



Consumer Grievance Redressal Forum, Kalyan Zone  
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301  
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**NO. K/E/1550/1826 OF 2018-19**

Date of registration : 25/02/2019

Date of order : 20/03/2019

Total days : 23

**IN THE MATTER OF GRIEVANCE NO. K/E/1550/1826 OF 2018-19 OF SMT.SHANTI N.KHEMANI, SHOP NO.37, SHANTI MARKET, ULHASNAGAR-1, DIST.THANE. PIN CODE – 421 001. REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT BILLING DISPUTE.**

Smt.Shanti N.Khemani,  
Shop No.37, Shanti Market,  
Ulhasnagar-1, Dist.Thane.  
Pin Code – 421 001.

(Consumer No.021510357644) . . . (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.J.L.Borkar, AEE, Ulhasnagar – I S/dn.

For Consumer - Shri.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 Smt.Shanti N. Khemani having consumer no. 021510357644 Commercial. Grievance in brief is that meter was faulty since June-2018. It was not replaced. Consumer prayed that Regulation 15.4.1 be applied and except for three months rest of the amount paid be refunded along with interest.

3) Distribution Licensee in reply contends that they received a complaint from the consumer on 01/10/2018 stating that the meter was fast and prayed that the bill be revised. Accordingly made was changed on 15/12/2018 and the removed meter was sent for lab test. It was reported that the meter was stepped. Hence from the date of replacement of the meter i.e. 15/12/2018 the Regulation 15.4.1 was applied and bill was revised for previous three months from 15/12/2018. Thus the grievance has been redressed.

4) We have heard both sides. Consumer has raised the dispute about defective meter on 01/10/2018. The meter was replaced on 15/12/2018. It was found to be stopped. Distribution Licensee has applied 15.4.1 from 15/12/2018, though the dispute has arisen on 01/10/2018. That being so it was incumbent upon the Distribution Licensee to apply 15.4.1 on from 01/10/2018 itself. It is stated in the reply that meter was replaced on 15/12/2018 upon availability of new meter. This way Distribution Licensee could not delay the change of meter. As such when after removal of meter and on testing the meter is found to be stopped, irrespective of the date of change of meter 15.4.1 has to be applied from the date when the dispute arose i.e. 01/10/2018.

5) In the above view of the matter the bill for the intervening period from 01/10/2018 to 15/12/2018 has to be refunded. Consumer appears to be claiming refund of the bill, paid even of the period previous to all above which is not permissible under 15.4.1. Only the bill has to be revised as per the report for three month prior to the date when the dispute arose i.e.01/10/2018 in this case not prior to the period there to. Refund for the period from 01/10/2018 to 15/12/2018 has to be made because the period lies subsequent to the date when the dispute arose but still the meter was not replaced.

6) In view of the above findings we pass following order.

Hence the Order

### **ORDER**

- 1) The Grievance application of consumer is partly allowed.
- 2) Distribution Licensee to revise the bill for the period of three months prior to 01/10/2018 with the average bill for 12 healthy months as per Regulation 15.4.1
- 3) Distribution Licensee to refund the bill for the period from 01/11/2018 to 15/12/2018.

- 4) Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

Date: 20/03/2019

(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.