



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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NO. K/E/1423/1674 OF 2017-18

Date of registration : 05/07/2018

Date of order : 03/09/2018

Total days : 60

IN THE MATTER OF GRIEVANCE NO. K/E/1423/1674 OF 2017-18 OF SHRI.DILIP MADHUKAR JADHAV, S.NO.45/1 & 46, KALYAN-MURBAD HIGHWAY, REVATI VILLAGE, POST-RAYATE, TAL-KALYAN, THANE, PIN CODE - 421 301 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT METER FAULTY.

Shri.Dilip Madhukar Jadhav,
S.No.45/1 & 46, Kalyan-Murbad Highway,
Revati Village, Post-Rayate,
Tal-Kalyan, Thane, Pin Code - 421 301
(Consumer No. 021077000647) . . . (Hereinafter referred as Consumer)

V/s.

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

Appearance : For Licensee - Shri.D.D.Dhuwe, AEE, Kalyan, CSD S/Dn.

For Consumer - Shri.Dilip Jadhav (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) Consumer herein is Shri.Dilip Madhukar Jadhav having Consumer No. 021077000647. Grievance in brief is that the consumer wrote to the Distribution Licensee way back on 20/11/2015 that, his Agriculture three phase meter at survey No.45/1 & 46, Kalyan Murbad Highway, Revati Village, Tal - Kalyan is faulty and called upon the Distribution Licensee to verify the name and replace it. The consumer again reminded about the meter being dead through letters dt.20/11/2015, 06/02/2017, and 25/07/2017 and thereafter wrote to IGRC on 17/04/2018. Thereupon the faulty meter was replaced in the month of May-2018. Consumer prays that bills received by the Distribution Licensee for more than three months as allowed under Reg.15.4.1 be refunded. Compensation for mental harassment. Action against erring officers for gross negligence.

3) Distribution Licensee in reply contends that as per the complaint of the consumer meter was found faulty and replaced on 12/05/2018. Then inspection was carried out on 24/07/2018. Reading difference from installation to inspection was carried out is '217' units; Per day average consumption is calculated to 2.97 units and monthly consumption on an average is found to be '89' units. Average charged to the consumer is '500' units but in season consumption goes to 10 times higher than normal consumption as compare to off season i.e. '890' units/month. Thus consumer is charged for less than the seasonal use.

4) We have heard both sides. There is no dispute that the meter was defective. Consumer has been complaining about it since 20/11/2015. It would occur obviously that Reg.15.4.1 would apply. Refund is sought right from 2015. There is one fact however which requires some consideration that, as per CPL, the average use of consumer for period Jan-2015 to Dec-2015, before the meter got faulty (i.e.Jan-2016) was '268' units/month. Whereas average bill charged to consumer for period Jan-2016 to Sept-2017 is '178' units/month and for period Oct-2017 to April-2018 it is charged '500' units/month. The bill charged by the Distribution Licensee is less than even the average consumption. Coupled with this there is one glaring thing to be noted, that no where consumer claims the bills to be exorbitant. Also it appears to be a fact which can be deduced from the circumstances that in fact consumer was billed less than actual consumption, the confirmation circumstances being that the consumer does not raise grievance of exorbitant billing anytime since 2015. With such glaring circumstances the question is whether the forum has to Robotically apply 15.4.1 when there has been consumption of power continuously from 2015, consumer does not make a grievance before the IGRC or forum till the year 2018. The factual reason for it as it appear that to his knowledge he was being billed below the actual consumption. At least the point of limitation would go against the consumer having not challenged the bills. There appears no excuse however to refund the bills amount in period of for 2 years preceding the date of filing of the

grievance (i.e.06/07/2016 to 05/07/2018) minus the period from date of replacement of meter till date of filing grievance (i.e.12/05/2018 to 05/07/2018) minus further three months average bill as per regulation 15.4.1 of supply code. Average will be as per previous monthly consumption before faulty billing. More specifically Licensee to refund the bill amount paid by consumer for period of 06/07/2016 to 13/02/2018.

So far as other reliefs are concerned there is mental harassment alleged for which compensation is sought. Here is case of faulty meter about which consumer complains to Distribution Licensee but does not make a grievance of exorbitant billing. In fact it is seen that consumer was billed far below the average. So far as gross negligence on the part of the officers is concerned that is required to be done and necessary direction will have to be given in the order.

Hence the Order

ORDER

- 1) The Grievance application of consumer is partly allowed.
- 2) Distribution Licensee to refund the bills recovered in the period of two years preceding date of filing of the grievance (i.e.06/07/2016 to 05/07/2018) i.e. minus the bill for the period from 12/05/2018 to 05/07/2018 (as the said billing is as per reading of new meter) further minus three month bills at the rate of previous monthly consumption before faulty billing.
- 3) Distribution Licensee to make enquiry of the gross negligence as alleged by the consumer and take appropriate action against the erring official including recovery of loss of revenue.
- 4) Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

Date: 03/09/2018

(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.