



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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NO. K/E/1527/1793 of 2018-2019

Date of registration : 29/12/2018

Date of order : 06/02/2019

Total days : 39

IN THE MATTER OF GRIEVANCE NO. K/E/1527/1793 OF 2018-2019 OF SHRI. RAJU V. SHARMA, BLOCK NO.A-208/415, ULHASNAGAR-4, DIST. THANE, PIN CODE- 421 004. REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT BILLING DISPUTE.

Shri. Raju V. Sharma,
Block No.A-208/415,
Ulhasnagar-4, Dist.
Thane, Pin Code- 421 004.

(Consumer No. 021516107143) . . . (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.D.B.Kumbhare, AEE, Ulhasnagar-IV 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 Shri. Raju V. Sharma filed his dispute about High bill. Electricity supply was given to the Consumer premises through his meter no. 7611120628 for residential purpose from 17/06/2009. Consumer further states that, this meter was faulty from May-2016 to August-2018 and he was wrongly billed for above period.
- 3) Consumer further submitted that it was the duty of the Licensee to replace the meter before the end of subsequent billing cycle as per regulation 7.3 of **MERC Standards of Performance of Distribution Licensees, Period for Giving and Determination of Compensation Regulations 2014** Consumer followed up with the Licensee to get his meter replaced on 02/12/2017 he also wrote a letter to E.E. UNR-5 informing him that his meter is not working since a long period and requested him to replace this faulty meter with a new meter.
- 4) Consumer also contended that on 28/09/2018 he wrote a letter to the president of IGRC stating that his faulty meter has not been replaced in spite of his repeated follow up and that he is paying the bills regularly of the faulty meter.
- 5) Consumer stated that the Licensee has billed him as per average consumption for the disputed period (as meter was faulty for that entire period). Hence the recovery made by the Licensee is absolutely wrong and Licensee be directed to make the assessment as per the provisions of 15.4.1 and bill be issued accordingly more over the excess amount recovered by Licensee be refunded with interest by cheque. Consumer also asked for SOP as per the provisions.
- 6) Notice was given to Licensee vide Letter no. EE/CGRF/Kalyan /003 dt.02/01/2019 to which Licensee replied on 19/01/2019.
- 7) Licensee stated that supply was given to the consumer through meter no.7611120628, however this meter was faulty and consumer was billed as per average consumption basis. Consumer has paid the bills and has not raised any dispute at that time.
- 8) Licensee further stated that consumer has requested to replace his meter but meter was not available in the stock. New meter was installed to his premises when it was made available. Licensee therefore submitted that the bills issued to him are as per the consumption and are correct.
- 9) We have gone through the record placed before us and also heard the arguments of both the sides. Our observations are :
 - i) Record shows that consumer was following up with the Licensee for replacing his faulty meter. He wrote a letter to the E.E.UNR-5 on 02/12/2017 in this connection but no cognizance was taken by the Licensee. On 28/09/2018 he approached IGRC. But no

hearing was taken by IGRC. Consumer therefore approached CGRF and asked for the following relief.

- ii) Licensee be directed to revise his bill as per 15.4.1.
- iii) Licensee be directed to refund the excess amount paid by him with interest by cheque.
- iv) Licensee be directed to pay the amount as per SOP.

10) We have gone through the CPL on record. It shows that meter was faulty from May-2016 to Oct-2018. (Approximately 29 months). We have also gone through the meter replacement report which shows meter replacement reason as “**meter faulty**”. Hence it is an admitted fact that meter was replaced as it was faulty.

11) Meter no. 7611120628 replaced on 01/10/2018 by meter no. 85152427 i.e. after approximately 29 months, clause 7.3 of **MERC Standards of Performance of Distribution Licensees, Period for Giving and Determination of Compensation Regulations 2014** mandates Licensee to change a faulty meter before the end of subsequent billing cycle.

12) Hence the action of Licensee to replace consumer’s faulty meter nearly about 29 months is not with the provision of 7.3 laid down by Hon’ble MERC. The reasons given by Licensee in this connection are not supported by any document. Though the Licensee has stated that the bill issued to the consumer is on average consumption basis during the disputed period. We are of the opinion that the approach taken by Licensee is not fair and legal in redressing the grievance raised by the consumer. Obviously the act of the Licensee does not hold any merit.

13) In this context we are of the opinion that Licensee should follow the provisions laid down by MERC under Regulation 15.4.1 of 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.

14) Though meter is not tested in the lab, it is admitted by the Licensee in their say that the said meter is faulty. Moreover CPL also shows that the meter was faulty from May-2016 to Oct-2018. Even meter replacement report on record shows that meter was replaced as it was faulty. All these reason are sufficient to declare the meter "faulty". Licensee is directed to take 12 months healthy period into consideration to calculate the average consumption and issue a bill to the consumer for the 3 months only.

15) Consumer's claim of SOP is hereby rejected as it has not been filed within 60 days from the date of cause of action as per the provisions of **12.2** of which is reproduced as under:-

12.2 The Distribution Licensee shall be liable to pay to the affected person, such compensation as provided in Appendix A to these Regulations :

Provided that any person who is affected by the failure of the Distribution Licensee to meet the standards of performance specified under these Regulations and who seeks to claim compensation shall file his claim with such a Distribution Licensee within a maximum period of sixty (60) days from the time such a person is affected by such failure of the Distribution Licensee to meet the standards of performance :

Provided further that the Distribution Licensee shall provide information to consumers with regard to its offices/ competent authority to settle claims for compensation :

Provided further that the Distribution Licensee shall compensate the affected person(s) within a maximum period of ninety (90) days from the date of filing his claim.

Here the cause of action arose on May-2016, hence as per the provisions consumer was supposed to file the claim of SOP within 60 days from May-2016. However it is not done by the consumer, hence consumer is not entitled for SOP.

Hence the Order

ORDER

- 1) The Grievance application of the consumer is partly allowed.
- 2) Licensee to revise the bill of the consumer as explained in para 14 and issue the same without DPC and interest.
- 3) Licensee to refund excess amount recovered by it with interest and handover the cheque to consumer.
- 4) Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

Date: 06/02/2019

(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.