



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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NO. K/E/1465/1720 OF 2017-18

Date of registration : 26/09/2018

Date of order : 17/10/2018

Total days : 21

IN THE MATTER OF GRIEVANCE NO. K/E/1465/1720 OF 2017-18 OF SHRI.DILIP MADHUKAR JADHAV, HOUSE NO.298, KALYAN MURBAD HIGHWAY, REVATI VILLAGE, POST-RAYATE, TAL-KALYAN, DIST-THANE, PIN CODE – 421 301 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT BILLING DISPUTE.

Shri.Dilip Madhukar Jadhav,
House No.298, Kalyan Murbad Highway,
Revati Village, post-Rayate,
Tal-Kalyan, Dist-Thane,
Pin Code – 421 301

(Consumer No. 021070000650) . . . (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, Dy.EE, Kalyan (Const) 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. 021070000650. Grievance in brief is that the consumer wrote to the Distribution Licensee on 29/12/2017 his residential single phase meter in his house no.298, Revati Village, Tal Kalyan is faulty and called upon the Distribution Licensee to verify the same and replace it. Thereafter wrote to IGRC on 24/07/2018. Thereupon the faulty meter was replaced on 09/10/2018. 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 09/10/2018. As faulty meter is replaced with new one consumer grievance is resolved.

4) We heard both sides. There is no dispute that the meter is defective. Consumer complain about it on 29/12/2017. It which he mentions that screen remains dead and after few hours it works. From CPL it is clear that meter reading remain unchanged from month of March-2018 i.e.'20621'. Consumer billed on average since Apr-2018. As per supply code regulation 15.4.1 Licensee is entitled to recover the bill on average basis for 3 months prior date of meter replacement Reg.15.4.1 is reproduced here for sake of brevity.

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.

As per our opinion Licensee to refund the bill amount paid by consumer for month of Mar-2018 to Jun-2018. Average bill for the 3 months will be as per average of 12 month consumption prior to Mar-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. So far as gross negligence on the part of the officers is concerned. The Licensee has promptly replaced the meter after filing of grievance to this forum.

Hence the Order

ORDER

- 1) The Grievance application of consumer is partly allowed.
- 2) Distribution Licensee to refund the bills recovered in the month of Mar-2018 to Jun-2018.
- 3) Distribution Licensee to revise the bill for month of Jul-2018 to Sept-2018 as per average of 12 months healthy consumption prior to Mar-2018 and refund the excess amount recovered if any.
- 4) Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

Date: 17/10/2018

(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.