



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/892/1090 of 2015-16

Date of Grievance : 25/05/2015

Date of Order : 29/06/2015

Total days : 35

IN THE MATTER OF GRIEVANCE NO. K/E/892/1090 OF 2015-16 IN RESPECT OF RAMESH KASHARAM ACHHARA, OF BARRACK NO.A/35, R/No.205/206, SHOP NO.1/SATNAM-C, ULHASNAGAR-1 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING L.T.BILLING DISPUTE.

Shri Ramesh Kachharam Achhara,
Barrack No. A/35. R. No.205 & 206,
Satnam'C', Shop No.1,
Ulhasnagar-1, Thane-421 001 (Hereafter referred as Consumer)
Consumer No.**021510382827**)

Versus

Maharashtra State Electricity Distribution
Company Limited though its
Addl. Executive Engineer,
MSEDCL, Sub-Divn -1
Kalyan Circle-II, (Hereinafter referred as Licensee)

Appearance :For Consumer –Shri Rajput - consumer's representative.

For Licensee – Shri J.L.Borkar-AEE,Ulhas-1 S/dn

Shri K.G.Jadhav-AA,Ulhas-1 S/dn

(Per Shri C.U.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 and Determination of Compensation) Regulations, 2014.’ Hereinafter referred ‘SOP’ for the sake of convenience (Electricity Supply Code and other conditions of supply) Regulations 2014’.

Consumer Shri Ramesh K. Achhara is having the Electricity supply bearing consumer No. 021510382827 for his shop no.1 at Barrack No. A/35, Satnam-C,Ulhasnagar-1, Dist. Thane. Consumer received the bill for August 2014 for 13236 units and hence requested for testing for his meter. Actually, he lodged his first complaint regarding fast running of meter after receipt of bill for the month of May 2014. He approached to the Section Officer, who remarked on the bill of May 2014 for testing of consumer’s meter and accepting Rs.150/- against testing fee. Accordingly, consumer paid Rs.150/- vide receipt No.6832823 dated 25/6/2014. The Licensee tested his meter at Ulhasnagar Divn-1 meter testing unit and given the test report No.2561 dated 30/7/2014 with remarks that ‘ meter is ok within permissible error limit at all load.’

But, after receipt of bill for the month of August 2014 as mentioned above for 13236 units, consumer submitted application dated

13/10/2014 to the Dy. Executive Engineer (Addl.EE) of Ulhasnagar -1 Sub-Divn stating that his previous monthly average consumption is in between 700 to 1200 units and it never exceeded this average during the past period and hence he further stated that the meter testing report dated 30/7/2014 in which meter is shown ok is not accepted by him. He disputed the bill for August 2014 accordingly.

Consumer further applied on 11/11/2014 and 29/11/2014, to which Licensee not responded. Meanwhile consumer was also made PD on date 13/10/2014 due to nonpayment of the bills from 6/3/2014.

Consumer further registered the grievance regarding excessive energy bill by filling 'X' form dated 23/12/2014 to IGR Cell of Kalyan Circle-II. The IGR Cell conducted the hearing on 16/1/2015 and given the decision by letter NO.0345 dated 19/1/2015 directing the concerned Officers of the Licensee for retesting of the meter at testing laboratory in presence of the consumer and also directed for revision in the bill, if required, as per meter testing report. Also IGR Cell directed to take the action against erring staff / reading agency for wrong reading.

The Officers of Licensee in response to the above IGR Cell's order retested the single phase meter under dispute bearing Sr. No.2381303 of flash make at meter testing unit of Kalyan (R) Divn in presence of consumer's representative and issued the test certificate vide report No. EE/Kln (R) / testing / SP /444 dated 30/1/2015 with following remarks.

“ --- , but when meter tested with neutral wire connected to outgoing side of meter, then meter found to be abnormally fast at no load condition. At this condition the KWH reading advancing abnormally fast at no load condition which is not in case of other normal meters. Hence the

meter shows erratic behaviour and hence it is advisable to refer the case to the meter manufacturer for further technical analysis.”

Prior to analyzing the technical behaviour of the meter before the manufacturer's R & D Engineer, the AEE of Ulhasnagar-1 Sub Divn manually corrected the bill of January 2015. The total bill was for Rs.186710/- , which was revised to Rs. 152090/-. Consumer stated that he paid this revised amount under protest.

The disputed meter was jointly tested in consultation with R & D Engineer of the meter manufacturer on 3/2/2015 and the minutes of meeting was prepared. In the MOM dated 3/2/2015, the observations are given that as MD was found to be higher i.e. 19.98 on 27/6/2015 at 14: 00 hours, it seems that meter was faulty due to over load. Also it is mentioned in the MOM that guarantee period will not be considered as meter was faulty due to over loading of meter. MOM was signed by Officers of the Licensee jointly with consumer's representative.

Aggrieved by the above report and for the Redressal of his grievance of excessive billing dispute, consumer tried to approach the IGR Cell again. But as suggested by the concerned Officer of IGR Cell, the consumer approached to the Forum by submitting his grievance in Form “A” dated 25/5/2015 enclosing his grievance in detail by separate annexure.

The application was registered in the Forum by allotting No.K/E/892/1090 dated 25/5/2015 and scheduled the hearing of the case on 10/6/2015 at 12:30 hours. The letter vide No. 177 dated 25/5/2015 was issued to the Nodal Officer of Kalyan Circle-II with copy to the consumer for attending the scheduled hearing.

From Licensee's side, Shri J.L.Borkar-AEE of Ulhas-1 S/dn and Shri K.G.Jadhav-AA,Ulhas-1 S/dn attended the hearing and from consumer's side, CR Shri J.S.Rajput were present.

A] Consumer's representation –

During the hearing, consumer contended as below:

1] Consumer raised the point that how two different reports are given by two different units of the same company i.e. MSEDCL. The report dated 30/7/2014 shows that meter is ok, however the another report dated 30/1/2015 shows that meter is abnormally fast and shows erratic behaviour.

2] Licensee revised the bill of January 2015 from Rs.186710/-to only Rs.152090/- and the Officers of Licensee compelled for it's payment.

3] Consumer contended that he paid the above revised bill under protest as his supply was already disconnected by the Licensee due to non payment of the bills from date 6/3/2014.

4] He further requested for the refund of excess paid amount which is creditable to him due to abnormal and erratic working of meter which is revealed in the test report dated 30/1/2015.

5] He also requested for penalizing to the responsible Officer and employees of the Licensee who neglected his grievance for billing dispute and without redressing it properly, disconnected his supply. He also expressed doubt over the Licensee's working method getting revealed on account of two different test reports of the same meter.

6] Consumer claimed that his meter was running fast from May 2014, when he received the bill for the month of May 2014 of 1063 units. In the same month, he approached to the Section Officer and verbally lodged complaint for fast running of the meter. Section Officer considering his

complaint, and remarked on the same bill for accepting the meter testing fee of Rs.150/-. This testing fee was paid by consumer on 25/6/2014 vide receipt No. 6832823. Accordingly from that date, i.e. from the billing period of May 2014 bill, he is claiming for the refund that may come in to account due to revision of the bill considering faulty meter.

The consumer also sought information under RTI Act on 1/11/2014 regarding meter replacement date and meter replacement report. In this connection consumer states that he received information from Licensee on 19/3/2015 as under:-

- a] His meter was replaced ten time during the period from 2008 to 2014.
- b] Licensee is not having all the reports with it. Even the applications made by consumer are not available with it.
- c] No action has been taken by the Licensee on the application submitted by consumer on 13/10/2014.

B] The Licensee's submission-

The Licensee submitted their say vide letter No. EE/Ulhas-1/480 dated 8/6/2015 and contended as below.

1] As per IGRC order dated 19/1/2015, the meter under dispute bearing Sr.No.2381303 was tested on 3/2/2015 in presence of consumer and his representative along with R & D Engineer of meter manufacturing company.

2] As per the observations laid down in the MOM dated 3/2/2015, meter became faulty on 27/6/2014 due to over loading. MRI report (DDL report] of the said meter is also enclosed/presented by them along with MOM.

3] As per DDL report, they considered that fault is occurred in the meter on 27/6/2014 and hence considered the period for correction in the disputed bill from 27/6/2014 and accordingly revised the bill for the period from 27/6/2014 to meter replacement date i.e. 10/7/2014. For this period, they applied the average consumption of the consumer recorded in new meter bearing Sr. No.3178325 which was installed at consumer's premises after replacement of the disputed meter bearing Sr. No. 2381303 which was taken out for the testing purpose on 10/7/2014. Accordingly, they revised the bill of January 2015 and reduced it to Rs.152090/- from original amount of Rs.186710/- by giving credit of 2734 units considering the DDL report and the period starting from 27/6/2014 to 10/7/2014, i.e. up to meter replacement date. The corrected bill was handed over to the consumer along with letter dated 9/2/2015.

4] Prior to above, consumer's power supply was disconnected on 13/10/2014 as consumer was unpaid from 6/3/2014.

5] After payment of all arrears on 23/3/2015 without protest, consumer's supply was reconnected.

C] Forum's Observation:

1] Consumer is billed month wise as given below:

Sr.no.	Month	Bill unit	Remark
1	March 2014	1284	
2	April 2014	1826	
3	May 2014	1501	
4	June 2014	1063	- Bill on account of inaccessible meter.
5	July 2014	1063	- Bill on account of inaccessible meter.
6	August 2014	13236	
7	Sept. 2014	1342	

2] The bill is corrected by Licensee from the date 27/6/2014 which is reflected in meter's DDL report showing MD in kw as 19.98 and

it seems that accordingly from that day the effect of fast running meter is considered and credit of 234 units is given .

3] The meter is under dispute was replaced on 10/7/2014. But as per the facts came before the Forum, it is true that consumer approached to the Section Officer in May 2014 along with the bill received to him for the month of May 2014. This bill was covering the period from 9/4/2014 to 9/9/2014. The next bill issued for the month of June 2014 was covering the period from 19/5/2014 to 9/6/2014. The current and past reading in June 2014 bill was shown the same, i.e. 6381 and this bill was issued with the remark of inaccessible reading for 1063 units.

4] During the hearing, it was asked to the Licensee to explain the **reason for inaccessible** shown in the month of June 2014 and July 2014, but no any satisfactory explanation was given by them. It was contended by LR, that it may be due to non display of the readings in the meter under dispute.

This explanation cannot be accepted, as in both testing reports, the meter readings are recorded. In first report dated 30/7/2014 reading before test is 1827 units and in second report dated 30/6/2014 meter reading before test as 18775 is recorded. Hence contention by LR is not satisfying the query.

5] There is no doubt that meter under dispute is faulty, but the exact date from which the meter became faulty is to be ascertained.

6] The consumption recorded/consumed in the similar months for the year 2013, 2014 and 2015 are taken below for the exercise of the consumer's consumption pattern:

<u>Sr.No.</u>	<u>Year</u>	<u>Month</u>	<u>March</u>	<u>April</u>	<u>May</u>	<u>June</u>
1	2013		650	441	536	2380
2	2014		1284	1826	1501	1063 (average)
3	2015		PD	441	1431	-

Recorded consumption shown in 2015 is with new meter after reconnection which is highest in May 2015 recorded on 14/3/2015. In the month of June 2013, highest recorded consumption is 2380 units. Also the consumption recorded by the meter under dispute is 1826 units in month of April 2014.

5] Referring to the remarks shown in the meter test report dated 30/1/2015 (showing result as abnormally fast meter) and final conclusion of the MOM dated 30/1/2015 that meter was faulty due to over load, we referred the units recorded by disputed meter on 2/5/2014 which is the first day in DDL report showing with MD as 6.53 kw and cumulative kwh as 7778.2 kwh. Also from this DDL report, it is observed that, cumulative kwh recorded in the disputed meter is 18775.2 kwh on 4/7/2014. The maximum demand recorded on 4/7/2014 is 19.85 kw. The difference of 10997 units is arrived during these 63 days (i.e. the difference in between the period of 2/5/2014 to 4/7/2014) , showing the trend of near about 175 units per day i.e. near about 5235 units per month.

Also we parally examined the consumption pattern from 9/5/2014 to 27/6/2014 . The kwh recording is 6381 units and 15286.5 units is available for these respective dates. It is observed that 8905 units have been consumed during these 49 days, which comes about 182 units per day leading to 5460 units per month.

It is observed that consumption pattern of the consumer during normal working of disputed meter in the same year, i.e. in 2014 and in the

previous year, i.e.in 2013 and also with new replaced meter in the year 2015 is showing the trend of near about 50 units per day. This trend is derived for the month of March, April, May and June of three different years and also with two different meters connected to the consumer which were working in their normal mode.

In comparison to the average consumption pattern of 50 units per month , it is observed that 175 units or 182 units per day which are coming in to the picture considered by MSEDCL while issue of the disputed bill referring the consumption shown by the disputed meter in the disputed period is totally not justified and hence the bill issued by MSEDCL on above grounds seems to be totally impractical and unjustified.

6] The Licensee, considering the consumption pattern of new meter replaced, has given the credit of 2734 units. But while making such revision, they considered the period from 27/6/2014 onwards till meter replacement date which is 10/7/2014. In fact consumer approached to the Licensee with the copy of May 2014 bill which comprises period from 9/4/2014 to 9/5/2014. But he prayed that, he should get the effect of fast running of meter (of faulty meter) at least from 19/5/2014 onwards, which is the period of June 2014 bill and covers the period from 9/5/2014 to 9/6/2014. The DDL report also reflects the date 2/5/2014 showing MD as 6.53kw i.e. indicating over loading on the meter from 2/5/2014. The Licensee's representative contended that the load of 5.40 kw is recorded in their spot verification report dated 3/4/2014 i.e. during the period when the supply of the consumer was disconnected. In fact, the DDL analysis and above derived consumption pattern clearly allows to consider the period from 2/5/2014 to give benefit/credit to the consumer on account of fast running meter / faulty condition of meter.

Forum's Conclusion: Hence it is concluded by Forum that the bill of amount Rs.152090/- revised by the Licensee considering the period starting from 27/6/2014 should be kept aside. Actually, it seems from the DDL report and from the consumption pattern recorded and calculated /derived as described in the above paras, the period of meter becoming faulty should be considered as 2/5/2014. Hence it is necessary to rectify the bill considering the period from 2/5/2014 to 10/7/2014, i.e. up to the meter replacement date and the effective credit for these 69 days should be given.

Also after considering the period of assessment for faulty period as given above, the question remains for the units by which these 69 days should be multiplied. It is already revealed from the above paras and description that 50 units per day will be the correct assessment to be considered for the concerned period. But, the provision in case of billing in the event of defective meters is mentioned at clause no.15.4 in the MERC (Electricity Supply Code and other conditions of supply) Regulations- 2005, which is reproduced below:

15.4 Billing in the Event of Defective Meters

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.”

Accordingly the bill should be revised for 69 days (2/5/2014 to 10/7/2014) considering the above provision. The CPL of the consumer is brought before for the analysis of the units consumed by the consumer during the previous 12 months when the meter connected to the consumer was healthy and working with normal status. For the sake of calculation of average units, the last 12 months units reflected in the CPL are taken as given below.

Month	Units	Months	Units	Month	Units
Apr -14	1826	Dec-13	761	Aug-13	357
Mar-14	1284	Nov-13	86	July-13	135
Feb-14	731	Oct-13	549	June-13	238
Jan-14	891	Sept-13	398	May-13	536

In the above chart, the consumption shown for the months from May-13 to Nov-13, the units recorded by previous healthy meter bearing sr.No.665709 are taken and from Dec-13 onwards till April-14, the units recorded by the meter under dispute (Sr.No.2381303) during it's healthy period are taken. The average of all above units recorded (7792 units / 12

mon) is 649.35 units, i.e. 650 units per month. From this analysis, the per day consumption counts near about 22 units .

Hence, the 69 days should be multiplied by 22 units and bill should be assessed accordingly. The excess amount paid by the consumer should be refunded with interest by cheque. Taking into consideration, all the above points the grievance is to be allowed.

Hence the order.

ORDER

The grievance application of consumer is allowed.

The revised bill issued on 9/2/2015 by MSEDCL considering meter faulty from 27/6/2014 and taking into account credit of 2734 units should be set aside.

The bill should be revised considering the faultiness in the meter for the period from 2/5/2014 to 10/7/2014 (i.e. for 69 days) applying 22 units per day. The excess paid amount by the consumer should be refunded to the consumer by cheque with interest at the Bank Rate within 30 days from the date of receipt of the order.

The compliance of the order should be submitted within 45 days.

Dated: 29/06/2015

I agree

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

**(Chandrashekhar U.Patil)
Chairperson-cum- Member Secretary
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”