

Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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No. K/E/1273/1501 of 2017-18	Date of registration	: 13/12/2017
	Date of order	: 17/01/2018
	Total days	: 35

IN THE MATTER OF GRIEVANCE NO. K/E/1273/1501 OF 2017-18 OF SHRI. RATILAL KHANCHAND BAJAJ, SECRETARY BALAJI PALACE, STAIR CASE, NEAR BK NO.83 & 84, ULHASNAGAR-1, DIST.THANE, PIN CODE-421 001 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT BILLING DISPUTE.

Shri. Ratilal Khanchand Bajaj,
Secretary Balaji Palace,
Stair Case, Near BK No.83 & 84,
Ulhasnagar-1, Dist.Thane,
Pin code-421 001.

(Consumer No. 021510772757) ... (Hereinafter referred as Consumer)

V/s.

Maharashtra State Electricity Distribution
Company Limited,
Through it's Nodal Officer,
Kalyan Circle-II, Kalyan

... (Hereinafter referred as Licensee)

Appearance : For Licensee - 1) Shri. J. L. Borkar, AEE, Ulhasnagar S/Dn-I.
2) Smt. A.S.Bhangare, UDC, Ulhasnagar S/Dn-I

For Consumer - Shri. J.S.Rajput (C.R.)

[Coram- Shri A.M.Garde- Chairperson, Shri A.P. Deshmukh-Member Secretary
and Mrs. S.A.Jamdar- Member (CPO)].

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 Redressed 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. [Electricity Supply Code and other conditions of supply Regulations 2005] 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.

- 2) The dispute is,
 - 1) The stair case meter is clubbed with water supply meter as per circular no.110 dated 16/12/2010
 - 2) The old meter was not made P.D. & kept at site itself.
 - 3) The bill charged even though there was no load on the meter.
 - 4) The meter was showing reading on no load also.
 - 5) Refund of excess paid amount with interest is demanded.

3) The copy of grievance forwarded to concern Nodal Office vide ltr.no.EE/CGRF/Kalyan /621 dt.13/12/2017 to which Licensee replied on vide letter no. AEE/ULH.S-dn-I/Tech/07 dt.02/01/2018 Consumer too added rejoinder. The hearing of the case scheduled on 03/01/2018, which was adjourned due to ‘Maharashtra band’ & Final hearing taken on date 10/01/2018.

4) During the hearing Consumer contended that Licensee issued circular no.110 dt.16/02/2010 for clubbing of common meters of residential housing societies & commercial complexes. Accordingly Licensee clubbed the stair case meter of Shri. Ratilal Khanchand Bajaj of Balaji palace society having Consumer no.021510772757 with existing water supply meter. After clubbing of meter Licensee did not remove the meter from premises but kept on charging the energy bill, from year 2010 to Aug-2017. In Sept -2017 the connection finally disconnected & meter removed from the premises. The Disputed meter is of ‘FLASH’ company which shows reading without load also. Consumer demanded refund of excess money collected from him from year 2010. Action to be taken against the Licensee officers & Compensation to be given for mental & physical harassment.

5) Licensee in it’s reply submitted that, after receipt of complaint on 10/08/2017 the said premises inspected by concerned officer & meter found running on no load with reading ‘21722’. The same meter tested in laboratory which found o.k. i.e. within permissible limit. Accordingly sub-division office has submitted the bill revision proposal to division office.

Also as per IGRC decision, it was decided to retest the meter in presence of Consumer & accordingly revise the bill. Accordingly again proposal of bill revision from Aug-2016 till date of Permanent Disconnection as per minimum is requested so as to refund excess amount paid by Consumer but Consumer Representative refused to retest the meter. The record of clubbing not available with them, hence considering spot verification, meter testing report, CPL & Images of meter reading, the bill revision proposal is correct & to be allowed.

6) This forum has gone through the grievance & reply filed by Licensee the documents kept on record, also arguments from both parties are listen to the depth. As per CPL, Consumer billed normal till April-2011, from May-2011 to Oct-2012 Consumer billed faulty. Again from Nov-2012 to Feb-2015 Consumer billed normal & meter replaced in Mar-2015. From Mar-2015 to Jul-2016 Consumer billed normal as per reading. The forum verified the photo images for the month of May-2016, Jun-2016 Aug-2016.

The readings are as follows:

Month	Reading
May-2016	1865
Jun-2016	1918
Aug-2016	3548

From the above record it is clear that the meter was working normally till July-2016. As the consumption for the month of July-2016 is matching with the previous consumption. In the month of Aug-2016 there is sudden rise in reading i.e. from reading 1972 to reading '3548' hence total consumption for month of Aug-2016 is '1576' which seems to be abnormal considering previous trend of consumption. Licensee issued bill for month of Aug-2016 as per faulty status from Aug-2016 to Aug-2017 the Consumer billed on average instead of reading. As per Permanent Disconnection. report & meter testing report, reading on the meter is showing '21722' which seems to be abnormal , also the spot inspection report on 18/08/2017 prepared by section officer is showing remark that the above meter found running on no load.

From the above discussion, CPL & images of photo reading it is clear that there was use on stair case meter, hence the meter was showing normal reading till Jul-2016. Also the images are showing that the outgoing wires are connected to the meter.

7) The forum opines that the said meter became defective from month of Aug-2016 showing abnormal reading. Also the section officer mentioned in his report that the meter found running on no load. The defective meter provision in supply code regulation **15.4.1** states as follows:

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

Hence as per above provision, in case of a defective meter, the amount of Consumer's bill shall be adjusted for a maximum period of three months prior to the month in which the dispute arisen. Accordingly in this case bill for three months (i.e. Jun-2017 to Aug-2017) to be revised as per average of 12 months prior to month of Aug-2016, keeping aside the faulty unit bills for period Aug-2016 to May-2017.

8) As the Licensee has already forwarded the bill revision to higher authority, there is no question of mental & physical harassment hence no compensation for harassment.

Hence the order.

ORDER

- 1) The Grievance application of consumer is here by partly allowed.
- 2) Licensee to revise the bill from Aug-2016 to Aug-2017 as per provision of 15.4.1 as stated above.
- 3) Refund excess money if any collected from Consumer after bill revision with interest as per RBI rate.
- 4) Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

Date: 17/01/2018

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

(A.P.Deshmukh)
MemberSecretary
CGRF, Kalyan.

(A.M.Garde)
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*

- 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.*