



Consumer Grievance Redressal Forum, Kalyan Zone  
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301  
Ph- 2210707, Fax - 2210707, E-mail : cgrfkalyan@mahadiscom.in

---

<b>No. K/DOS/76/1729 OF 2017-18</b>	Date of registration	: 29/10/2018
	Date of order	: 22/11/2018
	Total days	: 24

**IN THE MATTER OF GRIEVANCE NO. K/DOS/76/1729 OF 2017-18 OF SHRI.DAYANAND D.SHETTY, RAJ PALACE HOTEL, H.NO.3411, POONA LINK ROAD, TISGAON, TAL-KALYAN, DIST. THANE, PIN CODE - 421 306 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT DISCONNECTION OF SUPPLY.**

Shri.Dayanand D.Shetty,  
Raj Palace Hotel, H.No.3411,  
Poona Link Road, Tisgaon,  
Tal-Kalyan, Dist. Thane,  
Pin Code - 421 306  
(Consumer No.020202158464) . . . (Hereinafter referred as Consumer)

V/s.

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

Appearance : For Licensee - Shri.Sunil Gavali, AEE, Kalyan (E) 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 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 brief details of the case are as follows :
- a) The contention of Consumer is that wrong recovery bill is added in month of June-2018 For recovery of wrong arrears.
  - b) Notice of disconnection issued for 48 hours.
  - c) Consumer request to set aside the recovery bill added due to faulty meter.

3) After receipt of this Grievance, entire case papers were forwarded to the Nodal Officer vide Ltr.No.EE/CGRF/Kalyan/419 dt.30/10/2018 to this letter Licensee replied through its Additional Executive Engineer, Kalyan (E) S/Dn.-I on date 30/10/2018.

4) In its reply Licensee submitted that Consumer Shri.Dayanand D.Shetty, Tisgaon is our commercial consumer M.S.E.D.C.L., BU-4169 having consumer no.020202158464. consumers meter was replaced on 07/02/2018. The meter was found suspected by flying Squad. Kalyan. Taking in consideration consumption of new meter for month Apr-2018 which is '2406' units, The Assistant Engineer, Tisgaon has provided verification report to purpose recovery '2400' units per month i.e.80 units per day for Jan-2018 and Feb-2018, as per new meter consumption trend.

In that respect manual calculation has done which is Rs.45730/- and B-80 debited to consumer in billing month June-2018. Now a notice under section 56/1 served to consumer for payment of dues.

5) After going through the documents on record and the reply submitted by Addl. Executive Engineer, Kalyan (E) S/dn & argument heard from both sides it is seen that Licensee has billed RNT to the consumer for month of Jan-2018 but actually the meter display was off. Licensee replaced the meter on 07/02/2018. As per meter replacement report. Assistant Engineer, Tisgaon calculated per day consumption '80.15' units as per new meter and the average applied for billing month of Jan-2018 and Feb-2018. Consumer have objected the said recovery. As per as recovery for the defective meter is concern Licensee is allowed to recover the for maximum period of three months prior to the month in which the dispute is arisen as per regulation 15.4.1 of supply code regulation **15.4.1 is reproduced here :-**

*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.*

Hence the recovery for the period in which meter stopped recording i.e. before 07/02/2018 to be done, based on the average metered consumption for twelve months prior to month in which the meter stopped recording.

6) As far as disconnection notice of 48 hours is concerned. Licensee hereby warned to follow the procedure mentioned in IE Act 2003. Clause 56/1 and strictly avoid giving notices of 48 hours.

Hence the order.

### **ORDER**

- 1) Grievance application of consumer is here by partly allowed.
- 2) The recovery bill added in month of Jun-2018 is set aside.
- 3) Licensee can recover stopped period bill as per regulation 15.4.1 as explained in para no.5
- 4) Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

Date: 22/11/2018

(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.*