



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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NO. K/E/1471/1727 OF 2017-18

Date of registration : 25/10/2018

Date of order : 13/12/2018

Total days : 49

IN THE MATTER OF GRIEVANCE NO. K/E/1471/1727 OF 2017-18 OF SHRI CHELLARAM LEKHRAJ, SHOP NO.345, JAYANT MEDICAL STORES, ULHASNAGAR-3, DIST-THANE, PIN CODE - 421 003 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT BILLING DISPUTE.

Shri Chellaram Lekhraj,
Shop No.345, Jayant Medical Stores,
Ulhasnagar-3, Dist-Thane,
Pin Code - 421 003
(Consumer No. 021510159737) . . . (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 - 1) Shri.U.R.Thakare, AEE, Ulhasnagar-III
2) Shri.R. P. Joshi, AA, Ulhasnagar-III

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) Consumer herein is Shri Chellaram Lekhraj having consumer no. 021510159737. Grievance is that his shop was shown in road widening plan. The plan was delayed due to Court stays. Thereafter there was demolition of his shop. Consumer thereafter rebuilt his shop and restarted it in Nov-2017. Consumer was paying previous bills regularly, though according to him the consumption was being shown by the meter without user. He made complaint about the same on 10/01/2017 to Distribution Licensee but nothing was done. This being so in March-2018 consumer got a bill for '61522' units amounting to Rs.7,06,490/-. Consumer gave an application on 13/04/2018 to which no reply was given by Distribution Licensee on the contrary disconnection notice was given on 31/07/2018.

3) Consumer thus contends that the meter was running even though there was no load. No action was taken on the complaint given about it on 10/01/2017. There were no regular inspections Regulations are not followed consumer therefor prays that Regulation 15.4.1 be applied and accordingly refund be made of the excess amount paid.

4) Distribution Licensee in reply states that consumer was given average bill in Nov-2016 for 480 units. Then Dec-2016 to Feb-2018 average billing at '500' units were given. At the time of validation they found reading '61053'. Thereupon load inspection was done in which 20 LED, 9 Fan, 3 AC, 1 TV, 2 others were found. Further in the inspection the meter reading was '53885'. It was found thus that for the period from 23/01/2018 to 20/03/2018 the consumption was '7168' units. As such in March-2018 consumer was billed for '61054' units and the average bills amount for the period from Nov-2016 to Feb- 2018 has been deducted there from. Thus in March-2018 consumer has been given the bill as per reading.

5) Distribution Licensee further states that they have given reply to the consumer letter dt.13/04/2018 and requested him to pay the bill. As the bill was not paid notice of disconnection was issued.

6) Distribution Licensee further states that on the request of the consumer the meter no.14451742 was sent for testing and a report has been received to the effect that there is no display. Hence it was sent to manufacturer L & T Co. for detail analysis and tests for billing parameters. Accordingly analysis report has been received. As per the said report MRI shows meter reading of 63125 KWH and on 01/04/2018 MD 18.4317 KW has been recorded. It is revealed there from that the March – 2018 bill issued to consumer as per meter reading 61054 was proper which also tallies with the connected load.

7) Distribution Licensee states that consumer has contended that his shop was closed due to road widening actually, however it can be seen that consumer has applied is Oct-2016 to increase

the connected load from 1.5 KW to 10.5 KW. The demand as shown in the application is 3 CFL, 3 Fans, 4 AC, others 5. The same was accordingly sanctioned on 28/10/2016. The additional load has also been updated in billing system. It is seen therefore that the above connected load is there since Nov-2016.

8) Distribution Licensee states that after replacement of meter no 14451742 on 28/06/2018 bills were issued as per new meter in Sept-2018 for 3107 units and Oct-2018 for '3619' units. So also in Mar-2018 bill '61522' units were charged and the bill was divided in 17 months. The average consumption comes to '3618' units. From this it confirms that the bill given in Mar-2018 is correct. The analysis report also tallies.

9) So far as letters of consumer are concerned no letter dt.10/01/2017 has been received in the office so also no letter dt.20/01/2017 was received in the office, the letter dt.24/07/2018 was replied but not accepted by consumer.

10) We have heard both sides on entire analysis of the facts it appears to be a clear case of accumulated consumption. The meter is found to be ok on testing. Only that display was not there hence average billing was being done. The connected load found an inspection probablises the billing done. It also tallies with readings shown by replaced meter. Consumption pattern shown by new meter also same as that of readings show in MRI of old meter. There is nothing to be resolved.

11) Consumer relied on judgment of Hon'ble Bihar High Court in letters of Appeal no. 798 of 2018 in Civil Court jurisdiction case no. 9309 of 2008. An unrectified copy is produced for perusal. The Highlighted portion on penultimate page of the judgment was relied on. It speaks about some provision in the Bihar state laws regarding meter testing. It has been observed that the said provision does not entitle the authorities of the Board to send the meter for testing to M/s Secure Meters Ltd. as being the suppliers they were not independent person rather they themselves might have been the culprits of providing defective meters to the Board specially when a huge no. of grievances regarding supply of defective meters had been raised by no. of consumer before the board.

12) We have given careful thought to the observation made by his lordship but then the observation are made in a case where no. of complaints have been received in respect of a particular make. Otherwise no such presumptive statement can be made under law. Here the manufacture is L & T. There are no huge no. of complaints unlike the case cited. As such the observation made is the judgment are not applicable to the present case. This is not a case like Rolex or flash meter in which case the observation may be perhaps cited.

13) There are some letters referred to by the consumer which were not replied accordingly to him. Distribution Licensee submitted that no such letters have been received in office. No such letters are found. A third letter dt. 13/04/2018 was replied by Distribution Licensee but it was not accepted by the consumer. The said fact was revealed during arguments Distribution Licensee representative specifically said that the letter was not accepted at the advice of Consumer Representative Mr. Rajput. Mr. Rajput by his silence accepted the said contention of Distribution Licensee representative. This way both the parties behave objectionably hence no much value should be given to this.

Hence the Order

ORDER

Grievance is dismissed

Date: 13/12/2018

(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.

