



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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Date of Grievance : 14/12/2012
Date of Order : 28/01/2013
Period Taken : 45 days

IN THE MATTER OF GRIEVANCE NO. K/E/670/789 OF 2012-2013 OF
SHRI RAMESH PRATAPRAI KUKREJA, ULHASNAGAR REGISTERED
WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE,
KALYAN ABOUT EXCESSIVE ENERGY BILL

Shri Ramesh Prataprai Kukreja
Through Secretary
Hare Krishna Apartment
O. T. Chowk, Ulhasnagar : 421 003

(Here-in-after
referred
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its
Dy. Executive Engineer,
Ulhasnagar Sub-Division No. III

(Here-in-after
referred
as licensee)

(Per Shri. Sadashiv S. Deshmukh, Chairperson)

- 1) This Consumer Grievance Redressal Forum has been established under “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006” to redress the grievances of consumers. The regulation has been made by the Maharashtra Electricity Regulatory Commission vide powers conferred on it by Section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, 2003. (36 of 2003).
- 2) The consumer Housing Apartment is a Three Phase L. T. consumer of the licensee. The Consumer is billed as per Residential tariff. Consumer registered grievance with the Forum on 14/12/2012, for Excessive Energy Bill. The details are as follows :
Name of the consumer :- Shri Ramesh Prataprai Kukreja
Address: - As given in the title
Consumer No :- 021510605311
Reason of dispute : Excessive Energy Bill
- 3) The set of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/0841 dated 14/12/2012 to Nodal Officer of licensee.
- 4) This matter is heard on different dates. Mr. Chawala Secretary of consumer, Mr. Giradkar Nodal Officer, Mr. Kasal Assistant Engineer, Mr. Shendge Dy. Ex. Engr., M. Chandran Jr. Engineer attended.

From the submissions made and from record following factual aspects are disclosed :

Consumer is having meter and consumer sought it's checking by giving letter on 03/02/09. Accordingly meter was taken out and tested on

12/03/09. During testing meter was found stopped though checked at different loads. In the meantime after meter was taken out for testing and in it's place new meter is installed.

Meter testing report noted by the consumer on 12/03/09 and towards it letter was addressed to the Dy. Ex. Engr. on 25/03/09, copy of it is already available in the record of this matter. In that said letter he has raised the point that previous meter which was sought to be checked was running fast by 60%, secondly it is also mentioned after the new meter installed, comparatively 60% less consumption is shown, thereby previous meter was fast by 60%. It is contended that result of meter stopped is due to the act of Licensee i.e. it's officers. On this point adjustment of units in future six months energy bill is sought as per rules as extra amount collected as meter was running 60% fast, which is already collected.

After the said letter it's progress from Licensee side is not placed on record.

It is seen that again letter is written to CGRF by the consumer and he was directed to approach IGRC and said reply dt. 21/06/2011 is on record. Consumer approached IGRC addressing letter to the Nodal Officer on 15/07/2011 which is received by the IGRC office on 25/07/2011. In the said complaint to the IGRC, prayer is made for providing 18 months refund deducting Rs. 6500/- from Rs. 23,000/-. Accordingly he has sought Rs. 16,500/- per month for 18 months contending that as meter was running speedily i.e. 60% more and amount recovered is more, hence it be refunded.

Precisely it pertains to the complaint of meter running fast lodged on 03/02/2009. It is also alleged that meter testing reflected that meter is 'Stopped', it is a mischievous act of department to upset the claim of refund. Accordingly it is claimed that for considering the said refund last six years reports of CPL be verified.

It is noticed that there is no any response from IGRC, matter was not decided within 60 days hence consumer approached this Forum on 13/12/2012.

On service of notice both sides attended on 1st Jan. 2013, on behalf of Licensee CPL placed on record alongwith letter showing the consumption from Jan. 2008 to March 2009. Further officer of Licensee vide letter dated 08/01/2013 placed the consumption of consumer for January 2007 to December 2012.

In defense Licensee contended that trend of consumption is about 2000 units average is seen from 2007 and though meter testing report speaks that it found meter stopped, there was display of units when meter brought to Laboratory and hence there is no any question of defective meter. It is contended trend of consumption is self speaking which collaborates that there is no fault in the meter. It is prayed that complaint is filed not within two years of cause of action and hence it be rejected.

Initially bar by limitation is raised, it is seen that in the existing MERC Regulation there is no provision of bar by limitation for taking matters in IGRC. There is a provision that when matter is not decided in IGRC within 60 days, party can approach CGRF. IGRC is required to decide complaints received within 60 days but in this matter inspite of consumer approaching

the department while writing letter on 25/03/2009, he is not apprised about the result. We find as per provisions of MERC even application filed with any officer raising such dispute is to be treated as an application of grievance, it is to be forwarded to the IGRC and for that purpose consumer cannot be held responsible.

In this matter we find consumer has already approached the department and there is no action till consumer has approached this Forum on 13/12/2012. No doubt he tried to approach this Forum previously on 20/06/2011 and he was directed to approach IGRC which he complied by making application to Nodal Officer on 15/07/2011. It is not decided. It is clear, for approaching IGRC no period of limit is prescribed and admittedly consumer approached IGRC on 15/07/2011 and this Forum on 13/12/2012. In no way in can be said this case is time barred.

Second aspect revolves around the applicability of MERC Supply Code Clause 15.4, it contends only one clause with two provisos, initial clause speaks about defective meter, first proviso speaks about defect noted and second proviso about the meters which stopped recording any consumption.

Herein it is necessary to note that consumer has approached Licensee with the contention that meter is running fast. In other words it is a complaint of defective meter, no doubt meter was taken out on 12/02/2009 and tested on 12/03/2009. At the time of testing last reading was available but during testing it was not responding as it had stopped not showing any further reading though tried to be tested at different loads. In other words meter found to be defective. No doubt there was reading when

complained. It was not stopped when it was in the premises of consumer but it was found stopped when it was taken for testing. Consumer has his own contention about the aspect of stopping but Licensee contends there is no any such question, whatever is existing, it is noted.

Now we are required to find out as contended by consumer, was the meter defective? when it was removed from his premises ? or was the meter stopped when it was taken for testing ?. However, attempt is done to contend, when it was in the premises of consumer had recorded the reading and hence it cannot be said that reading noted is not correct or meter was defective.

Dy. Ex. Engr. Mr. Shendge placed before us extract of register wherein details of meter changed i.e. meter taken out and replaced is stated with relevant readings. However, the original report or it's copy prepared at the time of taking out old meter and fixing new one having signature of the concerned officer and consumer is not made available. Accordingly only on the basis of said copy of register it is stated that in the said register last reading is recorded as 14872 and it is replaced on 12/02/2009, which consumer in his letter dt. 25/03/2009 quoted it as 15/02/2009. On that date said reading was available and it is contended that at the time of testing meter was found stopped and not showing any progress though testing at various loads.

We find when consumer all the while is coming with the case that meter is running fast by 60% , it is the Licensee who is to find out exactly whether it was fast or not, but Licensee is coming with the case that meter found stopped and not able to find whether it was fast or not. However, we

find defect in the meter is already disclosed at the time of testing but what was the position when it was in the premises of consumer and on the date when he complained. is not tried to be verified by the Licensee. The meter replacement report not produced which could have thrown light on it but as per replacement register copy, reading on the date of replacement is seen from CPL the reading for prior month i.e. Jan. 2009 is available. On this basis it is to be upheld that meter not stopped when taken out but it stopped there after. Accordingly it can be said that meter was defective when it was taken out for testing, accordingly we find defective meter is to be accepted as per Clause 15.4.1.

Now question comes up how a relief is to be given to the consumer. Consumer has claimed difference of 18 months saying that he was required to pay at the rate of Rs. 23,000/- per month instead of Rs. 6500/-. We find the SOP referred above is not providing any such relief of difference of 18 months to be paid. But in case of defective meter there is a provision to consider the case of consumer and give benefit for previous three months that too from the date of dispute. In the aforesaid discussion it is noted that defect was existing on 03/02/2009 but it was confirmed on 12/03/2009 during testing.

It is clear as per Clause 15.4 initial portion i.e. original portion speaks about defective meter and adjustment is to be done for three months on the basis of test report. In this Clause there is no any reference to work out average for relief. Average is not provided as the result is depending on the meter testing. If suppose it is disclosed during testing that meter is running fast by 60%, then for previous three months bill is to be re-

calculated reducing it by 60%. Accordingly in this matter consumer is coming with the case that meter was running fast by 60% but testing report is not clear about whether meter was running fast or not but inability is expressed by Licensee saying that meter is stopped.

Clause No. 15.4 of Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005 is as under :

Clause 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 alongwith 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.

Considering the aforesaid SOP it is clear that consumer sought testing of the meter alleging that it is defective as it is running fast by 60%. Secondly though meter was reflecting readings when it was in the premises of the consumer but when it was taken out and brought to the testing Lab. it found stopped. No any further verification is done, what is the reason of stopping of the meter? and in fact is there any force in the contention of consumer about the alleged speed. Though copy of register showing meter replaced, is placed on record wherein last reading of the meter taken out and initially reading of meter installed is there but report prepared at that time under the signature of engineer or concerned officer of Licensee and the consumer is not produced. On this basis it is now required to be accepted that when meter was in the premises of consumer it was showing the reading, however after taken it out and bringing in the Lab. for testing it resulted in 'stopped'. Accordingly as per aforesaid SOP it is a defective meter but defect will not be of stopping of meter when it was in the premises of consumer. It is clarified from Licensee side said meter is not available. As stated above details are not there about status of meter when it was taken out and accordingly as consumer has contended meter was running fast it lead to testing. It was found stopped, stopping of meter is one part of defect though if meter is found stopped in the premises of consumer then last proviso of aforesaid SOP will apply but as discussed above meter was not found stopped in the premises of consumer but it is a defective meter, is a fact. Now if at all claim of consumer is to be considered, then it falls under the main clause i.e. 15.4.1, however, relief is to be considered and as per said clause relief can be given for maximum period of three months

that too prior to the month for which the dispute has arisen and it should be in accordance with result of meter testing. In this matter result of meter testing as claimed by consumer is not brought on record. Stoppage of meter is not in the premises of consumer and hence defective meter is found but nature of defect is not brought on record abundantly by the Licensee. It is not possible to apply the criteria of three months period prior to the dispute or prior to the testing, only one clue is available and it pertains to subsequent pattern of consumption which is less than 2000 units. No doubt on behalf of Licensee attempt is done to contend that right from the year 2007 upto the date of testing of the meter average consumption is of more than 2000 units and hence there is no defect. But we find this contention cannot be accepted as Licensee was to precisely place on record whether contention of consumer about meter running fast is demonstrated but inability is expressed as meter itself has stopped and we have concluded that meter stopped not in the premises of consumer but after it was taken out. Defective meter has its own effect and its effect is to be considered while giving a relief. Consumer has orally submitted all the while he was orally persuading the officers of Licensee for testing, it was not done in time and hence he had applied. Accordingly we find there is a force in the contention of consumer that after replacement of meter, new meter has shown the trend and the said trend is brought to the notice of officers of Licensee by the consumer on the very next month and we find it continued till end of November 2012. We find proper mode of giving relief will be of average of three months taking the period further 12 months from the date of replacement. Accordingly average further 12 months from the

date of connection i.e. from the month of April 2009 to March 2010 to be considered and on working out the average for three months amount is to be considered.

As per CPL readings from April 2009 to March 2010 are as under :

Month	Reading	Month	Reading
April 2009	1177	October 2009	1171
May 2009	1400	November 2009	0992
June 2009	0638	December 2009	0934
July 2009	1131	January 2010	0960
August 2009	0883	February 2010	1400
September 2009	1162	March 2010	1076

The total of above 12 months comes up 12876 and hence average per month comes up 1073. It is a fact that consumer made a grievance on 03/02/2009, meter is changed on 12/02/2009, bill issued for the month of March 2010 speaks about consumption of 2597 in which actual consumption is of 1100 units and previous units adjusted units to the extent of 1497. Hence when the meter was changed reading was available. Bill for the month of March 2010 is to be for 1100 units only and it is a bill after replacement of old meter hence consumer is to be charged only for 1100 units for the said month. As dispute is cropped up in the month of February 2009 the previous three months bill is to be adjusted @ 1173 units per month and for those previous three months readings are as under :

Month	Reading
December 2009	3056
January 2010	2918
February 2010	2706

These are the readings as per CPL but as stated above relief is to be given only for three months prior to the date of dispute hence for these three months relief is to be granted treating as 1073 units per month. Accordingly consumer is required to charged only for 1073 for each of these months. Accordingly relief is to be given for re-setting the bill for the month of December 2009, January 2010, February 2010 calculating the charges on units 1073 per month and bill of March 2010 is to be re-set only for 1100 units. In this regard it is clear that consumer has stated orally complaints made many a times but written complaint is from 03/02/2009, hence relief is not available for 18 months but as per the aforesaid SOP it is available for three months prior to complaint or dispute only. Hence said relief is being given for the month of December 2009, January 2010 and February 2010. Bill of March 2010 is just corrected as per units consumption in the month i.e. 1100 units.

Hence we pass the following order :

ORDER

- 1) Grievance application of consumer is upheld. As concluded above Licensee is directed to correct the bills for the month of December 2009,

January 2010, February 2010 calculating the units at the rate of 1073 units per month and for the month of March 2010 to the extent of 1100 units. Accordingly by re-calculating if any more amount is recovered from the consumer for these months, then it be adjusted in next ensuing bills.

- 2) The Consumer if not satisfied, can file representation against this decision with the Hon. Electricity 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”.

- 3) 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”

Date : 28/01/2013

I Agree

I Agree

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

(R.V.Shivdas)
Member Secretary
CGRF Kalyan

(Sadashiv S. Deshmukh)
Chairperson
CGRF Kalyan