

Consumer Grievance Redressal Forum, Kalyan Zone  
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301  
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<b>No. K/E/1274/1502 of 2017-18</b>	Date of registration	: 13/12/2017
	Date of order	: 10/01/2018
	Total days	: 29

**IN THE MATTER OF GRIEVANCE NO. K/E/1274/1502 OF 2017-18 OF SHRI. V.K.ALEXANDER, F.NO.A/203, SURESH TOWER, NEW SANTOSHI MATA ROAD, KALYAN (W), PIN CODE-421 301 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT BILLING DISPUTE.**

Shri. V.K.Alexander ,  
F.No.A/203, Suresh Tower,  
New Santoshi Mata Road,  
Kalyan (W), Pin code-421 301.  
(Consumer No. 020021025667) ... (Hereinafter referred as Consumer)  
V/s.

Maharashtra State Electricity Distribution  
Company Limited  
Through it's Nodal Officer/Addl.EE.  
Kalyan Circle-I, Kalyan ... (Hereinafter referred as Licensee)

**Appearance** : For Licensee - Shri. V.D.Yadav, AEE, Kalyan (W) S/Dn-I.

For Consumer - Shri. R.V.Shivdas (C.R.).

[Coram- Shri A.M.Garde - Chairperson, Shri A.P. Deshmukh - Member Secretary].

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 Redressed 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 Consumer is a L.T. Residential Consumer of Licensee. The Consumer registered grievance with the forum on 13/12/2017 regarding defective meter. The details as follows :-

Name of Consumer : Shri. V.K.Alexander  
Consumer No. : 020021025667  
Reason of Dispute : Defective meter.

3) The batch of papers containing grievance was sent by forum vide Letter no. EE/CGRF/Kalyan/622 dt.13/12/201 to the Nodal Officer of Licensee, the Licensee through its Addl. Executive Engineer MSEDCL, Kalyan (W) S/Dn-I filed reply on date 01/01/2018.

4) The hearing was scheduled on 03/01/2018 during the hearing members of forum heard both the parties at length. Minutes of the hearing including the submissions made by the parties were recorded and the same are kept in record.

5) Consumer Representative contended that meter was faulty, it had no display for period Oct-2016 to Aug-2017. meter testing report not given to him. In case of defective meter billing should be as per clause 15.4.1 of supply code regulations.

6) Licensee in it's reply submitted that Consumer meter got faulty in month of Oct-2016, Consumer billed on average of '389' units/month till Aug-2017. In month of Sept-2017 the meter was replaced, after replacement of meter Consumer monthly average is '350' units/month. Monthly average before faulty period is also '350' to '400' units/month. Hence the average bills issued to Consumer are correct, also the Consumer never disputed those bills & paid regularly, hence the grievance to be dismissed.

7) The forum has gone through the records kept on record, CPL is showing that in month of Sept-2016 Consumer billed locked status for '389' units, in month of Oct-2016 Consumer billed for '778' units showing faulty status & from Nov-2016 to Aug-2017 the bill issued as per faulty average of '389' units/month. From month of Sept-2016 Consumer is billed normal as per reading. Hence the Consumer is billed as per faulty average for period Oct-2016 to Aug-2017.

8) The Consumer demanded bill revision as per clause 15.4.1 of supply code regulation The clause is reproduced here :-

*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.:*

*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.*

As per above regulation in case the meter stopped reading the Consumer will be billed up to maximum period of three months based on average metered consumption for twelve months.

9) As far as this case is concerned the Consumer is billed on average for 11 months, hence the bill needs to be revised for 3 months i.e. for period of Jun-2017 to Aug-2017 as per average consumption of 12 months prior to Sept-2016.

### **ORDER**

- 1) Grievance application of Consumer stands allowed.
- 2) Average bills issued for period Oct-2016 to Aug-2017 being improper quashed and set aside.
- 3) Licensee is directed to bill the Consumer for relevant period Jun-2017 to Aug-2017 as per the provision to clause 15.4.1 of MERC Supply Code regulation 2005.
- 4) Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

Date: 10/01/2018

(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.