



Consumer Grievance Redressal Forum, Kalyan Zone
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No. K/E/1369/1615 of 2017-18

Date of registration : 16/05/2018

Date of order : 20/06/2018

Total days : 36

IN THE MATTER OF GRIEVANCE NO. K/E/1369/1615 OF 2017-18 OF SHRI.ARJANDAS THORUMAL KANJAN, BK.NO.53, PORTION A, ULHASNAGAR-1, PIN CODE-421 001 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT BILLING DISPUTE.

Shri.Arjandas Thorumal Kanjan,

BK.No.53, Portion A,

Ulhasnagar-1,

Pin Code-421 001

(Consumer No. 021511003145) . . . (Hereinafter referred as Consumer)

V/s.

Maharashtra State Electricity Distribution

Company Limited

Through it's Nodal Officer/Addl.EE.

Kalyan Circle - II, . . . (Hereinafter referred as Licensee)

Appearance : For Licensee - Shri.J.L.Borkar, AEE, Ulhasnagar S/dn-I.

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 brief details of the case are as follows :
- a) The contention of Consumer is that meter is 50% fast since date of installation.
 - b) Bills to be revised since date of installation.
 - c) Complaint of fast meter is given on 29/07/2017, whereas meter replaced on 05/12/2017.
 - d) Harassment done by Licensee
 - e) For mistake in energy bills SOP to be given by Licensee.
- 3) After receipt of this Grievance, entire case papers were forwarded to the Nodal Officer vide Ltr.No.EE/CGRF/Kalyan/216 dt.16/05/2018 to this letter Licensee replied through it's Additional Executive Engineer, Ulhasnagar S/Dn.-I on date 29/05/2018.
- 4) In detailed complaint Consumer Representative contended that meter of Consumer Shri.Arjandas Thorumal Kanjan, consumer no. 021511003145 is fast by 50% . Licensee is refusing to revise the bill. Complaint of faulty meter given on 29/07/2017 but meter replaced late i.e. on 05/12/2017. In meter replacement report Assistant Engineer mentioned fridge as load whereas spot verification report given by AE (QC) Shri. Kulkarni shows that after accucheck meter is 50% fast & fridge is not mentioned in load. As per accucheck report dtd.03/01/2018 monthly average '29' units is mentioned. Consumer Representative not agree with the meter testing report, which was done on date 08/02/2018. Consumer Representative demanded revision of bill for 2 years as per regulation 6.8.

The bill for period Aug-2015 to Oct-2015 was charged as per faulty status with average of '223' units/month. In month of Nov-2015 adjustment unit '300 + 10 = '310' units bill issued. which is not correct. The meter was installed outside of house even though in month of May-2016 RNA, Jul-2016 lock Feb-2017 '2022' units, Mar-2017 & April-2017 faulty units '755' & May normal units '100' in Jul-2017 INACC units '731', Nov-2017 lock units '154'. Hence reading is not done property.

- 5) **Licensee Reply** contend that :-
- a)** *On receipt of complaint from consumer (dt.29/07/2017) it was forwarded to section office for further necessary action.*
 - b)** *Sectional Engineer replaced meter on 05/12/2017 as per consumer's complaint & availability of meter. Final reading on meter is (3250) at the time of meter replacement and connected load found to be CFL-2 no's, Fan-1 no's, Fridge-1 no's, Washing Machine-1 no's.*
 - c)** *As Sectional Engineer was on leave Assistant Engineer (QC) was asked to submit spot inspection report and bill revision if any.*
 - d)** *AE (QC) submitted report that previous meter was 50% fast as per accucheck report and proposed bill revision by 57 units/month.*

- e) To confirm fast meter working meter was sent for meter testing. Meter tested on 08/02/2018 (meter testing report no.6228) as per report meter working found in order and % Error is -2% therefore bills are not revised.*
- f) Also average consumption of meters before and after disputed meter is verified for any excess billing but it is observed that consumption is variable.*
- Meter No. - 11091046 consumption is*
- Jan-2015 - 160 units*
- April-2015 - 171 units*
- June-2015 - 183 units*
- Meter No. - 1014806 consumption is*
- Dec-2015 - 187 units*
- g) Already bill revision for wrong consumption for June-2017 to Oct-2017 is effected in Jan-2018 bill which is wrongly credited. Therefore June-2017 onwards bill as per readings will be issued.*
- h) Consumer is not paying bill since 06/07/2017.*
- Therefore meter jumped grievance is not correct and bills issued are as per reading. Also meter which was in box is replaced, therefore no grievance is pending.*

6) We had gone through the grievance & reply filed by Licensee. Also the argument from both sides were heard in depth. The accucheck report which shows that meter is 50% fast is not produced by Consumer. Only the spot verification report shows that meter was 50% fast. Merely on the spot verification report of Assistant Engineer does not prove that the meter is 50% fast for which Licensee produced lab meter testing report which shows that meter is 2% slow. As per CPL billing was correct till Jan-2017, for Feb-2017 to April-2017 wrong billing done which was rectified in month of April-2017 & June-2017. Again in month of Jun-2017 wrong billing with 'INACCE' code done, which rectified on month of Aug-2017. The meter replaced in month of Dec-2017 final reading at the time of meter replacement was '3250'. If we take reading in month of Jan-2017 it is '1728', accordingly the average consumption as per disputed meter (Meter no. 1014806), Comes to '152' units/month. The consumption trend prior to Jan-2017 is also matching with this average, as well consumption trend of new meter from Dec-2017 to Mar-2018 is also matching with this average. Hence the forum opined that the previous meter was not fast, the meter testing report & CPL also indicate the same.

7) So far as compensation for physical & mental harassment is concerned, we are of the opinion that the disputed meter was not fast hence the bill was not revised as per Consumer demand. High bills were raised in some months, but Licensee rectified the same in the corresponding months hence demand of compensation does not hold good.

8) So far as SOP is concerned before proceeding to the appendix A to MERC (Standard of performance of Distribution Licensee period of giving supply and Determination of Compensation) Regulation 2014 we have to see Regulation 12 thereof.

MERC SOP Regulation 12.2 read thus:-

12.2 The Distribution Licensee shall be liable to pay to the affected person, such compensation as provided in Appendix A to these Regulations :

Provided that any person who is affected by the failure of the Distribution Licensee to meet the standards of performance specified under these Regulations and who seeks to claim compensation shall file his claim with such a Distribution Licensee within a maximum period of sixty (60) days from the time such a person is affected by such failure of the Distribution Licensee to meet the standards of performance :

Provided further that the Distribution Licensee shall provide information to consumers with regard to its offices/ competent authority to settle claims for compensation :

Provided further that the Distribution Licensee shall compensate the affected person(s) within a maximum period of ninety (90) days from the date of filing his claim.

In the present case the consumer has not filed his claim with Licensee within 60 (Sixty) days from May-2016 until which time meter reading was not taken. Grievance to be redressed here is regarding wrong billing which is independent of the count of non-compliance of 14.3. The claim for Non-Compliance of 14.3 should have been made within 60 days from May -2016 which has not been done. Hence the claim for SOP cannot be considered.

In the above view of the matter following order is passed.

ORDER

Grievance application of consumer is here by Rejected.

Date: 20/06/2018

(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.*