ramesh Shinde (Sr.Manager F & A),

Shri A.H.Gosavi-Asst.Accountant.

(Per Shri Sadashiv S.Deshmukh, Chairperson)

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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 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, (36/3003). 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) Regulations 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 and Determination of Compensation) Regulations, 2005.’ Hereinafter referred ‘SOP’ for the sake of convenience.

2] Consumer is having supply to the residence, tariff applicable is LT-I, residential Consumer was issued bills as per the said classification. She was paying the amount .However, during the period from August 2007 to September 2009, bill was prepared and sought it’s recovery. Thereafter disconnection notice, on failure of payment was issued on 14/6/2011. Consumer addressed letters on this count from time to time to the Officers of Licencee, even to the Minister. The letter to the Minister is of 29/11/2011 and in that regard note is prepared by Licencee dated ‘Nil’, wherein, it is mentioned that during ‘Janata Darbar’ Guardian Minister, after discussing the

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dues of consumer for Rs.1,14,549/- instructed to take back that bill, but said bill is not taken back considering the opinion given by Law Officer and Higher Office. Accordingly, as there was no any relief from Licencee side, consumer approached this Forum on 27/12/2013.

3] Consumer sought relief of quashing the bill, issued for the period covering from August 2007 to September 2009. After registration of this grievance, papers were sent to the Nodal Officer along with letter No. EE/CGRF/004 dated 2/1/2014. Accordingly, Officers of Licencee attended, filed reply on 20/1/2014, further produced on record copy of CPL, copy of meter installation registration, showing therein the reading noted at the time of installation in consumer's premises, it was of 006 units. Meter was changed as the new static meter was installed. On behalf of consumer, additional contentions are placed on record on 28/1/2014.

4] We heard both sides at length. Considering the arguments advanced by both the sides and material placed on record, following factual aspects are disclosed:

a] Consumer is having residential connection from 16/4/1997 and previous meter was changed on 17/7/2007. There is no any report placed on record prepared on that day about the meter replacement, showing last reading in the old meter and initial reading in the ;new meter. Though replacement report date 13/7/2011 is placed on record along with reply, but it is prepared subsequently on the basis of meter installation register.

It is nothing but copying entries in the register filling in the format. No doubt, Xerox copy of register of meter installed is also placed on record. In the said register, initial reading is shown as 006, whereas of old meter reading is shown as 40703.

b] It is a fact that though meter is replaced or changed on 17.7.2007, it was not entered in the IT record change, but it is entered in September 2009, till then consumer was given bills taking average reading of 249 units per months and after actual taking reading in replaced meter. It is noticed that consumer was required to pay for 23800 units covering the period of 23 months. Accordingly, bill was issued for said dues to the tune of Rs.1,14,192/- Thereafter considering the further dues, arrears mounted up to Rs.1,74,930/-. About these dues, consumer resisted by addressing letter to the Officers of Licencee on 4/6/2011, which is replied on 14/6/2011 and quantum of dues are claimed, ignoring dispute of consumer.

c] Consumer, even approached Guardian Minister, taking it before him in Janata Darbar and in Janata _Darbar as mentioned above in the note prepared by Licencee, Hon'ble Minister instructed to withdraw the bill .

d] Even Licencee replied to the consumer on 4/6/2011, in the light of said Janata Darbar, communicating that considering her complaint, putting another parallel meter to the existing meter, position was verified and existing meter is found to be correct. Accordingly, the recovery of amount claimed by the Licencee.

e] Consumer then addressed letter to Dy.Executive Engineer on 28/10/2013, seeking relief , but no relief was provided. Hence he approached this Forum on 27/12/2013, which is registered on 2/1/2014.

f] Licencee was served with the grievance notice. After appearing in the matter, Officers filed reply dated 20/1/2014, produced copy of CPL and copy of meter installation registration, showing the reading in replaced meter. Replacement of meter was done on 12/6/2007 and reading at that time was 006.

5] In the light of aforesaid chronology, contention of consumer's representative is short: he contended that meter replaced on 17/7/2007 is a fact. However, no report is prepared on that day, taking signature of consumer, showing last reading of replaced meter and initial reading of new meter installed. Admittedly, said replacement reports are not available. When we

tried to enquire on which basis the report is now filed, which bears the date as on 13/7/2011, it was clarified in the report itself, that it is prepared on the basis of register maintained. We directed for placing before us the copy of extract of such register which Officers of Licencee produced. It's copy provided to consumer's representative, who contended that it is a document of Licencee and he do not know how it is, prepared and he is not accepting it. In short, the extract of this register is disputed.

6] One more thing is clear that new meter installed, is, still working and no any dispute is raised about it's defectiveness. However, it is clear from reply given by the Licencee to the consumer vide letter dated 4/6/2011, that said meter was verified , putting parallel meter and no any defect in the meter was found. Accordingly, on this aspect, there is no any further contention from the consumer's side. On behalf of consumer, it is further contended that quantum of bill is, issued for 23878 units for the period from August 2007 to September 2009, if considered, average comes to 1038 units, but prior to replacement average was 249 per month and from November 2012 to October 2013, average is of 765 units. Accordingly, CR submitted that average for disputed period is thrice to the previous average and twice of subsequent average. On behalf of Licencee it is submitted that such analogy cannot be applied as reading is seen and it is dealt dividing by months.

Even, there was one contention from consumer's side that if MRI report is placed before the Forum, pertaining to the said meter, covering the period from the date of installation, the things will be clear. In response to it, the MRI report is placed on record by the Officers of Licencee which covers

the period from August 2013 to 1/2/2014 and it is explained that MRI report can be retrieved only for six months and prior to that data could not be retrieved and is not available. Accordingly, it is a fact that there is no any clue available, pertaining to MRI report to conclude what was the reading at the initial stage of installation when it was installed in the premises of consumer.

7] Ld. C.R. during the course of his argument, contended that meter was not inspected for 24 months and why no actual reading was taken during that period and not shown in the bill or CPL. He contended that if, at all, meter was available then definitely it would have reflected reading in the photo reading. However, on behalf of Licencee, it is contended that when aspect of replacement of meter, itself was not entered in IT, reading on average basis continued and photo reading cannot be seen in IT. In the IT record, the things were going on, without entering new meter. Accordingly, it is contended that no doubt there is technical failure by not entering the fact of the meter replaced in time and thereby this defect cropped up and there are no malafides. Consumer representative, quoting the provision of Supply Code posed a question as to why, as required, the meter reading is not taken. We find definitely, there is a flaw and this flaw is clearly demonstrated it is self speaking. Flaw occurred due to failure to enter the details of meter replaced but it cannot be said to be an act of malafides. But question comes up whether initial reading of installed meter was 006 or not.

Though, consumer's representative not accepted truthfulness of the copy of meter installation register but we find, it cannot be just ignored, it has it's own value. Secondly, there is no any prayer for testing of this meter.

However, on behalf of Licensee, putting parallel meter, testing is done and no defect is noticed in the meter. Accordingly, there is a flaw apparent of inaction in noting and entering new meter details in the IT system and thereby this particular liability is shown against the consumer after the gap of 23 months or so. No doubt, average units were considered, bills were issued, but those bills are reduced while working out the correct liability on the basis of reading noted, during the review. Accordingly, credit is given to the amount already deposited. But, we are, clear that arrears are there for more than one lakh, covering the period of above 23 month. If correct bills would have been issued in time, the liability of consumer could have been scattered for that period and consumer would have arranged for the payment and it would have been easy. Accordingly it is not possible for us to say that said meter was faulty and it is not possible to say that initial reading was not 006 units. Under such circumstances, we are unable to accept the contention of the consumer that bill issued is illegal or it is of defective meter and liable to be quashed. However, we find that the payment which is now demanded towards the said period at a time in lumpsum is required to be paid by the consumer, by installments, equal to the dues worked out for the months so that it will lessen the burden. Further relief can be considered, by not imposing on consumer delayed payment charges for said month, interest or penalty if any.

6] No doubt, on behalf of consumer, reliance is placed on the order dated 25/10/2013 of Hon'ble Ombudsman Nagpur, in Representation No.30/2013, wherein there was a question of defect in the meter not explained and hence the Hon'ble Ombudsman quashed the revised bill for that period.

But the circumstance herein are quite different. Meter is not defective. Simply there is inaction in entering the details new meter installed and noting the initial reading of said meter.

9] In the grievance, there is prayer about return of security deposit. Licencee contended that consumer's supply is alive, hence, there is no question of any such refund of SD.

Accordingly, this grievance is to be partly allowed. Hence the order.

ORDER

1] Grievance is partly allowed.

2] Claim of consumer about disputed bill is not upheld. However, Licencee is directed to recover the said arrears of bill amount, dividing equally for the months for which it is prepared i.e. it is for 23 months and it be covered in further 23 months. In the said arrears no any DPC, interest or penalty be added.

Accordingly, Licencee to work out and inform the consumer about the schedule of payment which is to be commenced from April 2011 and consumer to pay it regularly. So long such payment is done by consumer regularly there cannot be any coercive action of disconnection.

3] Licencee to comply this aspect of informing the schedule to the consumer within 45 days of this order and to submit the compliance about it, thereafter within 15 days to this Forum.

Dated:18/2/2014

I agree

I agree

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

(Chandrashekhar U.Patil)
Member Secretary
CGRF,Kalyan

(Sadaashive 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 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”

- c) 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.

10] This matter could not be decided in time as the copy of installation register is produced at the fag end during arguments on 10/2/2014.