



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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No. K/DOS/58/1522 of 2017-18

Date of registration : 07/02/2018

Date of order : 21/03/2018

Total days : 42

IN THE MATTER OF GRIEVANCE NO. K/DOS/58/1522 OF 2017-18 OF SHRI. NARESH N. AHUJA, SHOP NO.421, ULHASNAGAR-4 , DIST.THANE, PIN CODE- 421 004. REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING DISCONNECTION OF SUPPLY.

Shri. Naresh N. Ahuja,
Shop No.421, Ulhasnagar-4 ,
Dist.Thane, Pin Code- 421 004.
(Consumer no. 021514032341)

... (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 - Shri. D.B.Kumbhare, AEE, Ulhasnagar-IV S/dn.

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

[Coram- Shri A.M.Garde-Chairperson, Shri A.P. Deshmukh-Member Secretary
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 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 facts of the case are that, the Consumer had obtained three phase electricity connection from Licensee for his shop situated at Ulhasnagar, having meter no.T603346143 of Genus make.

3) It is the contention of the Consumer that, his said shop was closed from May-2017 to Sept-2017 and that there was no electricity use in the said period. He has paid an amount of Rs.4970/- in the month of May-2017. However in the month of Sept-2017 he was served with a bill amounting to Rs.41970.00 by the Licensee for the period of May-2017 to Aug-2017 in spite of the fact that his shop was closed for nearly 3.5 to 4 months.

4) The submission of the Consumer is that his electricity bills never exceeded Rs.3000/- and this sudden heavy amount of bill could be an account of defective meter for which he should not be penalized Consumer has asked for revision of bill under clause 15.4.1 of MERC Supply Code Regulation.

5) It is also contended by the Consumer that he therefore approached Licensee who after verifying the photo reading told the Consumer that his meter may be defective. He therefore as per the direction of Licensee paid an amount of Rs.20,000/- on 22/09/2017 and made an application for meter testing on 09/09/2017. However his meter was not replaced though it was assured by the Licensee to do so.

6) The Consumer further stated that on 29/12/2017 Licensee's officials forced him to pay an amount of Rs.25000/- under the threat of disconnection. No cognizance of his application was taken by the Licensee and Licensee forced him to pay the above mentioned amount.

7) According to the Consumer his past record of consumption shows that the Consumer very rarely, if ever exceeded 260 units. Consumer further stated that on 06/02/2018 his electricity supply was disconnected without notice, Consumer therefore asked for compensation.

8) Main grievance of the Consumer is that the bill issued by the Licensee for an amount of Rs.41970.00 is not correct and it be revised as per the clause 15.4.1.

9) Notice was given to Licensee vide letter no.EE/CGRF/Kalyan/054 dt.09/02/2018 who appeared and filed reply the Licensee stated that as per the request of the Consumer his meter No.3346143 was accuchecked on 29/01/2014 and was found O.K. The bills issued to the Consumer are correct as the bills are issued as per his load and his consumption.

10) Licensee appeared and submitted that after receiving the application from the Consumer, Assistant Engineer, Ulhasnagar visited the premises of the Consumer and after inspection he found that the alleged meter was not working properly. Hence as per the inspection report of the Assistant Engineer, bill was issued to the Consumer on the basis of average consumption of Rs.261 units.

Licensee argued that as per the lab (approved by NABL) testing report, Consumer's meter was O.K. however on his complaint his meter was replaced on 06/02/2018. The bill issued to the Consumer for the period from June-2017 to Jan-2018 are on the basis of average consumption, and that in the bill of feb-2018 the benefit of lock credit will be reflected.

11) We have gone through the record kept before us and have heard both the parties. We have observed that though the test report dt. 01/03/2018 shows that the meter of the Consumer is O.K. letter dtd.23/02/2018 addressed to the Executive Engineer, Thane by Addl. Executive Engineer, Ulhasnagar mentions that meter physically seems in abnormal condition. Even the reading and consumption of the meter were showing erratic behavior. CPL on record shows that there was huge consumption in the disputed period mentioned above. However the consumption pattern of the Consumer hardly exceeded 260 units. Which shows that the said meter is defective which has resulted in such huge bills raised against the Consumer. It is beyond one's imagination how can meter jump from a consumption of 261 units per month to as high as a figure of 73788 units, especially when the Consumer complains that his shop was closed from May-2017 to Sept-2017 and that there was no use of electricity in the said period. Moreover it is an admitted fact that the said meter was running/showing consumption when there was no load on the meter. Record also shows that Consumer has paid Rs. 590/- (Rs.500 towards testing fees + Rs.90 towards GST) for meter testing. Even the electricity supply of the Consumer was disconnected for no reasons.

12) Taking into consideration the above facts we are of the opinion that the meter of the Consumer (No.T603346143) was defective and hence the bill should be revised as per clause 15.4.1 which reads 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.:*

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.

- 13) The other reliefs claimed by the Consumer are that
- 1) To direct Licensee to provide the copy of purchase order of the disputed meter, to the Consumer.
 - 2) Meter testing report of the ISI grade lab where the meter was tested before installation.
 - 3) Copy of report showing the meter was running when there was no load.

However according to our opinion these documents can be sought by the Consumer from the Licensee under RTI Act.

Hence the order.

ORDER

- 1) The Grievance application of consumer is partly allowed.
- 2) Licensee is directed to set aside the bill issued to the Consumer on Sept-2017 for an amount of Rs.41970/- and to send a fresh bill on the basis of clause 15.4.1 of MERC Supply Code.

- 3) No DPC or interest will be made applicable.
- 4) Licensee is directed to refund the amount of Rs.590/- collected by the Consumer on account of meter testing.
- 5) Licensee is directed to refund the excess amount collected from the Consumer with interest.
- 6) Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

Date: 21/03/2018

(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.*

