



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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NO. K/E/1505/1769 of 2018-19

Date of registration : 05/12/2018

Date of order : 09/01/2019

Total days : 35

IN THE MATTER OF GRIEVANCE NO. K/E/1505/1769 OF 2018-19 OF SHRI. SHRAWANKUMAR P.BAGA, SHILPA APPARTMENT, B.K.844, ROOM NO.4/5/6, 7TH FLOOR, ROOM NO.702, ULHASNAGAR-III, DIST. THANE, PIN CODE-421 003 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT BILLING DISPUTE.

Shri. Shrawankumar P.Baga,
Shilpa Appartment, B.K.844,
Room No.4/5/6, 7th Floor,
Room No.702, Ulhasnagar-III, Dist.
Thane, Pin Code-421 003

(Consumer No. 021510467695) . . . (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. U.R.Thakare, AEE, Ulhasnagar-III S/dn.

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 consumer Mr. Shrawankumar P.Baga has filed this Grievance Application regarding his dispute about a claim towards defectives meter for a period from July-2017 to Oct-2018 pertaining to meter no.7641308691.

3) The consumer is having a residential connection and the meter is of motel make. According to the consumer till July -2017 the meter was showing steady consumption of about '100' units/Month , but from the month of July-2017 to Oct-2018 the meter started showing faulty/RNT/Inacc status.

4) Consumer stated that he approached officials of Licensee to show them that the meter is running even when there is no load. Consumer further stated that also the CPL shows RNT. Inacc sometimes. This meter was not replaced immediately. On the spot inspection it was found that the meter no.7641308691 is defective and hence the bill of excessive consumption was issued by Licensee. Consumer was forced to pay the bills of defective meter from July-2017 to Oct-2018. Consumer therefore sought the following relief from the forum.

- i) To direct Licensee to revise the disputed bill for the months of July-2017 to Oct-2018as per regulation 15.4.1.
- ii) To direct Licensee to refund the excess amount paid by the consumer with interest.
- iii) To direct Licensee to pay SOP as per clause 12.2.
- iv) To direct Licensee to pay for mental agony.

5) Notice was given to Licensee vide letter no.EE/CGRF/Kalyan/462 dt.05/12/2018 to which Licensee appeared and filed reply on 24/12/2018.

6) Licensee appeared and stated that Licensee has issued a bill to the consumer for the period from July-2017 to July-2018 on average basis consumption. From August-2018 to Oct-2018 the bills were issued with faulty status. Consumer's meter was replaced on 08/10/2018.

7) Licensee further submitted that on receiving Consumer's application for excess billing his bill was revised by taking into the consideration his normal consumption. While considering consumer's consumption of 12 months showing normal status Licensee found that consumer's average consumption is '120' units per month and a revised bill of Rs.(-) 14677.21 has been issued to consumer for the period from July-2017 to Oct-2018.

8) Licensee also stated that though new meter was not available, consumer's meter was replaced little late, moreover bill has been revised, hence consumer's grievance has been redressed at their end.

9) We have gone through the documents placed before us and also heard the arguments of both the parties. Our observations are :

- i) Consumer was following up with the Licensee to rectify his bill for the month of Aug-2018 but no cognizance was taken by the Licensee.
- ii) Consumer's bill was revised only after his application that too not immediately.
- iii) CPL shows RNA/Inacc/faulty status of the concerned meter no.7641308691 from July-2017 to Oct-2018.
- iv) Spot inspection report dtd.19/09/2018 shows that meter is not showing display and instructions are given by the Assistant Engineer to replace the meter.
- v) Meter replacement report dtd.08/10/2018 shows the reason for meter replacement as "meter faulty".

10) In view of the above observation we are of the opinion that the disputed bill has to be revised by strictly following the regulation 15.4.1 of supply code which is reproduced as under :

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.

The amendment/revision carried out by the Licensee is not with the line of Regulation 15.4.1 of supply code. Licensee has charged average consumption for sixteen months which is contrary to the Regulation 15.4.1. Licensee is supposed to take the average units for assessment on the basis of average of consumption for period from Aug-2016 to Jun-2017 and apply to 3 months only (i.e. July-2018 to Sept-2018) prior to month in which the defect has been detected i.e. Oct-2018.

11) Consumer is not entitled for SOP as the consumer has made an application demanding SOP on 14/09/2018 and the meter has been replaced on 08/10/2018 which is within subsequent billing cycle as per Appendix 'A' 4 (ii) of MERC (Standards of Performance of Distribution Licensees, Period for giving Supply and Determination of Compensation) Regulation 2014.

Hence the Order

ORDER

- 1) The Grievance application of the consumer is partly allowed.
- 2) Licensee to work out calculation and issue a revised bill to consumer as per Regulation 15.4.1 as explained in paragraph no.10.
- 3) Licensee is directed not to add DPC and interest in the revised bill.
- 4) Licensee is directed to refund the excess amount recovered by the consumer with RBI rate of interest from it's respective date of payment till handing over the revised bill to the consumer.
- 5) Consumer's claim of SOP is rejected on the grounds mentioned in paragraph 11 above.
- 6) Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

Date: 09/01/2019

(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.

