



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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No. **K/E/903/1102 of 2015-16**

Date of grievances : 29/06/2015

Date of order : 09/12/2016

Total days :

IN THE MATTER OF THE GRIEVANCE NO. K/E/903/1102 OF 2015-16 IN RESPECT OF PRAKASH S. JAIN, FLAT NO. B-205, 2ND FLOOR, RAM RAHIM SHELTER, NAVGHAR, VASAI (W) – 401 202, REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING BILLING DISPUTE.

Prakash S. Jain ,
Flat No. B-205, 2nd Floor,
Ram Rahim Shelter
Navghar,
Vasai (W), 401 202,
(Consumer No. 001611337902) (Hereinafter referred as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its
Dy Executive Engineer,
Sub Divn, Vasai Circle (Hereinafter referred as Licensee)

Appearance :For Consumer–Shri Harshad Sheth-C R.

: For Licensee -Shri Rajesh Laddha- AEE, Vasai (W) S/Dn.

[Coram- Shri A.M.Garde-Chirperson, Shri L.N.Bade-Member Secretary and
Mrs. S.A. Jamdar- Member (CPO)]

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’.

2] The brief facts of the grievance application are as under:

Consumer is having supply to his premises since August 2010 and his consumer No. is 001611337902.

3] It is the contention of the consumer that reading of his meter was not taken by the Licensee from June 2012 to August 2014 i.e. for 27 months and an accumulated bill was issued to the consumer in the month of September 2014.

4] Consumer further submits that for 27 months his CPL shows as faulty status and the bill issued to him in the month of September 2014 is extremely doubtful and purported to have been done on behalf of the officials of the Licensee.

5] It was further averred that as the consumer did not deposit the amount of the bill, his supply was disconnected on 27/10/14 and he was forced to pay an amount of Rs.25,000/- after which his supply was reconnected. Again in the month of March 2015 he had to deposit an amount of Rs.10,000/-. In this connection consumer followed up with the Licensee by giving letters on 23rd March and 3rd April 2015. However, Licensee vaguely replied to these letters by saying that “slab benefit has been given” but no details has been given by the Licensee.

6] It is also submitted by the consumer that from October 2014 to February 2015 his supply was PD and in the month of March his consumption was shown as 2912 units and hence he was forced to pay an amount of Rs.33,000/-. Consumer therefore approached to IGRC but no hearing or decision has been given by the IGRC. Consumer, therefore, approached to CGRF with the following prayers on 29/6/15.

- i] Since the meter was showing faulty RNA status. Licensee be directed to Resolve the issue by applying Clause 15.4.1 of MERC Regulations, 2005 (Supply Code).
At the time of hearing the consumer fairly admitted that since we have Consumed the electricity , Licensee may be directed to revise the bill U/s. 56 (2) i.e. for the period of 02 years.
- ii] The excess amount paid by the consumer be directed to refund with refund.
- iii] The amount as per SOP be awarded to the consumer by Licensee.

7] His grievance application along with accompaniments sent to the Nodal Officer vide this Office letter No.EE/CGRF/Kalyan/215 dated 01/07/2015. The Licensee appeared and submitted parawise reply as under:

A] Consumer's connection was made PD on 27/10/2014, however, due to non-availability of reconnection report, it was not made live on record though physically supply was live.

B] Reconnection report was received on 23/1/15 by Licensee and RNA bill was issued to the consumer.

C] Though the bills with faulty status were issued to the consumer for the period of 27 months of 2400 units, the actual accumulated units were 10556 as meter was working. Hence a slab benefit was given to the consumer by deducting the amount paid by the consumer for 2400 units.

D] In the month of September 2014, the problem of the consumer was resolved by correcting his bill.

E] Consumer's claim of revision of bill under U/s. 56(2) i.e. only for two years is not justified since it is not the issue of arrears but the correction of bill. So consumer's prayer be rejected.

8] We have heard both the sides at length. CPL shows that faulty status remark continuous from June 2012 to August 2014.

9] CPL also shows RNA status for month of February 2015. However, no explanation is given by the Licensee for RNA status.

10] In spite of that the CPL showed the remark of faulty status, the meter was not tested by the Licensee.

11] As per Clause 14.3 of the Electricity Supply Code 2005, it is the duty of the consumer to take meter reading once in every two months but record shows that it is not done so in this case.

12] Nowhere Licensee stated that consumer's meter was in accessible, in spite of this the bills were issued to the consumer RNA status.

13] In this connection Clause 14.3 & 15.3 of Electricity Supply Code 2005 are material which read as under:

14.3----- Reading of meter:- Meter readings shall be undertaken by the authorized Representative at least once in every three months in the case of agricultural consumers, and at least once in every two months in the case of all other consumer, unless otherwise specifically approved by the Commission for any consumer or class of consumers.

14.4---- Testing and Maintenance of Meter :- The Distribution Licensee shall be responsible for the periodic testing and maintenance of all consumer meters.

15.3----- Billing in the Absence of Meter Reading:- In case for any reason the meter is not accessible and hence is not read during any billing period, the Distribution Licensee shall send an estimated bill to the consumer.

14] On behalf of the Licensee, LR submitted that Sub-Section (2) of Section 56 of the Act is not applicable. In the present case, as the bill tendered was not in respect of arrears but merely because of correction. We have given a thought to the proposition. We have also carefully read the text of entire 56 (1) (2). We find that the section speaks of the amount which becomes due from the consumer. The amount

becomes due from the consumer once the billing month for which he has consumed the energy gets over. The period of limitation as per Section 56(2) start running at that time. Belated tender of bill for the reason of the meter being faulty does not stop the time from running and save limitation much less in the present case where the meter is left in faulty status for 28 months as against the provision of 15.4.1 which says that in case of faulty meter, Licensee has to issue a bill maximum for the three months prior to the month in which the dispute has arisen.

Section 15.4.1 of Supply Code is reproduced as under: -

15.4.1: “ 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 along with the assessed bill.”

15] In the light of the above facts, it is clear that consumer has paid an excess amount and it entitled for refund. Hence we proceed for orders after considering also the fair statement of the CR that they are ready to pay the bills for whatever electricity consumed as per Section 56 (2) of the Electricity Act.

16] This matter could not be decided within time as the Hon’ble Chairperson took charge on 20/09/2016 of this Forum and the matter was reheard.

Hence the order.

ORDER

1] Grievance application of the consumer is hereby allowed.

2] The bills issued to the consumer in the month of September 2014 and March 2015 are hereby quashed.

- 3] The Licensee is directed to calculate and recover the amount from the consumer for 24 months only as per the provisions of 56 (2) of E Act.
- 4] The Licensee is also directed to adjust the amount already paid by the consumer in the fresh / revised bill.
- 5] The Licensee is directed to give slab benefit on this amount without charging interest or DPC.
- 6] Licensee to take care that no such incidence will take in future and (fix the responsibility on the meter refer) departmental enquiry of the meter reader be taken.
- 7] Licensee to work out the amount of SOP under annexure – A 7 (i) and pay to the consumer.
- 9] The Licensee be made compliance within 45 days and report be submitted within 60 days from the date of receipt of this order.

Date: 09/12/2016.

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

(L.N.Bade)
Member Secretary
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.

