

MAHARASTRA STATE ELECTRICITY BOARD

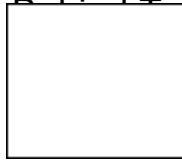
KALYAN

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Office of the Consumer
Grievance Redressal Forum,
P. N. T. ashri,



Ext-122.

**IN THE MATTER OF GRIEVANCE NO.K/E/002/0003 OF
2004-2005 OF SHRI NARESH NIHALCHAND BHAVNANI
REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL
FORUM KALYAN ZONE KALYAN ABOUT THE CHARGES OF
Rs. 86110/- LEVIED BY LICENSEE IN THE BILL OF THE
MONTH OF MARCH 2003**

Shri Naresh Nihalchand Bhavnani
Shop No 242, Near Police Station Ulhasnagar 1

(Here in after
referred to

as consumer)

Versus

Maharashtra State Electricity Board, through its
Assistant Engineer, Ulhasnagar Sub- Division 1

(Here in after
referred to

Ulhasnagar

as licensee)

- 1) The consumer is a L.T. consumer of the licensee connected to their 415-volt network. The consumer disputed the charges of Rs.86110/- (Rs. Eighty six thousand one hundred ten only) levied by the licensee in the bill of the month of March 2003 as "bill adjustment" vide his above grievance registered with forum on 13/1/2005. The consumer No., meter No., period of dispute, quantum of energy units disputed and the amount of dispute are as follows: -

Consumer No. 021510003826

Meter Sr.No. 10070577

Period: -September 2000 to September 2002 (25 Months)

Quantum of energy disputed: - 13765 units

Amount of dispute: -Rs 86110/- (Rupees Eighty six thousand one hundred ten only)

- 2) Consumer Grievance Redressal Forum has been established under regulation of "MAHARASHTRA ELECTRICITY REGULATORY COMMISSION (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2003". This regulation has been made by the Maharashtra Regulatory Commission vide powers

confirmed on it by Section 181 read with (sub-section 5 to 7 of Section 42 of the Indian Electricity Act 2003. (36 of 2003).

- 3) The batch of papers containing above grievance of consumer was sent to the nodal officer by the forum vide letter no.0031 dt.13/1/05. The letter, however, remained unreplied.
- 4) Nodal officer of the licensee did not attend hearing on 10th February 2005 to represent case. The case was represented by Shri Nemade S.H. Assistant Engineer Ulhasnagar Sub- Division Ulhasnagar.
- 5) Both the parties were heard by all three members of the forum on 10th February 2005.
- 6) The consumer Shri Bhavnani who was present at the time of hearing did not add any submission. He said about considering his written submission & requested forum to decide case on merit. He said his meter was never faulty & licensee has not obtained signature of his representative on the meter testing report when meter was tested. He came to know in March 2003, i.e. after 19 months of testing of meter, about additional charges levied which is not correct & not acceptable.
- 7) The licensee's representative pointed out that meter was slow by 58% as per testing of meter carried out on 16/2/01 at consumer's premises. He further said that consumer's representative's signature present at the time of testing was obtained on meter test report.

- 8) On this above submission, forum raised point mentioned in following para.

“The meter test report also indicates that meter has stopped recording on B phase. It means meter is slow by 33% theoretically & not by 58 % as mentioned in meter test report. Please explain how conclusion has been drawn that meter is slow by 58%”. The licensee’s representative could not through any light on this point.

- 9) The meter tested on 16/2/01 was replaced in September 02.
- 10) The meter, accuracy of which is disputed, was installed in Nov 1998.
- 11) Pattern of consumption before, during & after, the period of assessment from the consumer’s personal ledger (CPL) is as per following table.

<i>Period</i>	<i>Monthly average</i>	<i>Condition</i>
September 97 to March 98	476 units	Before assessment
March 98 to May 99	415 units	Before assessment
May 99 to September 2000	333 units	Before assessment
September 2000 to September 02	383 units	During assessment
September 02 to May 03	497 units	After assessment
July 03 to Nov 04	498 units	After assessment

- 12) As mentioned in para 8 above meter was found stopped recording on B phase. It means meter was slow by 33% theoretically. The conclusion drawn in meter test report of 58 % slow is not supported by any technical reason & as such cannot be taken as correct.

- 13) The meter was tested on 16/2/01 for short duration. This short duration test cannot lead us to conclusion that meter was slow by 33% at all the time during the period of assessment. The fact that meter was found stopped recording on B phase during short duration test takes us to conclusion that there use to be make & break contact on B phase terminal of meter. It means meter was slow ranging from 0 % to 33% during period of assessment depending upon make & break contact of B phase terminal. In other words meter had recorded energy ranging from 67 % to 100% during the period of assessment.
- 14) The study of consumption pattern mentioned in table of para 10 above indicates that average consumption during assessment period (except one occasion) is less than the recorded consumption before & after the period of assessment. Taking average monthly consumption of 497 units recorded during September 2002 to May 2003 as base for comparing it with the recorded monthly consumption of 383 units during the period of assessment, the meter on an average can be said to have recorded $383/497$ % i.e. 77 % energy units. In other words meter could have been slow on an average 23 % during the period of assessment.
- 15) The licensee had assessed consumption for 25 months at 58 % slow i.e. at 42 % recorded consumption as detailed below.

- (i) From September 2000 to 16/2/01 (6 Months prior to date of testing of meter)
- (ii) 16/2/01 to September 2002 (19 months during which faulty meter remained on installation till replacement of meter in September 2002)

The reasoning put forth by licensee's representative during hearing on 10/2/05 that delay in replacement of meter was due to late receipt of test report & delay in raising assessment bill in March 2003 i.e. after 6 months is due to administrative delay of obtaining approval from competent authority. Shri Nemade of licensee submitted a copy of letter No.AC/sub-dn/Camp-I/bill/20 dt.7/1/2003 wherein Assistant Engineer sub-division Camp No. I M.S.E.B. Ulhasnagar has raised bill of Rs.86,110/- to the consumer. Thus bill was raised within two years of detection of fault i.e. within two years from 16/2/2001. Thus the licensee has raised the bill within two years as required as per section 56(2) of the Indian Electricity Act, 2003. The reason of delay in replacement of meter and in raising assessment bill does not hold any water and is not justified even though the bill was raised within two years as per provision of the law.

- 16) After deciding the accuracy as mentioned in para 14 above we now turn to decide period of assessment during which meter had ceased to record correct consumption. As per guide lines mentioned in regulation 15.4.1 of "Maharashtra Electricity Regulatory Commission

(Electricity Supply Code & Other Condition of Supply) Regulation 2005”, we decide three months period prior to date of detection of fault i.e. from December 2000 to 16/2/01 for assessing consumption of units.

- (i) We also decide 19 months period from the date of detection of fault to the date of replacement of meter i.e. from 16/2/01 to September 2002 for assessing consumption of units.
- (ii) Thus in all consumption to be assessed for 22 months only.

- 17) The delay of 19 months for replacing defective meter & further delay of 6 months in raising assessment bill has resulted in delay of receipt of revenue due to licensee. Such situation needs to be averted in future.
- 18) After taking stock of the entire situation as narrated in the preceding paras, all the members of the forum have unanimously agreed to pass the order as enclosed.

O-R-D-E-R

1. The debit bill adjustment of Rs.86110/- (Rs. Eighty six thousand one hundred ten only) shown in the electricity bill of the month of March 2003 is hereby quashed and set aside.

2. The licensee shall prefer bill on 23% slow i.e. considering 77 % recorded consumption for 22 months only from December 2000 to September 2002. The licensee shall also calculate the difference in charges payable for 13765 units (units assessed by the licensee) and units works out on the above basis). The credit amount, if any, paid by the consumer shall be paid to him in his future bills till the entire amount gets refunded.
3. The delayed payment charges/interest, if any, levied by the licensee on the amount Rs. 86110/- (Rs. Eighty six thousand one hundred ten only) shall also be withdrawn and credit passed on to the consumer.
4. Orders to desist from disconnection of electric supply to the consumer issued vide forum letter No.31 dated 13th January 05 is, hereby, withdrawn.
5. Consumer can file appeal against this decision with the Ombudsman at the following address.

Maharashtra Electricity Regulatory Commission,
13th floor, World Trade Centre, Cuffe Parade, Colaba,
Mumbai 400005

Appeal can be filed within 60 days from the date of this order.

6. Consumer, as per section 142 of Indian Electricity Act 2003, can also approach Maharashtra Electricity Regulatory Commission at above address, for non compliance, part compliance or delay in compliance of this decision issued under "MAHARASHTRA ELECTRICITY REGULATORY COMMISSION

(Consumer Grievance Redressed Forum & Ombudsman)
Regulation 2003”, by the licensee.

Date 21/02/2005.

(Shri V.M.Bhatkar)

Member Secretary

C.G.R.F.Kalyan

(Sau.V.V.Kelkar)

Member

C.G.R.F.Kalyan

(Shri I.Q.Najam),

Chair person

C.G.R.F.Kalyan