



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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No. K/E/786/945 of 2014-15

Date of Grievance : 01/04/2014

Date of Order: 03/05/2014

Total Days: 32 days.

IN THE MATTER OF GRIEVANCE NO. K/E/786/945 OF 2014/15 IN RESPECT OF SHRI VISHINDAS TALREJA , NARAIANDAS COMPLEX, BK.-1, FLAT NO. 303, ULHASNAGAR-3, DIST-THANE, REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING EXCESSIVE ENERGY BILL.

Vishindas Talreja
Naraindas Complex, BK-1,
Flat No.303,
Ulhasnagar-421 003
Dist. Thane.
Consumer No.021510563848)

.... (Hereafter referred as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its
Dy. Executive Engineer, MSEDCL,
Ulhasnagar Sub-Divn.-II,

.... (Hereinafter referred as Licensee)

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

For Licensee - Shri Shedge-Dy.Exe.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 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, 2005.’ Hereinafter referred ‘SOP’ for the sake of convenience (Electricity Supply Code and other conditions of supply) Regulations 2005’.

2] This grievance is presented before this Forum by consumer through his representative on 1/4/2014. It’s notice was given to the Nodal Officer vide letter of this Forum bearing No. K/EE/CGRF/Kalyan/141 dated 1/4/2014, along with accompaniments. Thereby Licencee attended and filed reply dated 19/4/2014 and on 22/4/2014..

3] We heard both sides. On the basis of the grievance application made by the consumer, reply of Licencee and arguments advanced , following factual aspects are disclosed:-

a] Consumer claims to be the occupant/owner of flat No. 303, in Naraindas Complex and supply is available to the consumer, bearing consumer No. 021510563848. Said supply was continuing, but initially meter installed therein i.e. meter No. 242291 was changed in August 2013 and new meter No. 2777214 was installed. Consumer on receiving the bills in the month of June, July and August, 2013, made grievance about exorbitant bills were issued. The said aspect considered by Licencee and instead of 150 units per months entered for those months, are subsequently reduced and considered at the average rate of 30 units per month. Accordingly, adjustment is given in the bills of consumer. First adjustment to the tune of Rs.27,541/- given in November 2013 and an amount of Rs.1501/- given in January 2014. Accordingly, total adjustment given is of 28855 and this adjustment is out of initial amount charged to the tune of Rs.29,189/-. Accordingly balance payable was of

Rs.334/- which is deposited and as clarified by consumer's representative, there is no dispute pertaining to those previous three months.

4] As noted above, that dispute is not surviving about the aforesaid three months but there is a contention of consumer that the initial meter was changed. The Officers of Licencee in their reply contended that meter was changed, in the drive taken for replacing the old meters. Further it is contended as consumer is having two blocks, probably at the time of changing meter, he may not have been made known of this change. But, it is clarified, that change of meter was with intent to comply the drive of replacing old meter. We find, in respect of said old meter, dispute is settled by giving adjustment as stated above. Hence no more comments are required on it. Though, consumer enclosed one paper cutting of the news and tried to say that meter cannot be changed unless consumer is made aware. We find, as grievance is not subsisting on that count comments are not required.

5] Main grievance in this matter pertains to old meter referred above changed and new meter No.02777214 was installed. This meter was installed in the month of August 2013 and for September 2013. For October 2013 for two months bills are issued on the basis of readings reflected from said meter to the tune of Rs.816/- for September 2013, Rs.670/- for the month of October 2013. These two bills are challenged by the consumer complaining to the Dy.Executive Engineer on 11/10/2013 and as there was no any compliance, he complained to Executive Engineer and others endorsing copy to this Forum on 18/11/2013. This Forum forwarded the said grievance to the Nodal Officer on 19/11/2013. Further, it is seen, that consumer has, even addressed letter to the Chief Engineer and Chief Engineer in turn directed Superintending Engineer to look in to the matter by writing letter on 18/1/2013. It is also a fact that consumer has even approached IGRC on 16/12/2013 and till the date of filing of this grievance before the Forum, there is no order of IGRC.

6] In the aforesaid paragraph, complaint made by consumer is stated, and reference is made of various correspondence. But one thing is clear that dispute of two months bill is kept in abeyance, but said meter i.e. 2777214 is also changed in October 2013 and it was tested on 25/10/2013. This was done in the light of complaint of

consumer dated 11/10/2013 and testing fee was deposited on 9/10/2013 and testing is conducted on 25/10/2013. In the test report meter was said to be OK with the observation that percentage of error was -0.19% through accuracy check. Accordingly no further relief was given to the consumer by Licencee or by IGRC. Now aggrieved by it, consumer brought it before this Forum.

7] In the light of aforesaid discussion, the dispute of two months bill pertaining to meter No. 2777214 is there. But said meter is replaced on 20/10/2013 and third meter is installed bearing No. 1812368 and from CPL made available, reading recorded from November 2013 onwards and those readings are, November 41 unit, December – 41 units January - 34 units, February - 17, March 31 units.

It is pertinent to note that about new meter and now readings shown, there is no dispute. Rather it is contended that these readings are as per readings recorded in the previous meter 242291 reading. Accordingly from November 2013 there is no dispute.

8] Now coming to the precise dispute for September and October 2013, wherein consumption of units is shown 816 and 617 units respectively. Consumer contended that previously at no point of time, his consumption not exceeded 3 digits. It was the Licencee who worked out average consumption 30 units for disputed period of June, July and August 2013 and given relief. Accordingly, previous consumption on average basis is 30 units. As stated above, though from November 2013 to March 2014, for initial three months, consumption is in between 34 units to 47 units and last two months it is of 170 and 138 units. None of the figures are tallying with the disputed bill of September 2013 and October 2013 and as stated above, from January 2013, at no point, it exceeded 70 units. Accordingly, consumption of 816 and 617 units for September and October 2013 is disputed by consumer and contended that even testing report is not correct and he is not agreeing to it. On the other hand, Officer of Licencee submitted that he has made efforts to have meter tested properly and no defect is found during the testing and hence, he is sticking up to the said report. Question now comes up if, consumer has not utilized or consumed units to the extent

of more than 200 at any point of time previously or subsequently , can it be said that only for two months, he has utilized, the consumption shown to the extent of 816 units and 617 units for September and October 2013 respectively? Here is a tie in respect of testing report which speaks, no defect in the meter but current of consumption is totally at higher side and is beyond any logic. It is also a fact that Licencee is not coming with any case that this consumption of units of electricity is for any special reason or there is any aspect of unauthorized used for theft of electricity attracting Sections 126 or 135 of Electricity Act.

Accordingly, a question comes up when consumer is vigilant in making grievance , which is within two months and he had complained for three months prior to it, considering initial reading shown, can any fault be found with the consumer? We find this is a peculiar matter, dispute for previous three months is already dealt . Licencee given benefit of average consumption of 30 units and when this disputed meter was installed it reflected the reading to the extent of 816 and 619 units respectively. It is not found to be normal, considering the previous consistent consumption. We find this is a electronic meter and technical flaw may have been developed and it is not traced out, during the so called accua check. It is a fact that meter is not tested in the Laboratory. Time and again this Forum experienced that at times accua check report is not tallying the report in the Laboratory, we avoided for any further directions for testing disputed meter in Laboratory or NABL , considering the fact that the dispute is raised promptly, previous track record of consumer is clear wherein, consumption is not more than 70 units per month and even in subsequent period, it is not more than 170 units in a month. In this light, we find that recording of units in the disputed meter during that period is of erratic nature and hence relief is required to be given to the consumer, who is vigilant.

9] Now question comes up, to what extent consumer is entitled to relief for these two months. Though reading is shown as 816 and 617 units for the month of September and October 2013 respectively, but previous average is of 30 units per month. For considering the average subsequent 12 months period is not over. Hence

as Licencee itself has considered the average while dealing with grievance of consumer pertaining to bills of June, July and August 2013. This average is to be applied for two months instead of 816 and 617 units for September and October 2013 respectively. Those are to be made limited to 30 units for those months i.e. for September and October 2013. In this light, bills issued by Licencee for those months are to be corrected and worked out on this basis. In this light, grievance of consumer is to be allowed.

Last but not least, it is a fact that supply is standing in the name of Secretary of the building. But admittedly, Licencee has dealt the complaint of present consumer and given previous relief to the tune of Rs.28855 for previous period and he is asked to pay the disputed bill of September 2013 and October 2013. He is now considered in continuation of his grievance which is already dealt by Licencee. In other words, Licencee has not stated and disputed the status of the consumer in the reply and during hearing. However, on noticing this fact we called the consumer's representative and he placed on record copy of authority letter given by Secretary to the applicant and CR.

Hence, the order.

ORDER

- 1] Grievance of consumer is hereby allowed.
- 2] Bills issued to the applicant/consumer in the name of Secretary, for the month of September 2013 and October 2013, wherein consumption of units shown as 816 and 617 hereby stands set aside and for those two months bill be revised treating consumption of 30 units per month and without adding any penalty or delayed payment charges.
- 3] In the light of above, Licencee to revise the bills for those two months restricting it 30 units per month and recover the amount from consumer on it's basis

and if any more amount is already deposited be refunded retaining the liability worked out as per this order. This process be completed within 30 days from the date of this order and compliance be submitted within 15 days thereafter.

Dated:03/05/2014

I agree

I agree

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

(Chandrashekhar U.Patil)
Member Secretary
CGRF,Kalyan

(Sadashiv S.Deshmukh)
Chairperson
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 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.

