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Consumer Grievance Redressal Forum
"Vidyut Bhavan", Gr. Floor,
L.B.S.Marg,Bhandup (W),
Mumbai – 400078.

REF.NO. Member Secretary/CGRF/MSEDCL/BNDUZ/84/620 Date: 11.09.2018

Hearing Date: 15/5/2018

CASE NO.84/2018

Shri. Ashish And Amit T. Agrawal,
Malhar Talkies, Gokhale Road,
Navpada,Thane(W) – 400602.
(CONSUMER NO.000019053290)
..... (Hereinafter referred as Consumer)

Versus

Maharashtra State Electricity Distribution Company Limited
Through It's Nodal Officer Thane circle ,Thane (Hereinafter referred as
Respondent)

Appearance

For Consumer :- Amit T. Agrawal
For Licensee:- Shri.Umesh Lele Additional Executive Engineer Thane power
House, Thane.

[Coram- Dr. Satishkumar Jaiswal - Chairperson, Shri. R.S.Avhad -Member
Secretary and Sharmila Rande - 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 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 subsection 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] Here in after 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 orders of IGRC in case no 705 dtd. 21.09.2018 alleging that the nodal officer has not examined the given fact the proper manner. The Appellant further submit that the units consumptions and power factor recorded in the monthly electricity bills during the 14 months period 31.08.2016 to 03.11.2017 for which additional bill of Rs. 3,96,000/- has been levied . he has mentioned in the chart and submitted that 43885 total units consumption shows in the average units per month is 3134 units and average power factor is 0.995.
3. He further submitted that for this 14 months period the average power factor is 0.995 which would not be possible if Y phase was missing for 14 months for 14 months.
4. He further submitted that IGRC should have considered the consumption pattern after 03.11.2017 (when Y phase was connected and meter was declared o.k. till the date of determine if any revenue loss was there it would be recovered.
5. He further submit that the unit consumption and power factor recorded in the monthly electric bills after the meter was declared o.k. by the Respondent from 03.11.2017 to 28.02.2018 is total 12876 the average units per month is 3219 and average power factor is 0.975.
6. He further submitted that for the month's period unit consumption was 43885 units. The average of 3134 units per month. Ideally unit consumption should

have increased by 33% after first inspection on 03.11.2017 if respondent claim was true but in reality average unit consumption per month is 3219 units per month and therefore increase in unit consumption by 2.71% (less than 3%). He further submitted that the appellant is to add to the meter belongs to respondent company and meter was installed by the respondent company. But they have to observe in the meter display screen that 'Y' phase was missing and also MRI data taken for billing purpose every month would have shown 'Y' phase missing and necessary action would have been taken. BUT since 'Y' phase was there during the 14 months no action was taken. He further submitted that respondent has further failed to provide the copy of monthly M.R.I. data which was used for generation of monthly bills during the 14 months.

7. He further submitted that since the respondent itself that meter seals were in fact in both their inspection reports dated 03.11.2017 and 12.01.2018 then appellant cannot be burdened with wrong additional bill. The laxity and gross negligence in performing duty of respondent company for 14 long months cannot be recovered from appellant by way of additional bill of Rs. 3,96,000/- . He further submit that appellant says to provisional bill of Rs. 396000/- which is disputed by them and is subject matter of our grievance and the Additional Executive Engineer, Thane Power House is aware of the same. He further submits that still the respondent has wrongly debited Rs. 407110 being provisional bill along with DPC and interest in December 2017 bill.
8. He further submitted that respondent has failed to award interest on security deposit held by MSEDCL in spite of H.O. Circular every year and this breach of trust should be viewed seriously. Respondent also failed to issue TDS certificates as per income Tax Act 1961 in spite of Appellant submitting his PAN CARD in 2012 to the respondent. He further submitted that is running

is single screen cinemas in Maharashtra will further close down permanently by June 2018 due to non viability of business.

9. Therefore he prayed that to direct the respondent to accept current monthly bills without disconnect electric supply and to considered the consumption pattern for period after respondent declared meter is o.k. by the respondent. And direct respondent to withdraw the provisional bill of Rs. 9,96,000/- or in extreme case of interpretation as a case of wrong charging of faulty status bill & as per CGRF Regulation SOP 15.4.1, the recovery be strictly restricted to three months only. To direct respondent to withdraw DPC and interest on fictitious arrears as per departmental Circular awarded by IGRC order dtd. 21.02.2018. He further submitted that respondent to award interest on security deposit and it is to be credited to 2008 and his account and issued TDS certificate as per IT. Act. 1961. The arrases to pay to granted to pay equal instalments.

10. The Respondent has filed reply dated 03 April 2018

- a. That the consumer is LT Commercial consumer since 31.08.2004 having sanctioned load of 132.50 KW and contract demand of 110 KVA & Special Meter No. MHD-03656 of Secure Make (Prodigy) of 40-200 Amp Capacity was installed having inbuilt Current Transformer (CT) and facility of SIM card for fetching Automatic Meter Reading (AMR) data to MDAS application on online of the MSEDCL.
- b. He further submitted that On 3RD November 2017, during the inspection, It was found that 'Y' Phase voltage was very less/negligible (0.10 V) and the meter displayed less voltage in 'Y' phase and found 33.27% slow during accucheck. But after tightening the phase screw i.e. (0.10V); but after tightening the phase screw; the meter display showed the proper voltage value as 249 V. At the same time the MRI of meter was also taken, to analyze the

period of voltage failure. After retrieving the MRI Data of meter, it was found that line voltage failure started on dtd. 31.08.2016 to 3.11.2017.

- c. He further submitted that MRI Data showed that meter was not defective but was slow due to non receipt of voltage on one phase & merely because the voltage in one phase of PT is not recorded, the provision of Regulation 15.4.1 is not applicable & accordingly supplementary bill of Rs. 396000/- was issued considering 33.27% slowness of the meter due to less recording by 'Y' Phase. He further submitted that there was no grievance or prayer on the consumer regarding interest on SD in consumer IGRC application . but CGRF application consumer
 - d. Demanding the SD interest from 2009 onwards. Hence the SD interest bill revision report is work out and the interest of Rs. 44306/- for the period of March 2010 to 2016 will be credited in next bill to the consumer and also letter on issuing TDs certificate was already send to Divisional office vide letter no.1124dtd. 18.07.2017.
- 11.Heart both sides at length and also gone through the order of IGRC dated 21.02.2018. It appears admittedly that the respondent that respected on 3 Nov. 2017 and found 'Y' phase is showing very less un negligible metering unit. Therefore MRI report shows that there is recording of less consumption of 33.27% from 31.08.2016 to 03.11.2017. The respondent has not filed the monthly MRI report earlier but today they have filed the consumption pattern of this consumer after retrieving the MRI data of said consumer meter which clearly speaks the average consumption before the disputed period that is Jan. To August 2016 average comes to 3929 per months. whereas after correction of the meter shows December 2017 to July 2018average is of 3360 unit per month and the disputed period of 14 months that is from 31.08.2016 to 03.1.2017 the average consumer shows 3134 unit per month. To taken average of the consumption of Jan. 2016 to July 2018 that is the average of 3929,3134&3360 which comes to 3474 per month for the disputed period. I

found it just calculated to proper the average bill of 3474 per month. Hence it is held that the application consumer is entitled for average bill of 3474 units per month during the disputed period 31.08.2016 to 03.11.2017. Hence I pass following order.

ORDER

1. This application no 84/2018 hereby partly allowed.
2. It is entitled to pay the bill as per average consumption of electricity 3474 units per month for the disputed period 31.08.2016 to 03.11.2017.
3. Respondent is directed to prepare a supplementary bill accordingly, without any interest and DPC for any penalty.
4. Responded shall allowed the interest on SD as per Rules and TDS certificate as per Rules.

No order as to the cost.

I Agree/Disagree

I Agree/Disagree

**MRS. SHARMILA RANADE,
MEMBER
CGRF, BHANDUP**

**Dr. SANTOSHKUMAR JAISWAL
CHAIRPERSON
CGRF, BHANDUP**

**RAVINDRA S. AVHAD
MEMBER SECRETARY
CGRF, BHANDUP**

The order is issued under the seal of Consumer Grievance Redresses Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, and Bhandup.

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, Keshav Building,Bandra - Kurla Complex, Bandra (E),Mumbai - 400 051"
- b) b) consumer, as per section 142 of the Electricity Act, 2003, can approach Hon'ble Maharashtra electricity Regulatory Commission for non- compliance, part compliance or

- c) Delay in compliance of this decision issued under" Maharashtra Electricity Regulatory Commission (consumer Redressed Forum and 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.