



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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No. K/E/1429/1680 OF 2017-18

Date of registration : 19/07/2018

Date of order : 29/08/2018

Total days : 41

IN THE MATTER OF GRIEVANCE NO. K/E/1429/1680 OF 2017-18 OF MR.ERIC VAZ, BREEZ FASHION, SHOP NO-2, KUMBHARWADA, MANICKPUR VASAI ROAD (W), TAL-VASAI, DIST-PALGHAR, PIN CODE - 401 202 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT BILLING DISPUTE.

Mr.Eric Vaz,
Breez Fashion, Shop No-2,
Kumbharwada, Manickpur,
Vasai Road (W), Tal-Vasai,
Dist- Palghar,Pin Code - 401 202
(Consumer No. 001690029053) . . . (Hereinafter referred as Consumer)

V/s.

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

Appearance : For Licensee - 1) Shri.P.R.Shisode, AEE, Vasai (W) S/Dn.
2) Smt.Sanjana Karguttakar, LDC, Vasai (W) S/Dn.

For Consumer - Shri.Eric Vaz (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 Regulations 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 Consumer approached to CGRF on 19/07/2018 for the dispute regarding defective meter and for charging an amount of Rs.29980/- for the month of Oct-2017.

Contention of the Consumer is that an electric supply has been provided to him through meter no.7926930 for residential purpose from 2015. According to the Consumer he was paying the bills regularly as there was no problem regarding the recorded consumption till Aug-2017. However in the month of Oct-2017 he received a bill for an amount of Rs.29980/-.

Consumer further contended that after receiving such a high amount of bill he approached Licensee and inquired regarding the disputed bill Licensee investigated the meter and found that the said meter has recorded less consumption for a period of 7 months (i.e. from Jan-2017 to July-2017) Hence this meter was replaced by a new meter, on 09/09/2017. The excess recovery resulted in to grievance of the consumer.

Consumer therefore asked for the following reliefs :-

- 1) To resolve the billing issue.
- 2) To grant compensation.
- 3) To take action against the concern officer.

3) Notice was given to Licensee vide letter no.EE/CGRF/Kalyan/310 dt.25/07/2010 to which Licensee appeared and filed reply on date 16/08/2018

4) Licensee stated that meter of the Consumer was of Rolex make. This meter was slow and was showing less consumption (This meter was replaced on 23/09/2017) As per the consumption of new meter the average consumption of this meter was '210' units. Taking into consideration the above average units the recovery for the period from Jan-2017 to July -2017 was charged to the consumer. Licensee stated that slab benefit was given to the consumer. After receiving the complaint from the consumer this bill was again revised and a bill for Rs.4314.43 was charged for period of 3 months i.e. from Jan-2017 to March-2017

5) The Licensee also submitted that from Oct-17 to Dec-2017 reading of the said meter was not taken hence a B-80 of Rs.6056.45 was done in the month of Dec-2017. Against this consumer has paid an amount of Rs.4500/- Licensee further stated that Consumer's CPL was showing RNT Status form Jan-2018 to April-2018 hence 4 months bill was issued to the Consumer. According to the Licensee from Jan-2018 to June-2018 Consumer has used '732' units for which a bill for an amount of Rs.8366.70 was issued to consumer against which consumer has paid Rs.4600/-

We have gone through the documents and the submissions by both the parties and are of the opinion that the correct way to test the slowness of the meter in the above particular period is testing of the meter in the lab, and to strictly go as per the provisions of 15.4.1. However

Licensee has submitted that the said meter is credited/deposited in the store and now it is not available for lab testing. In such situation we had no other option but to relay on the CPL produced on record.

On perusal of the CPL of the consumer more specifically the disputed period i.e. from Jan-2017 to July-2017. The consumption of the said period is as under.

Month	Consumption
Jan-2017	41
Feb-2017	43
Mar-2017	38
Apr-2017	114
May-2017	149
Jun-2017	102
July-2017	102

The consumption pattern of the Consumer shows that the consumption for the period from April-2017 to Aug-2017 is above 100 units, as per the old meter. To our query regarding the calculation of consumption during the disputed period Licensee was not able to explain it properly.

It was mandatory for the Licensee to go as per the provision of 15.4.1 to check the slowness of the meter and to charge the consumer accordingly. But the said meter is not available for testing. The method applied by the Licensee to charge the Consumer is contrary to the regulation and hence not proper and correct.

6) Taking into consideration all the above facts we are of the opinion that the bill issued to the consumer for the above said disputed period has to be set aside. We are also of the opinion that since the alleged meter is not available for lab testing as it is crediting /deposited in the store by the Licensee, Consumer is deprived from his right of meter testing and hence he is entitled for compensation.

Hence the Order

ORDER

- 1) Grievance application of Consumer is allowed.
- 2) Licensee to issue a fresh bill to the consumer for a period of 8 month i.e. from Jan-2017 to Aug-2017 as per the reading keeping aside assessed units & without charging DPC and interest.
- 3) Consumer to pay Rs.500/- towards compensation to the consumer as explained in para six of this order.

- 4) The amount which is already paid by the consumer be adjusted, in the ensuing bill
- 5) Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

Date: 29/08/2018

(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.