



Consumer Grievance Redressal Forum, Kalyan Zone

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No. K/E/857/1051 of 2015-16

Date of Grievance : 21/04/2015

Date of order : 16/10/2015

Total days : 189

**IN THE MATTER CASE OF GRIEVANCE NO. K/E/857/1051 of 2015-16
IN RESPECT OF SMT. CHANGUNA EKNATH TARE, BLOCK NO. C-506,
SECTION 25, ULHASNAGAR -4, DIST. THANE PIN CODE 421004
REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM
KALYAN ZONE, KALYAN REGARDING BILLING DISPUTE.**

Smt. Changuna Eknath Tare,
Block No. C-506, Section 25,
Ulhasnagar-4,
Dist. Thane,
Pin Code -421 004.

(Consumer No. **021516024663**)

..... (Hereinafter referred as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited
through its Nodal Officer,
MSEDCL, Kalyan Circle-II, Kalyan

..... (Hereinafter referred as Licensee)

Appearance : - For Licensee : Shri Nemade, AEE, Ulhas-IV S/Dn.
For Consumer-Consumer's Representative, Shri Rajput.

(Per C.U.Patil-Executive Engineer – cum- Member Secretary

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

Consumer, Smt. Changuna Tare residing at block No. C-506, Section 25 at Ulhasnagar-4 is having her residential L & F connection bearing consumer No. 021516024663. The consumer approached to IGRC for her grievance by filling “X” Form date 26/11/2014. The IGRC heard the grievance and passed an order No.898 dated 25/2/2015 by partly allowing the grievance and directing further to the concerned officers for retesting the meter at Testing Laboratory in presence of the consumer and to revise the bill further as per the testing report. IGRC further given directions to the concerned Officer for reconnecting the supply after payment of revised bill and to initiate the action against erring staff, reading agency for wrong reading and for not feeding meter replacement report, immediately after meter replacement in January 2014. In the case the meter replacement report was submitted after 07 months, i.e. in August 2014. Actual meter replacement date was 23/12/2013.

The consumer was approached to IGRC raising the grievance for the bill received in September 2014 for 4242 units with amount of Rs.49,222/- . After approaching Licensee on 17/9/2014, the bill was revised to the tune of Rs.34,930/-. The bill was remained unpaid and the connection was made PD in February 2015. On the first occasion the meter was tested on 22/9/2014 and found OK. Hence Licensee confirmed the amount of the bill issued as correct and followed up with the consumer for payment. The notice of disconnection was given on 20/11/2014. But the consumer has not accepted the notice. Even notice sent by RPAD was returned back from the post Office, hence connection was made PD on 29/1/2015. The consumer before IGRC contended that meter replacement report was submitted after 07 months and bill of heavy amount was received in September 2014. MSEDCL not communicated the consumption and final reading of the above meter.

The IGRC passed the order on the issue as mentioned in above paras.

Aggrieved with the IGRC decision, Smt. Tare appeared before the Forum by filing her grievance in application form 'A' which was registered by allotting No. K/E/857/1051 dated 18/4/2015. The hearing was scheduled on 5/5/2015 at 12:30 hours. The hearing letter No.86 dated 21/4/2015 was served to the Nodal Officer of KC-II with the copy to the consumer.

The Licensee and consumer's representative, both attended the hearing on 5/5/2015. The hearing was further adjourned to 12/5/2015, 27/5/2015 and later on dated 23/6/2015.

During the above hearings, the chronology occurred in the case is described below:

On 12/5/2015, the Licensee submitted the reply with CPL Photo CD, hard copies of the meter photos taken during the month from November 2013 to January 2015 and other documents as listed below:

- a] Meter replacement report submitted to DyEE dated 20/6/2014 and 1/7/2014.
- b] Meter replacement report dated 21/8/2014.
- c] Meter inspection report dated 22/9/2014.
- d] Permanent disconnection report dated NIL (Reference No.52).

From the above documents it is observed that date of meter replacement is 23/12/2013 with Sr. number of old meter showing 31613436 and new meter Sr. No.3012019. The final reading entered in the meter replacement report for old meter is 7591 and initial reading for new meter is entered as 0001.

Also it is observed that concerned Section Officer has submitted the meter replacement report to DyEE of Sub-Division twice, i.e. on 20/6/2014 and 1/7/2014. In both submissions, the consumer's meter under dispute is reflected.

Meter inspection report dated 22/9/2014 is showing the inspection of consumer's premises and the meter of Montel make and bearing Sr. No. 3012983, reading 04610 is also entered for that respective meter in the said report.

PD report showing reference no.52 dated - Nil of the consumer is showing date of PD as 29/1/2015 with meter of Montel make, bearing Sr. No. 3012019 and reading at the time of PD is shown as 5204.

The hard copy and the photo taken are faint in almost all the months, submitted for the period of November 2013 to January 2015.

The above documents were submitted by Licensee as per the instructions given on 5/5/2015 during the first hearing. On 5/5/2015 the Licensee clarified from their end, the grievance details vide letter No. 525 dated 2/5/2015 which is summarized as below:

Consumer having date of connection from 1/4/2014 was receiving normal bills up to December 2013. The consumer's meter was replaced in December 2013, but meter replacement was fed through IT in August 2014. Hence consumer received abnormal bill of Rs.49,222/- in August 2014. As per consumer's application, bill was bifurcated from December 2013 to July 2014 and bill was revised for Rs.34,440/-. The consumer not accepted the bill and applied for meter testing in September 2014. Meter was tested by AE (QC) on 22/9/2014 in presence of consumer's representative. The observation put up by AE (QC) in his inspection report is that "above consumer's meter is working within permissible limits. The current reading is 04610 kwh as on 22/9/2014. Consumer's inverter found faulty which is not in use but kept on charging mood continuously. Reading may be jumped due to consumer's erratic equipments".

AEE in his reply dated 2/5/2015 clarifies that meter was drawing more current due to faulty inverter in consumer's premises. After removal of faulty inverter from plug point, the meter found working OK. So units recorded in the meter were due to faulty inverter. It was intimated to consumer from September 2014 onwards. Meter unit consumption is normal. Hence, it is justified that more units recorded in the meter were due to faulty inverter. Also it is further clarified that old meter of the consumer was replaced as per provision U/s. 55(1) of Electricity Act,2003.

Meter was tested on 18/3/2015 at testing Division, Ulhasnagar Divn-II as per decision given by the IGRC in their order dated 25/2/2015. After testing, the meter was found working within permissible limits. Hence, bill issued to the consumer is correct as per reading and as per MSEDCL's Rules and Regulations.

During the hearing, the consumer had taken the objections over the meter testing carried out at MSEDCL's meter testing units. Hence he prayed for testing of the meter at NABL Lab. Accordingly, during the hearing on 12/5/2015, it was directed to the Licensee for further needful processing for testing of meter under dispute from NABL Lab. On next hearing date, i.e. on 27/5/2015, the Licensee submitted copy of the letter No.580 dated 26/5/15 which was written to Principal Director of Sion Testing Unit for testing of meter under dispute.

The matter was adjourned to 23/6/2015 and further to 20/7/2015 for receipt of testing report from NABL Lab. On 20/7/2015, the Licensee submitted their reply vide letter No.791 dated 17/7/2015 enclosing the meter test report received from Institute for Design of Electrical Measuring Instruments, Mumbai dated 23/6/15 with calibration certificate and calibration report bearing certificate No. CC/ECL/504/15-16 with date of calibration as 22/6/15. The report shows that percentage of error in the meter under dispute is within permissible limit.

On 24/8/15 from consumer's side, CR attended the case and agreed that he has no more contentions now regarding the meter accuracy as the testing report from Sion Lab is showing calibration report of meter under dispute within permissible limit. Also the bill rectification carried out by Licensee was taken into discussion. From January 2014 to September 2014 the consumer was billed at an average units 78 units per

month for the months of January 2014 to May 2014 and at 50 units and 08 units for the month of June 2014 and July 2014 respectively. The Licensee contended that the reading of the meter under dispute was taken as 945 in February 2014, 1606 units in March 2014, 2107 units in May 2014, 3391 units in June 2014, 3814 units in July 2014, 4243 units in August 2014 and 4987 units in September 2014 bills. Considering the above readings taken the bill of the consumer is rectified in September 2014 and credit of Rs.15,533.98 ps is given to the consumer against the average paid bills during June and July 2014 and against the slab benefit for consumption 4242 units spreading over 08 months, i.e. period after which new meter replacement was entered. The analysis shown by the Licensee was confirmed before the consumer's representative. The Forum has also taken the review of the said bill correction and found that dues now claimed by the Licensee towards consumer at the time of permanent disconnection and mentioned in the notice dated 20/11/2014, showing the amount of arrears as Rs.34,930/- remains the same. The Licensee claimed amount of Rs.43,757.88 Ps. till the end of April 2015 adding interest on the amount before PD.

However, the consumer shown inability to pay so much heavy amount lumpsum. She urged for number of installments for payment of said dues. The Forum confirmed 08 installments for payment of arrears and consumer to be reconnected after payment of first installment immediately.

But, the consumer prayed that more installments may please be approved as she will not be able to pay the entire amount within the span of 08 installments.

The Forum has not observed any mistake as far as the billing calculations made by Licensee is considered. However, it is the fact that

consumer approached to MSEDCL after receipt of bill for 4242 units of Rs.49,222/-, which was corrected further to the tune of Rs. 34,930/- by giving slab benefit for 08 months, i.e. the period by which the feeding of meter replacement was delayed.

The consumer acknowledged the heavy consumption only after 08 months and then further consequences occurred as mentioned above. If consumer's meter replacement report was fed immediately within next billing cycle, then consumer could have come across the fact about the heavy consumption unnecessarily getting recorded in the meter and then it was possible for her to approach immediately to the MSEDCL Office for taking the further required corrective steps to avoid registering of further non useful units towards any kind of faulty equipment.

Considering above, the Forum allows additional 06 installments and hence award total 14 installments for payment of PD arrears. However, the connection is to be reconnected immediately after the payment of first installment.

The Forum has also observed that in the matter the Licensee has failed to meet the standards of performance laid down in the Appendix-A at Sr. No.08 of MERC Regulations (SOP) of 2014. Accordingly, if the reading of the consumer's meter should be taken once in every two months for the consumer located in Urban area, otherwise the compensation @ of Rs.200/- per month or part thereof beyond the first month of delay should be awarded to the consumer. In this case, it was possible to avoid this lacuna if the meter replacement report was fed immediately within the stipulated period. Hence, the Forum allows the SOP @ of Rs.200/- per month for the period of six months delay involved in this case.

This matter could not be decided within time as Licensee was to provide the details sought from time to time, those were provided on 24/08/2015 and their submissions are heard on that day and clarification taken on 24/8/2015. Moreover, the Forum is functioning in absence of regular Chairperson and the Member Secretary is discharging the additional work of Chairperson along with the regular work of Member Secretary.

Hence the order.

ORDER

The grievance of the consumer is partly allowed.

It is directed to the Licensee to recover the PD arrears from the consumer in 14 equal number of installments and that too without any interest and DPC.

The Licensee should reconnect the PD supply of the consumer immediately after payment of the first installment. The bill of first installment should be given to the consumer within 07 days from the date of this order by adjusting the credit of Rs.1200/- (Rs.one thousand & two hundred only) towards SOP involved due to delay in reading of consumer's meter. The consumer will require to pay the balance installments along with the current bill after reconnection.

The compliance of the order should be reported to the Forum within 45 days from the date of receipt of the order.

Date: 16/10/2015.

I agree

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

**(Chandrashekhar U.Patil)
Chairperson-cum- Member Secretary
CGRF,Kalyan**

**** (In the sitting of Forum, the Chairperson is not available. As per MERC Regulations (2006), Clause 4, the technical member shall be the Chairperson of such sitting in which Chairperson is not available and hence in the present case, the technical member performed the role of Chairperson of the Forum).**

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”

d) 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.