



Consumer Grievance Redressal Forum, Kalyan Zone  
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No. K/E/772/929 of 2013-14

Date of Grievance : 21/02/2014

Date of order : 11/03/2014

Period Taken : 19 days.

**IN THE MATTER OF GRIEVANCE NO. K/E/772/929 OF 2013-14 IN RESPECT OF SHRI DINESH RAJNARAYAN GUPTA AT CYCLE BAI CHAWL, NEAR SHRIPAT MORE HOUSE, ASHOK NAGAR, WALDHUNI, KALYAN (EAST) DIST-THANE, REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING FAULTY METER AND EXCESSIVSE ENERGY BILL.**

Shri Dinesh Rajnarayan Gupta,  
At, Cycle Bai Chawl,  
Near Shripat More House,  
Ashok Nagar, Waldhuni,  
Kalyan (East).  
Dist. Thane  
(Consumer No. **020023280087**)

.... (Hereafter referred as Consumer)

Versus

Maharashtra State Electricity Distribution  
Company Limited though its  
Nodal Officer, Kalyan Circle-I ,Kalyan,

.... (Hereinafter referred as Licensee)

Appearance : For Consumer – Shri Shankar Ramrati Varma  
For Licensee - Shri D.S.Lahmge –Nodal Officer / Executive Engineer,  
Shri Thool –Dy.Exe.Engineer  
Shri Bharambe-Asst. Engineer

(Per Shri Sadashiv S.Deshmukh, Chairperson)

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

## Grievance No. K/E/772/929 of 2013-14

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).

2] This grievance is filed by consumer on 20/2/2014 , aggrieved by the order of IGRC dated 17/1/2014. He has raised the dispute, contending that from 9/5/2010, he is having supply for his residence, but up to August 2012 though meter is shown as faulty, bills are issued for excessive amount and hence he has sought refund of it. No doubt, he has referred in his grievance that such excessive bills are up to July 2012.

3] In this matter, on receiving the grievance application it was sent to Nodal Officer along with accompaniments of it vide letter No. EE/CGRF/Kalyan 084 dated 21/2/2014. In response to the said notice, Licencee appeared and placed on record the details today.

4] We heard both the sides. On behalf of consumer's representative Mr. Shankar Ramrati Verma, made submissions and for Licencee Nodal Officer Mr. Lahamage, accompanied Mr. R.J.Thool- Dy.Exec. Engineer and Mr. Bharambe Asst. Engineer provided details and argued. On the basis of arguments advanced by both sides, following factual aspects are disclosed:-

a] Supply is given to the consumer on 9/5/2010 for his residence and allotted consumer No. 020023280087. Bills were issued to the consumer from time to time which he has deposited, but moved a grievance to the Licencee on 13/10/2012 and thereafter contending that status of meter is faulty one and excessive bills are recovered which be refunded.

b] It is a fact that meter of consumer is replaced in July/August 2012 and thereafter bills issued which are, not in dispute. Accordingly, dispute is of the bills issued from 9/5/2010 to July 2012.

c] Admittedly, replaced new meter though not disputed, previous meter which was replaced as status was shown 'faulty' found stopped. Accordingly, status is clarified. During the discussion by Officers of Licencee, clarified that as old meter stopped recording the units, hence it is changed. The report of meter change is not placed on record. It is tried to find out when it was 'faulty' noted in the CPL , is it tested. Officers replied that meter was found stopped and there was no any further testing on it.

5] On the basis of aforesaid factual aspect, now question comes up whether consumer is entitled to relief . It is a fact, which is not in dispute that actual recording of units is not available, right from beginning till July 2012. As admitted by the Officers of Licencee, said meter is replaced and said old meter found stopped. It was not reflecting any consumption of unit. Accordingly, from May 2010 i.e. from inception till July 2012, the Licencee is issuing bills on the basis of average. No doubt, there was no previous consumption prior to 9/5/2010 and how the average is, worked out, is not clear, but treating it conveniently. Six units are consumed initially and those increased to that 6 to 46.

6] It is seen that in the month of March and May 2010, reading was not available but in June 2010 meter was found normal and reading was available, it is of six units. Thereafter reading is shown same i.e. current and previous, but consumption is shown as 6 units or 12 units from time to time. Accordingly, from July 2010 consumption recorded is of average basis, based on consumption of June 2010. However, it is seen that subsequently, said consumption is shown as 26 units for March and April 2012, for June and July 2012, it is shown as 46 units. Accordingly average units shown, is, in dispute.

7] Now, reverting back to the legal position, we are to consider the aspect of billing for the absence of meter reading included in Clause 15.3 of Supply Code. More particular 15.4.1 of Supply Code, 2<sup>nd</sup> proviso will come in to play and on plant reading of said clause, it is clear that consumer's bill is adjusted for three months prior to the month in which dispute has arisen. Now we are able to say that dispute has arisen in the month of August 2012 as previous consumption is shown on average basis as meter was faulty and consumer's bill is issued on average basis. Accordingly, at the most, he is liable for charging to the extent of three months only and not for the total period from July 2010 to July 2012. Now his liability is to be made limited for last three months i.e. May, June and July 2012. However, question comes up at what rate he is to be dealt. In the second month of supply, there is an actual consumption which is (6) six units and hence we find, said six units per month are to be taken, as consumption for these three months. Accordingly, Licencee is required to adjust the consumption shown from July 2010 to July 2012. The amount already paid by the consumer be adjusted treating the consumption of only six unit each for the month of May, June and July 2012, adjustment in the further bills be provide to the consumer. Hence, grievance is to be allowed.

Hence the order.

**ORDER\*\***

1] Grievance of consumer is hereby allowed.

2] Licencee is directed to recalculate the liability of consumer for the period from July 2010 to July 2012, by imposing liability on the consumer, at the rate of consumption of six units per month only for these three months and to work out, the amount to be refunded to the consumer which is recovered from him from July 2010

to July 2012, deducting the liability, balance be refunded to the consumer, adjusting it in the ensuing bills.

3] It is made clear, that consumer is not liable to any payment towards consumption of supply from July 2010 to July 2012 except for three months. But other regular charges are to be borne by consumer.

4] Licensee to work out the said due amount and make it available to the consumer by adjusting it in ensuing bill. It's compliance be reported to this Forum within 45 days from the date of this order as it is dictated and declared in presence of both sides.

Dated:11/03/2014

I agree

I do not agree for following reasons\*

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

(Chandrashekhar U.Patil)  
Member Secretary  
CGRF,Kalyan

(Sadaashive S.Deshmukh)  
Chairperson  
CGRF, Kalyan

**\*Per Shri C.U.Patil- Member Secretary:-**

I have gone through the above reasoning. I respectfully agreed with it except for the contents in Para No. 07 for the reasons that-----

a] MERC Regulation 15.4 is headed with subject as “ Billing in the event of Defective/stop Meters. It focus on the billing and further clause 15.4.1 elaborates for regulating the billing in such events by applying 12 months metered consumption for computing average units to be applied during such period of defect/stoppage of the meter. It is also expected by this Regulation that irregularity in the meter get rectified within three months.

But, if such irregularity gets rectified beyond three months, then regulation should not be interpreted that consumer should be exempted from the charges of electricity which has been actually used by him during such total period of stoppage of the meter. Otherwise, it will cause wrong precedent.

Grievance No. K/E/772/929 of 2013-14

Hence, consumer grievance should be partly allowed on the practical grounds of his minimum utilization of electrical energy by deriving last 12 months average and considering the period of such utilization.

(Chandrashekhar U.Patil)  
Member Secretary  
CGRF, Kalyan

\*\* Order is by Majority:

**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.

Grievance No. K/E/772/929 of 2013-14