



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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No. **K/E/905/1104 of 2015-16**

Date of Grievance : 04/07/2015

Date of order : 16/11/2015

Total days : 136

IN THE MATTER CASE OF GRIEVANCE NO. K/E/905/1104/2015-16 IN RESPECT SHRI PRAKASH ALIAS PINTO G. BHATIJA, PINTO PARK, OPPOSITE BARRACK NO. 1086, ULHASNAGAR-3, DIST. THANE REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING AVERAGE BILLING DISPUTE AGAINST FAULTY METER.

Shri Prakash alias Pinto G. Bhatija,
Pinto Park, Opposite Barrack No.1086,
Ulhasnagar-3,
Dist. Thane.

(Consumer No. 021510947115) .. (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 Thete, AEE,Ulhas- III S/dn.

Shri Joshi, AE, QC, Ulhas-III 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’.

In the case Shri Prakash Alias Pinto G. Bhatija, is having his LT connection with consumer No. 021510947115 at Barrack No. 1086, Pinto Park, Ulhasnagar-03.

The consumer submitted application dated 9/10/2014 to the Licensee regarding no display in the meter and requested to change the faulty meter. The meter bearing Sr. No. 12539416 of L &T make of 03 phase (10-40 Amps) was replaced on 27/12/2014. Consumer received bills for the month of October and November 2014 at an average of 5060 units per month. Consumer raised the dispute for the bill of December 2014 issued to him of Rs.1,54,580/- against 22878 units. He accordingly submitted “X” form to the IGRC on 4/4/15.

IGRC placed the order dated 24/6/15 and rejected the consumer’s grievance, stating that the revised bill issued to consumer is as per the units recorded by the meter and hence bill issued is correct. IGRC

further directed to take action against erring staff/Reading Agency was for wrong reading.

Aggrieved with the decision of the IGRC, the consumer approached to CGRF by submitting his grievance in Schedule "A" dated 4/7/15, which was registered by allotting No.K/E/905/1104 dated 4/7/15. The hearing was scheduled on 20/7/2015 at 15:15 hours and the same was intimated to the Nodal Officer of KCII vide letter No.220 dated 6/7/15 with its copy to the consumer. The hearing was conducted on 20/7/15 and then was adjourned to 28/7/15 and again further on 13/8/15 and 7/9/15.

The Licensee attended the hearing on 13/8/15 with their submission vide letter AEE/ Ulhas-II/1567 dated 12/8/15. The Licensee clarified therein that bills for the months of October and November 2014 were issued to the consumer at an average of 5060 units per months due to no display in the meter., However, they retrieved the reading through MRI as 48540 units on 9/12/2014 and accordingly issued the bill for December 2014 for 22878 units.

They have placed before the Forum their assessment sheet describing the readings considered for billing to the consumer which is mentioned as below:

Meter replaced on 27/12/2014 & MRI taken for M/O December 2014 as on 9/12/2014 it's 16 days.

a]Reading as per CPL & MRI data for M/O Sept 14 as on 09/09/14 = 25661.90 kwh.

b]Reading as per CPL & MRI data for M/O Dec 14 as on 09/12/14 =48539.94 kwh.

c]Difference of 3 months = 22878.04 units

d]Units/month = 7626. 01 units

e]Units/day = 254.20 units.

Assessment for 16 days = 254.20*16=4067.20 units.

It is further clarified by the Licensee that some of the average units applied for the month of October and November 2014 which is 10120

units is also credited through consumer's accounts and sum of Rs.60589/- is credited in February 2015 bill.

The above illustration submitted by Licensee is considered by Forum and was discussed thoroughly with the CR in detail. However, consumer contended and submitted letter dated 20/8/15 stating that we will agree it only if the Licensee extract the MRI data of meter under dispute bearing Sr. No. 12539416 before them and if such MRI data shows the readings recorded and put up before the Forum by Licensee, then he will be having no any objection on the revised bill issued and its amount. CR submitted letter dated 20/8/15 accordingly which was considered by the Forum and instructions were given to the Licensee's Officer for submitting such MRI data which should be extracted in presence of the consumer and his representative.

On the next hearing date, the Licensee submitted the letter No.1651 dated 14/8/15 clarifying that the MRI data as per the instructions of CGRF has been retrieved in presence of CR at Testing Divn KC-II on 24/8/15. MRI data has been taken in presence of consumer and his representative. The said data is down loaded to computer and the soft copy of the readings taken is handed over to the CR at the same time. The Licensee's Officer also produced the note dated 24/8/15 which was prepared at the time of extracting of MRI data in presence of consumer and his representative. It is observed that this particular note is duly signed by consumer and his representative.

The Forum scrutinized the MRI data submitted by the Licensee and it is observed that the data is containing the progressive kwh figure in continuation to the reading 48450 considered by Licensee for revision in

consumer's bill. The CR was asked that whether it has been clarified and understood to him or not. The CR told that he has been now convinced regarding MRI data of consumer's meter and hence they are having no dispute now regarding readings and units considered by the Licensee for revision in their bills.

Considering the above facts the Forum concluded that the bill revised by Licensee is according to the readings recorded by meter under dispute. These readings are also confirmed through the MRI data submitted by Licensee. The MRI data has been re-extracted once again on 24/8/15 before the consumer and his representative, which is also agreed by consumer.

However, the consumer in his grievance application, i.e. in the Schedule-A dated 4/7/15 sought the relief regarding the compensation towards non execution of the work by Licensee's Officers as per the rules and regulations laid down for them. Hence he asked the relief with such compensation in his application.

It is observed that consumer brought to the notice of Licensee about no display of meter through his application dated 9/10/2014 and it is also observed that the Licensee tried to cure the problem by collecting the recorded reading from the meter through MRI which was extracted on 9/12/2014, i.e. within the span of two months. Also it is confirmed from the analysis of consumption taken on record for the three months, i.e. October, November and December 2014 which is 22878 units for three

months. The average units per month is 7626 units. The consumer was charged on average basis in the month of October and November 2014 @ 5060 units, which is less than per month consumption as per meter reading which is 7626 units. It is clear that nowhere the consumer is overburdened. Also, considering the sequence of cognizance taken by Licensee's Officers, no negligence is getting observed from the Licensee's side.

Hence, considering above facts and circumstances of the grievance, this Forum is not allowing any type of compensation to the consumer.

Considering over all factual circumstances regarding the billing dispute, the consumer's grievance application cannot be accepted on the facts mentioned at above paras and under these circumstances, and hence grievance application deserves to be rejected.

This matter could not be decided within time as Licensee was to provide the details sought from time to time, those were provided on 25/8/15 and their submissions are heard on that day and clarification taken on 07/09/15. 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

Grievance application of the consumer is hereby rejected.

Date:16/11/2015.

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.