



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

NO. K/E/1530/1796 OF 2018-2019

Date of registration : 31/12/2018

Date of order : 23/01/2019

Total days : 23

IN THE MATTER OF GRIEVANCE NO. K/E/1530/1796 OF 2018-19 OF SHRI.BALBIRSINGH M.MOROTHIYA, POLE NO.C/29 NR.BK NO.27, WALMIK NAGAR, ULHASNAGAR-1, DIST. THANE, PIN CODE-421001 003REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT BILLING DISPUTE.

Shri.Balbirsingh M.Morothiya,

Pole No.C/29 Nr.BK No.27,

Walmik Nagar, Ulhasnagar-1,

Dist. Thane, Pin Code-421001

(Consumer No. 021511014937)

. . . (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. J.L.Borkar, AEE, Ulhasnagar S/dn.-I

2) Shri.Bal Murgan, AA, Ulhasnagar 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 consumer in this case has approached IGRC on 30/10/2018 for complaint regarding excess billing due to defective meter from Feb-2018. No action has been taken by IGRC hence consumer approached CGRF on 31/12/2018.

3) Consumer stated that electric supply was provided to him through meter no.9800646607. However the said meter was found defective during the period from Feb-2018 to Nov-2018.

4) Notice was given to Licensee vide letter no.EE/CGRF/Kalyan/006 dt.02/01/2019 to which Licensee appeared and filed reply on 15/01/2019.

5) Consumer submitted that though he has made an application to replace the defective meter no. 9800646607 04/06/2018, 12/07/2018 and 16/10/2018, his meter was replaced on 16/11/2018. Consumer also contended that during this period he was charged more than his average consumption.

6) Licensee has submitted reply and stated that Licensee has received the applications of the consumer (dtd.04/06/2018, 12/07/2018 and 13/10/2018) regarding replacement of defective meter and amendment of bills in the disputed period. Accordingly Licensee has revised the bill for the period from Feb-2018 to Nov-2018 taking into consideration the average consumption of the consumer as '61' units for the previous 12 months healthy period and a credit B-80 for Rs. 6,560/- has been prepared and provisional bill deducting Rs.6560/- has been issued to consumer.

7) Licensee further stated that a B-80 to that effect has been proposed to the regional Director's office and the recommendation from that office is awaited. After getting the approval the effect will be reflected in the next ensuing bill.

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

Licensee has revised the bills for the disputed period taking into consideration consumer's average consumption of 12 months. But Licensee has followed only half of the procedure of 15.4.1 which is not as per the guidelines of Hon'ble MERC.

In this context we would like to reproduce the provision of 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.

9) Revision of bill should be carried out as per the clause of 15.4.1 as above, which is obligatory on the part of the Licensee.

The meter replacement report on record submitted by Licensee also shows that the meter is faulty.

Taking into consideration all the above facts we are of the opinion that the said meter is faulty and the assessment should be carried out as per clause 15.4.1 as above.

When we made a query regarding the delay in replacement of the meter the LR stated that the meters were not in stock, at that time and when it made available we immediately replaced the meter. However LR's this statement is not supported by any documents the statement without substance or evidence can not be taken into consideration.

For all above reason we are of the opinion that the complaint should be allowed.

10) Consumer claims for SOP for non-replacement of faulty meter. He applied for replacement of meter on 04/06/2018, 12/07/2018 and 16/10/2018 finally on 30/10/2018 in which he claimed SOP also. Licensee replaced meter on date 16/11/2018. Hence consumer is liable to get SOP compensation. Appendix - A clause 4 (ii) speaks about replacement of faulty meter, which is reproduced here for sake of brevity :

<i>(ii)</i>	<i>Replacement of meter if found faulty.</i>	<i>Within subsequent billing cycle</i>	<i>Rs. 50 per week or part thereof of delay.</i>
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Here meter has shown as faulty since Aug-2018. The said faulty meter should have been replaced in month of Sept-2018 but it is replaced in month of Nov-2018. Hence consumer is liable for SOP compensation for 2 months. Hence SOP compensation of Rs.450/- to be given to consumer as per above clause.

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.9.
- 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 is eligible for SOP compensation as explained in paragraph no.10 and SOP compensation Rs.450/- to be paid to consumer in next issuing bill.
- 6) Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

Date: 23/01/2019

(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.

