



Consumer Grievance Redressal Forum, Kalyan Zone
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No. K/E/826/1002 of 2014-15

Date of Grievance : 13/10/2014

Date of order : 12/11/2014

Period Taken : 29 days.

IN THE MATTER OF GRIEVANCE NO. K/E/826/1002 OF 2014-15 IN RESPECT OF SHRI LILA M BHADANGE, C/O. VIJAY UTTAM SAGALE, VEDANT BUNGLOW, SHRIRAM NAGAR, NEAR YESHWANT VIDYALAYA, SHRIRAM NAGAR, SECTION 21, ULHASNGAR-421 004, DIST. THANE REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING EXCESSIVE ENERGEY BILL.

Smt. Lila M.Bhadange,
c/o. Shri Vijay Uttam Sagale,
Vedant Bungalow,
Shriram Nagar,
Near Yeshwant Vidyalaya,
Shriram Nagar, Section -21,
Ulhasnagar -421 004,
Dist. Thane.

... (Hereafter referred as Consumer)

Consumer No.021514252596)

Versus

Maharashtra State Electricity Distribution
Company Limited through its Nodal Officer,
Kalyan Circle-II, **MSEDCL**
Ulhasnagar- Sub-Divn-II,

... (Hereinafter referred as Licencee)

Appearance : For Consumer – Shri Sagale-Consumer's representative
For Licencee - Shri S.W.Bobade –Addl. Executive Engineer
Shri V.S.Mithe - Accountant.

(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, 2014.' Hereinafter referred 'SOP' for the sake of convenience (Electricity Supply Code and other conditions of supply) Regulations 2014'.

2] Consumer filed this grievance on 13/10/2014, contending that she is having residential supply from 9/9/1987. Consumer approached Licencee by writing letters on 13/12/2013, 10/3/2014, 18/3/2014, 8/5/2014 and 19/7/2014. Consumer approached IGRC on 8/5/2014. Taking cognizance of consumer's letter dated 19/7/2014, seeking change of meter, on 22/7/2014 inspection was conducted. Thereafter meter was again inspected on 28/8/2014 and was replaced on that day. As on the date of replacement reading was noted as 2330 units. Consumer claimed that without considering his grievance bills are issued to him and it is the duty of concerned staff members and officers, who have not cared for the correct recording of units, maintenance of meter and bills are issued which are not as per the actual consumption. Consumer submitted that IGRC rejected the application on 20/9/2014

3] On receiving the said grievance it's copy along with accompaniments sent to the Nodal Officer by this Forum vide letter No. EE/CGRF/Kalyan/0374 dated 13/10/2014.

In response to it, Officers of Licencee appeared, filed reply on 31/10/2014. It is nothing but a copy of letter addressed to the consumer's representative. Along with it, documents consisting of inspection reports, meter replacement report, meter testing report, and CPL are produced. Licencee came up with the contention that consumer's contention was dealt appropriately by calculating the dues resorting to B-80 and that aspect is completed till February 2014. Further it is contended that reading from March 2014 to June 2014 is normal. Lastly, it is submitted that from July 2014 to September 2014, reading is not correctly recorded and status is shown as faulty as meter display was weak due to weakness of some segments.

4] Both sides were heard and they made submissions in tune with their contentions. We have gone through the rival claims of parties placed before us by way of grievance and reply. On it's basis following facts are available for disposal of the matter.

5] From the consumer's contention it is clear that there was no any dispute till to the month of May 2013.

6] Dispute continued from June 2013 to October 2013. For initial two months meter reader reported that meter 'inaccessible' and for further three months noted that meter is 'faulty'.

Thereafter in November 2013 it is reported that meter is 'normal' and actual reading is shown as 1080 units and previous recorded consumption is of 475 units. Therefore, $1080 - 475 = 605$ units are worked out and applying B-80 liability is worked out by Licencee and it was concluded that there is

credit for consumer to the tune of Rs.4,888.35 Ps. Accordingly, for this particular period from June 2013 to November 2013 all the disputed aspects are sorted out as per B-80. It is seen from consumer's letter to Licencee dated 31/12/2013 no dispute is raised for the period from June to November 2013. CR is made aware of all these facts and CR during the course of arguments claimed that this part is no more in dispute and it is already settled.

7] Second, disputed phase is from December 2013, January 2014 and February 2014. In December 2013 and January 2014, noted in CPL that **Reading Not Available** (RNA) but in February actual reading is noted, as 1394 units. Last actual reading for November 2013 was 1080 units. Accordingly, $1394 - 1080 = 314$ units shown as consumed and for said period of three months liability is worked out applying B-80. Thereby arrears are worked out, however calculation of B-80 is not placed on record

This aspect is disputed by consumer's representative. However, by dividing the said units of 314 for three months consumption comes to 105 units per month and for said consumption of 105 units per month, liability comes to Rs. 478 including [i] fixed charges, ii] energy charge, {iii} FCA and {iv} Electricity duty. This calculation is obtained during hearing from the Officers of Licencee. However, calculation done by Licencee through its computerized system is said to be at higher side. Accordingly, for the month of December 2013, January 2014 and February 2014 liability of consumer is to be reset at the rate of Rs.478/- per month in place of bills already issued.

8] Third phase of dispute starts from March 2014 to September 2014. From March to June 2014 the status of 'meter' is shown 'normal'. Officers of Licencee submitted that during that period i.e. March 2014 to June 2014 CPL

is clear and it speaks that meter status is 'normal'. Hence bills are issued as per the reading reflected and accordingly bills having the photograph of reading issued which cannot be disputed. However, for July to September 2014 status of meter is shown as '**faulty**'. In the light of, meter shown '**faulty**' for the last three months, Licencee resorted to site inspection on 22/7/2014 and on 28/8/2014. Even on 28/8/2014 Licencee replaced the meter by installing new one. At the time of removal of old meter, reading was noted as 2330 units. Said meter was tested in the laboratory on 11/9/2014 and testing reports speaks that meter is OK error is within permissible limit, but some segments of display are weak display screen is slightly visible. Officers of Licencee claimed that as display was weak, meter was changed. Accordingly bill issued on the basis of normal reading noted in June 2014 i.e. 2040 units and reading at the time of removal of meter was 2330 units. Accordingly $2330 - 2040$ units, = 290 units consumption for a period of three months average comes to 97 units. This three months period is restricted up to 28/8/2014 the day on which meter was taken out. New meter is installed on that day. But three months average is tentatively worked out up to 28/8/2014. From the month of March to June 2014, CPL speaks meter's status '**normal**' and there is visible reading. This aspect is not admitted by consumer's representative. He claims that period from March 2014 to September 2014 is disputed and hence meter found to be defective on the basis of meter testing report about some segments of display are weak, effect is required to be given from the month of March 2014. He claimed that consumer is not required to bear any amount due to said defect.

9] Accordingly now, short question comes up as to whether the period from March 2014 to September 2014 is to be treated as a period of defective meter and whether liability is to be treated as limited for three months prior to September 2012, the day on which the meter was taken out, applying 15.4.1 of Supply Code. Whether the period from March to June 2014 is to be endorsed as it is, and for July to September 2014, as per Regulation Clause 15.4.1 of Supply Code is to be applied considering the average for previous 12 months.

10] As discussed above, aspect of bills till February 2014 is dealt. Now dispute is required to be considered from March 2014 onwards. From March 2014 to September 2014 period is disputed by consumer's representative contending that ultimately meter taken out was tested and during testing it is disclosed that display was not clear and it was weak. In this light the reading in the month of July to September 2014 are not recorded, but status of meter is shown as faulty. CR claims that though as per the testing report said meter is to be taken as 'faulty' meter for those three months and even said presumption is to be extended for the period from March 2014 to June 2014.

11] On behalf of Licencee, it is contended that from March to June 2014 meter display was clear units consumed, is, recorded and if once the said consumption is recorded, it cannot be claimed that meter is faulty.

12] In the light of above, consumer claims that defective status for last three months i.e. July to September 2014 if accepted, it is to be extended back till March 2014. We find said meter was taken out on 28/8/2014 it was tested in the Laboratory on 11/9/2014. During inspection on 28/8/2014 remark is given as under 'pls check photo image of month July 2014 and August 2014 and issue bill as per reading. Also remove faulty status.' It is further seen that

said meter was tested and said meter testing special report dated 11/9/2014 contains remark as under:

“ After testing Meter is Found Within Permissible Limit Some of the Meter display Segments are weak, Display screen is slightly visible.”

13] We are clear that during the months in which meter display was slightly visible, it is to be treated as an aspect of defective meter and it covers period from July 2014 to September 2014. It is necessary to note that consumer addressed letter to Officer of Licencee on 19/7/2014, that too after approaching IGRC on 8/5/2014 requesting for changing the meter as meter reader conveyed that inspite of 3 to 4 times attempt was done recording reading but it was not possible and should seek change of meter. However, for the period March 2014 to June 2014 actual meter reading is taken, shown in the bills and CPL. Copies of those bills and CPL are placed on record. Even reading reflected during period from March 2014 to June 2014 are in the range of 112 units to 221units and CPL brought on record speaks that consumer is having supply from 9/9/1987 and in the bills from March 2012 to May 2013 there is a clear record showing Consumption in the range of 78 to 166 units per month. If it is considered, which is of healthy period it support correctness of reading recorded for the month of March 2014 to June 2014.

14] Accordingly now relief is to be given to the consumer for the period from July 2014 to September 2014 by applying Supply Code Regulation 15.4.1 as it is a defective meter. For those three months liability is to be worked out. It is to be noted that in the CPL for those three months per month consumption is shown @ 143 units. Further it is seen that for those three months there is revision of bill and for initial two months bill is worked out treating

consumption of 112 units per month and in the last month of September only 90 units are shown, however, for the said month previous reading is shown as zero (0) current reading is shown as 90 and on it's basis revision is done.

Now, taking into account Clause No. 15.4.1 of Supply Code it is necessary to consider the average consumption during the healthy period prior to dispute. Said healthy period as seen from CPL seems to be from June 2012 to May 2013 that 12 months total consumption comes to 1440 units and 12 months average comes to 120 units per month. Accordingly, considering it for these three months i.e. from July 2014 to September 2014 consumer can be assessed and liability can be worked out treating as if he has consumed electricity of 120 units per month for those billing months.

Though 120 units per month is found to be average but during the said period there is a development about meter changed in February 2013 and hence for the month of January 2013 previous and current reading is shown as same i.e. 2193 and for the month of February it is shown as 129 units. Accordingly, this is a flaw in treating said period as healthy one.

CPL produced before Forum is from March 2012, hence ten months healthy average can be considered from March 2012 to December 2012, reading for the month of March 2012 is 1018 and for December 2012 it is 2193 units. If these figures are considered then ten months consumption comes to 1175 units and average of it comes to 117 per month. Accordingly, this is one of the options available.

However, it is seen from record that by the end of June 2014 last consumption is shown as 2040 units, but when meter was taken out on 28/8/2014, reading was 2330 units. Accordingly, use for that three months from July to September 2014 covering consumption till 28/8/2014 is of 290

units and average for three months comes to 96.6 units i.e. 97 units. This seems to be lesser than above two averages worked out considering healthy period. But as noted above, while considering this average of 97 units, figure of 290 units is not covering the period after 28/8/2014 and in the revised bill of September 2014, 90 units are shown and for the months of July and August 2014 units are shown from previous reading 2040 to 2264 units and as noted above for September 2014 90 units are shown. If 90 units are added to 2264 units, then total comes to 2354 units. However reading already considered at the time of replacement of meter is of 2330 units and the difference of units (2354-2330) is only of 24. It can be now considered equitably adding 24 units to 2330 units, then it comes to 290 + 24 units, it will be 314 units. It's average for three months from July to September 2014 comes to 105 units. Accordingly, as per this calculation average comes to 105 units. This figure is comparatively less than the average worked out for healthy period. Though, this average of 105 is more than 97 units but equitably it needs to be accepted as in the bill of September 2014, while working out 97 units, period after 28/8/2014 is not considered. Even consumer in the letter dated 19/7/2014 stated that average consumption was in between 90 to 105 coverage units per month. Accordingly, we find for these three months consumer is to be assessed treating average consumption of 105 units per month and liability is to be reset.

15] Consumer added in his complaint the grievance against staff members who misbehave with him in this respect it being an act if found correct breach of conduct attracting disciplinary action. Consumer is at liberty to approach Administrative Head of Licencee. In respect of relief of

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compensation we noted that grievance about change of meter is made on 19/7/2014, Licencee acted thereafter, spot inspection conducted on 22/7/2014, meter replaced on 28/8/2014 and meter tested on 11/9/2014. Consumer has paid lastly on 6/12/2013, already we have discussed above the aspect in three phases. Hence, we are not able to find any occasion for giving compensation.

16] We noted a fact that consumer approached IGRC on 8/5/2014 IGRC decided it on 20/9/2014 and concluded that application is not signed by consumer and person who attended had no authority. Under the MERC Regulation there is a provision for guiding the consumers for filing grievance. This aspect could have been dealt in a right spirit by asking the concerned to obtain signature on the complaint and to bring authority letter. However, it is not resorted to but grievance is decided on 20/9/2014. Before us, grievance is filed under the thumb impression of consumer and authority given to representative who had signed there.

In view of the above grievance of consumer is to be allowed partially.

Hence the order.

ORDER

Grievance of consumer is hereby partly allowed.

Licencee is directed to reset the bills for the month of December 2013, January 2014, February 2014 treating consumer's consumption for those months is of 105 units per month, charging her Rs.478/- per month.

Licencee to further work out as discussed above the liability of consumer for the period from July 2014 to September 2014, charging consumer for 105 units per month as against the bills issued charging consumer at the rate of 143 units per month and as per revised bill.

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Licencee to work out the liability in view of the above and recover the dues from the consumer without charging any interest or DPC etc.. This exercise be done within 45 days from the date of receipt of this order and consumer to pay the said dues further within 20 days from the date of receipt of corrected bills. If those are not paid within 20 days, consumer will liable to pay interest as per rule to the Licencee.

Licencee not to disconnect the supply of consumer till issuing the modified bills and time given to pay it. Further if required, resort to it as per Law.

Licencee to submit compliance within 70 days from the date of receiving this order.

Dated:12/11/2014

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

- 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”

