

CONSUMER GRIEVANCE REDRESSAL FORUM
M.S.E.D.C.L., PUNE ZONE, PUNE

Case No. 47/2018
Date of Grievance : 19.09.2018
Hearing Date : 13.11.2018
10.12.2018
Date of Order : 29.12.2018

In the matter of exorbitant and incorrect bill

M/s. Reliance Engineering,
Plot No.21/2, D-I, Block MIDC,
Chinchwad,
Pune – 411019.
(Consumer No. 170143355678)
VS

----- APPELLANT

The Executive Engineer,
M.S.E.D.C.L.
Bhosari Division,
Pune.

----- RESPONDENT

Present during the hearing:-

A] - On behalf of CGRF, Pune Zone, Pune.

- 1) Shri. A.P.Bhavathankar, Chairman, CGRF, PZ, Pune
- 2) Mrs. B.S.Savant, Member Secreter & Y, CGRF, PZ, Pune
- 3) Mr. Anil Joshi, Member, CGRF, PZ. Pune.

B] - On behalf of Appellant

- 1) Shri. Ajay Pande, Consumer Representative
- 2) Shri.S.R.Purohit, Consumer Representative

C] - On behalf of Respondent

- 1) Shri.R.K.Gaware, EE, Bhosari Division.
- 2) Shri.U.J.Kawade, AEE, Akurdi Sub/dn.

**Consumer No. 170143355678, date of connection 19.02.1983.
Connecting Load 100 HP/83 KVA**

The above named consumer filed grievance against the Respondent Utility for receiving exorbitant and incorrect bill along with threat of disconnection for amounting Rs.14,50,060/- on 4.5.2018. After receiving the

said bill consumer raised the dispute in Form No.- X along with copy of Inspection Report, copy of meter testing report, copy of demand bill on 28.5.2018 along with threat of disconnection notice, against payment of 163756 units valued Rs.13,94,780/- to be paid within 15 days from the receipt of this notice. Consumer submitted that his using the said supply from the date of connection on 19.2.1983. The Flying Squad visited to the place and found that R & Y Phase PT of the meter was not working properly and therefore the bill issued to the consumer was by mistake of calculation recorded on the meter was less by 66%. Therefore at the time of inspection the R & Y Phase PT missing events occurred and the meter was tested on spot and found OK. The consumer further submitted that as per norms of MSEDCL, MERC & CEA Regulation less recording of units on the meter is not a mistake of consumer but it is failure of Licensee and to analyze the bill we ask to officer of MSEDCL to provide the details of assessment of supplementary bill but it was not given properly. According to consumer the definition of the meter as per CERC Regulations 2006 meter means device suitable for measuring indicating and recording consumption of electricity of any other parties related to electrical system include equipments such as current transformer-CT, voltage transformer- VT etc. for the purpose for the measurement of consumption. As per MRI report of the meter only one phase recorded correct voltage i.e. B phase & other phases were missing i.e. "R" & "Y" phase & it is a fault in meter of PT circuit and hence R & Y Phases has recorded less voltage as per MRI report provided but it is essential to meter testing report which is to be compare with the certified RSS meter and how much left less consumption meter has recorded & it is not provided. As per provision of MERC supply code Regulation 2005, 15.4.1 it is a case of defective meter and amount of consumer bill shall be adjusted for the maximum period of 3 months prior to the month in the dispute has arisen in accordance with the result of the test is taken subject to furnishing the test report of the meter along with assess bill. Consumer submitted that MSEDCL not issued the bill as per the meter test report. Hence bill issued to the consumer liable to be cancelled. Accordingly consumer initially approached to IGRC and filed complaint along with all relevant papers. After receiving the said complaint IGRC registered the

case No.T-21/2018 on 3.8.2018, the opportunity of hearing is given to the consumer and his representative Shri. Ajay Pande and Shri. Surendra Purohit consumer representative who was present at the time of hearing. & the opportunity is also given to the Respondent Utility. Respondent Utility submitted reply before IGRC and stated the Flying Squad, GKUC visited consumer M/s. Reliance Engineering, Consumer No. 170143355678 and checked the consumers meter spot inspection & it's report submitted to Akurdi Sub/dn. and as per spot inspection report R & Y phases of PT of consumer was missing, MRI data of the meter was taken and MRI data was same analyze & from the analysis, it is found that R & Y phases of PT meter was missing from 6.5.2017 to 14.3.2018. Accordingly the bill of 163756 units issued to the consumer and bill issued to the consumer is correct. As consumer used the supply and consume 163756 units which was not recorded due to R & Y phases PT missing and the consumer is required to pay the bill. A loose of connection at R & Y phase of consumer meter which was human error and not due to defect of internal fault of PT & hence consumption could not be recorded as stated in consumer but the consumer used the consumption and consumer required to pay the said bill. Thereafter IGRC pronounce order the loose of connection at R & Y Phases due to human error consumption was not recorded at consumers meter but it was not internal meter fault in the CT/PT of the meter. Therefore MRI analysis was made and found R & Y Phases of PT was missing from the date 6.5.2017 to 14.3.2018. The unit was calculated and therefore consumer is liable to pay additional unit 163756 for amounting and valid Rs.13,94,780/- Bill issued to the consumer is correct and consumer shall liable to pay the same. Being aggrieved by the said judgment and order dated 30.8.2018 consumer approached to this Forum and file complaint in Form No. A. Consumer reproduced all the definition of defective meter provided as per Supply Code and made grievance on the basis of technical analysis provided under the supply code and definition integral part of meter and claim to billing of defective meter 15.4.1 MERC Supply code Regulation 2005 shall be applied consumer pray various instances recorded and judgment of Hon'ble High court of judicature of Rajasthan Ajmer Bench and also rely various judgments given by Hon'ble Ombudsman and MERC attached with this

complaint. Consumer pray the bill issued to the consumer along with notice of disconnection is wrong erroneous and exorbitant liable to be quash and set aside. Consumer pray for reassessment of the bill as per provision 15.4.1 without charging Interest, DPC and penalty and cost of the complaint after filing the said complaint before this Forum on 19.9.2018. The complaint is registered vide Consumer Case No. 47/2018.

The office issued notice to the Respondent Utility on 24.9.2018 and directed to appear and give the para wise reply on 8.10.2018. Thereafter Respondent Utility appeared and file reply on along with all the relevant document spot inspection report, copy of MRI data, copy of demand bill along with threat of disconnection notice, copy of assessment bill and calculation sheet of 163756 units & Office Note 28.5.2018 & I have perused all those documents. Respondent Utility submitted that as per report of MRI data, the missing of R & Y phases PT of the meter details from 6.5.2017 to 14.3.2018 was found and it was 66% less consumption was recorded during the period which was noticed and confirm through MRI Report. The meter was tested and corrected at the site after tightening the loose screws & meter found ok & in order. There was no fault in the meter but consumption was less recorded as consumer used the said consumption and consumes the unit which was not recorded due to missing of R & Y phases of PT and therefore consumer is liable to pay the charges. Utility pray for dismissal of the complaint with cost and seek permission to recover the supplementary bill issued to the consumer which was proper and calculated as per norms Regulation and Rules. No interest DPC, penalty was charged against the consumer. Therefore consumer complaint liable to be dismissal with cost.

After perusing the rival contention of consumer and Respondent Utility following points arose for my consideration to which I have recorded my finding to the points for the reason given below :

1. Whether Respondent Utility entitled to recover provisional bill for unit a 163756 units for value Rs.13,94,780/-?
2. Whether demand bill and the notice of disconnection is legal valid and proper?

3. Whether consumer entitled to revised and reassess the bill as per provisions of 15.4.1 in case of calculation in defective meter recovery bill as spread?
4. Whether consumer is entitled for any relief ?.
5. What order?

Reasoning:-

I have given opportunity to the consumer and his representative and Respondent Utility Nodal Officer along with technical staff on 10.12.2018. It appears that the dispute raised by the consumer after receiving the provisional assessment bill and the said bill and demand notice is minutely perused by the instance of missing of R & Y Phase PT at consumer's meter site and the MRI reports indicates from 6.5.2017 to 14.3.2018. It is case of the Respondent Utility the report and the analysis was data provided to the utility office. Office note was prepared which was approved by Competent Authority and supplementary bill was generated after calculations. The calculations method data sheet provided which reads carefully & taken into consideration.

The calculation sheet was informed to the consumer along with demand of provisional bill and directed the consumer to pray the said bill instead of making compliance of payment of said bill consumer approached initially to IGR Cell and filed complaint in Form No. X observations made by IGRC the R & Y phases of PT was missing due to human error admittedly the said error was corrected on the spot by tightening of R & Y phase PT screw and it was checked by MRI data and the voltage was made proper and restore. Thereafter MRI data and method of calculation sheet supplied to consumer as well as to the Forum on minute looking into the said data apparently R & Y phases of PT was missing at earlier dates before correction and the said voltage was restored at the level which was indicated in MRI data. At 231.65 V of one phase recorded in the meter & it is not within permissible limits according to the consumer i.e. it is variable & not in the prescribed limits also of recorded one phase voltage. I have assessed the technical data with the help of technical member and found that, report of MRI data which was generated to the technical aspect found that R & Y phases PT missing events occurred & thereafter restored during the period

from 6.5.2017 to 14.3.2018. The consumer failed to apply for laboratory meter testing nor made any application nor deposited any cost for checking of the meter at laboratory & at the time of event spot inspection and thereafter. The spot inspection report is signed by consumer representative released on the given date 14.3.2018 at 6:45 Hrs. even there is no objection raised or recorded about the defect fault of meter by the side of consumer. The submission made after the supplementary bill for unrecorded units charged and claimed against the consumer. It is after thought only in order to avoid the supplementary bill Rs.13,94,780/- was not paid by the consumer objection is raised.

Coming to the dispute whether R & Y Phases of PT missing means not meter defect and method of MRI report analysis any way cause in justice to the consumer to my view. As same meter recorded properly after tightening the screw. Consumer contention is absolutely wrong and incorrect as MRI data is authenticated by carry out highly technical method to analyze and assessed the fault and the data indicates validity of missing of R & Y phase PT on 6.5.2017 to 14.3.2018 correctly. Therefore 66.6% less consumption was recorded on the meter and the said consumption was calculated and claimed against the consumer in provisional bill. Therefore there is liability of consumer to pay the said bill as consumption is already used and utilize by the consumer during the said period. As per recent judgment and observations earlier made by Hon'ble Ombudsman in Case No. 29 of 2014 and if judgment of MERC the application of Regulations 15.4.1 defective meter billing status will not applicable in the present case. As the recovery which is within permissible limit as rightly and validly claim for additional unit of 163756 units for the period 6.5.2017 to 14.3.2018 valid 13,94,780/- which is required to be paid by consumer. In the fare interest of justice I am inclined to give benefit of payment of arrears in installments without charging any Interest, DPC & penalty along with current bill consumer directed to pay the said bill in 8 equal monthly installments along with current bill. Rest of the prayer alleged and claimed by the consumer cannot be allowed.

The opportunity was given to both parties i.e. utility and consumer for submission of their relevant documents and if any say is required during the

hearing. Accordingly, the time limit of 60 days prescribed for disposal of the grievance could not be adhered to.

Hence I proceed to pass the following order:

ORDER

1. Consumer complaint No. 47 of 2018 stands dismissed.
2. No order to the cost.
3. Respondent Utility is entitled to recover supplementary bill 13,94,780/- for unit 163756 units in 8 equal monthly installments along with current bill.
4. The Licensee to report compliance within one month from the date of this order.

The order is issued under the seal of Consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Pune Urban Zone, Pune on 29.12.2018.

Note:-

- 1) If Consumer is not satisfied with the decision, he may file representative within 60 days from date of receipt of this order to the Electricity Ombudsman in attached "Form B".

Address of the Ombudsman

The Electricity Ombudsman,
Maharashtra Electricity Regulatory Commission,
606, Keshav Building,
Bandra - Kurla Complex, Bandra (E),
Mumbai - 400 051.

- 2) If utility is not satisfied with order, it may file representation before the Hon. High Court within 60 days from receipt of the order.

I agree / Disagree

I agree / Disagree

Sd/-
ANIL JOSHI
MEMBER
CGRF:PZ:PUNE

sd/-
A.P.BHAVTHANKAR
CHAIRPERSON
CGRF: PZ:PUNE

sd/-
BEENA SAVANT
MEMBER- SECRETARY
CGRF:PZ:PUNE