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Consumer Grievance Redressal Forum

“Vidyut Bhavan”, Gr. Floor,

L.B.S.Marg,Bhandup (W),

Mumbai – 400078.

REF.NO. Member Secretary/CGRF/MSEDCL/BNDUZ/ 171/ 0028 Date: 30.04.2019

Hearing Date:09.10.2019

CASE NO.171/2018

In the matter of billing

Mrs. Sangita Agarwal,
House No. 254,Gaulwadi, Kadav,
Taluka- Karjat,
Dist. Raigad.. . (Hereinafter referred as Consumer)

Vs

Maharashtra state Electricity Distribution Company Ltd
Through it's Nodal Officer,
Pen circle Circle, Pen

..... (Herein after referred as Respondent)

Appearance:-

For Consumer – – Shri. Pravin Thakkar Consumer Representative

For Licensee:- Shri. A.E.Gule Dy. Executive Engineer Karjat

[Coram- Dr. Santoshkumar Jaiswal- Chairperson, Shri. R.S.Avhad -Member Secretary

and Sharmila Ranade - Member (CPO)].

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 Redressal 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.

The applicant files his grievance in schedule 'A' to this forum for the restoration of power supply which is disconnected by the MSEDCL and resolution of billing dispute raising following points.

Applicant's Say:-

The Applicant Mrs Sangita Rajesh Agrawal having LT three phase connection bearing consumer no 027237201081 under Karjat Sub-Division carrying its business at H.No 254 ,Gaulwadi, Kadad Tal.Karjat, Dist. Raigad -410201.

The Applicant submitted that, their connection sanction load is 77.60 KW and actual connected load is 35 KW, the MSEDCL has no t feed the contract Demand in billing System, Hence the demand penalty bills are wrongly issued by MSEDCL system in every month due to non feeding of KVA Demand in system. Further submit they have properly installed good quality capacitor ,even though the PF penalty of Rs 2,64,113 is wrongly levied by MSEDCL in April 2018 which is absolutely wrong ,illegal and baseless.

The applicant further submit they do not have knowledge of exact date of meter replacement and meter no 055- MHD05565 is faulty and alleged that only 5 bills are available for the period April 2018 to August 2018.and MSEDCL not served bill monthly and in some months huge bills were issued .

Sr.No	Months	Units on bill	Bill amount	Wrong Demand penalty amount	Wrong PF penalty amount
1	April 2018	95435	18,69,638/-		2,64,113/-
2	May 2018	41397	7,16,316/-		
3	June 2018	10984	2,16,745/-	17,010/-	
4	July 2018	6897	1,47,231/-	14,175/-	
5	August 2018	0	24,705/-	14,175/-	

Also state that for many years they received wrong bill on Lock,RNA,RNT nad faulty status .

The Applicant submitted that, Meter no 055-MHDO5565 is defective and faulty and record abnormal consumption and in spite of frequent follow up and request ,the

MSEDCL has not test the meter and they not obtained any test report and claimed that meter is faulty so as per regulation 15.4.1 they laible to pay only three months bill .
The applicant prayed to instruct the respondent

- To calculate and issue bill for 3 months period as per regulation no 15.4.1 of MREC supply code and set aside bill amounting 28,92,310/-.
- Interest on security deposit from date of connection.
- Withdraw all wrong bills, PF penalty bills, Demand penalty bills.

The notice issued to the respondent M/s TPL to submit parawise reply and to appear before forum. The Respondent submitted that Mrs Sangita Agrawal is consumer of MSEDCL bearing consumer no 027237201081, sanction load 77.6KW ,Meter No MHD 05585,Secure Company 40-200A. The meter was installed in MAY 2016 but due technical problem feed in system on November 2016. In November 2017 manual bill as per reading of units 95436 issued to applicant and she paid rupees 50,000/-

The respondent further submits, the bill issued to the applicant as per reading through system and requested to pay the bill. After constant follow up the applicant did not pay the bill so the disconnection notice issued on 04/05/2018.The supply of applicant connection was disconnected and after payment of Rs 150000/- on date 22/05/2018 power supply restored. The meter of connection tested and found no faulty in meter and informed to the applicant in written.

The respondent submit that they visited the premises to remove the meter for non payments of dues but the meter room was locked and key not available with consumer representative. So they carried out panchanama and supply disconnected .

Observations of Forum.

Heard both the parties at length and gone through the documents, judgments and arguments of both parties, it is admitted position of fact on record which clearly show that meter MHD 05585 installed in MAY 2016 and fed in the system November 2016 after lapse of 6 months .The manual bill issued to the consumer of 95436 issued as per reading of November 2017 to the applicant . The applicant paid Rs 50,000/- against it. The respondent first time issue bill through system in April 2018.

The applicant alleged that his meter is faulty so as per Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005 clause 15.4 Billing in the Event of Defective Meters 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. Is liable to pay only for three months. We gone through the record it is found that the applicant meter tested at site , the spot Inspection report shows that Current in R phase 28.56 A,Y Phase 36.07 A,B Phase 11.09 and Voltages R –N 236 V,Y-N 236V, B-N 237 V means meter in working condition so 15.4.1 not applicable in this case. This is case of accumulated reading not taken monthly correct reading and issued bill to the applicant. In this case in which a bill for long period from May 2016 when meter installed was raised in November 2017 against the applicant without there being any fault on his part. It is duty of the Respondent to issue correct billing to the applicant/Consumer. Every consumer has no time to litigate against the Opponent who has a monopoly in the business of supply of electricity. Every employee of the Company, therefore, is expected to be diligent in performing his duty of issuing electricity bill so that neither Company should be put to any loss nor the consumer be put to any inconvenience or suffer an agony.

Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005 clause 4.3 Reading of Meter readings shall be undertaken by the Authorised Representative at least once in every three months in the case of agricultural consumers, and at least once in every two months in the case of all other consumers, unless otherwise specifically approved by the Commission for any consumer or class of consumers.

15.3 Billing in the Absence of Meter Reading

15.3.1 In case for any reason the meter is not accessible, and hence is not read during any billing period, the Distribution Licensee shall send an estimated bill to the consumer: Provided that the amount so paid will be adjusted after the readings are taken during the subsequent billing period(s). 15.3.2

If the meter remains inaccessible after two consecutive efforts to effect a meter reading, then in addition to any remedy available to the Distribution Licensee under Section 163 of the Act, the consumer shall be served not less than seven clear working days' notice to keep open the premises for taking the meter reading on the days stated in the notice: Provided that the notice shall also indicate the times at which the Authorised Representative shall remain present to read the meter.

15.3.3 Where the consumer fails to keep the meter accessible on the days and at the times stated in the notice in Regulation 15.3.2 above, the same shall be deemed to be a refusal of entry under the provisions of sub-section (3) of Section 163 of the Act and the consequences there under shall apply.

15.3.4 Without prejudice to the provisions of the Act, nothing in Regulation 15.3.3 shall apply where the consumer has provided prior intimation to the Distribution Licensee, with cogent reasons, of any temporary inaccessibility to the meter and has sought a facility for advance payment in accordance with Regulation 15.6.

15.3.5 For the purpose of this Regulation 15.3, the estimated bill shall be computed based on the recorded consumption of the last billing cycle for which the meter has been read by the Distribution Licensee.

So the accumulated reading of 95436 units from May 2016 to November 2017 should divide in 18 Months and slab benefit is to be given to the applicant without any DPC and interest. Other issue of the applicant he is not getting interest on security deposit from date of connection but not produced any documents /record to show that not getting interest on security deposit . So the respondent should verify the record credit the interest in bill if applicant not getting from date of connection.

ORDER

1. The Applicant application in case 171 of 2018 is hereby partly allowed.
2. The respondent shall revise bill by dividing 95436 units in 18 months i.e accumulated reading from May 2016 to November 2017 for slab benefit to the applicant.

3. The respondent shall arrange to give 12 monthly instalment .The applicant shall pay monthly instalment regularly with current bill, Further after payment of all instalments regularly with current bill amount ,the respondent shall waive all interest, penalty a& DPC.
4. Respondent Utility take action on all concerned officers responsible for not issuing correct reading monthly bill for such long period.
5. No order as to the cost.

Respondent Utility to report compliance within 60 days from the receipt of this order.
Both parties should be informed accordingly.

I Agree/Disagree

I Agree/Disagree

**MRS. SHARMILA RANADE,
MEMBER
CGRF, BHANDUP**

**Dr. SANTOSHKUMAR JAISWAL
CHAIRPERSON
CGRF, BHANDUP**

**RAVINDRA S. AVHAD
MEMBER SECRETARY
CGRF, BHANDUP**

The order is issued under the seal of Consumer Grievance Redresses Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup.

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, Keshav Building,Bandra - Kurla Complex, Bandra (E),Mumbai - 400 051"
- b) b) consumer, as per section 142 of the Electricity Act, 2003, can approach Hon'ble Maharashtra electricity Regulatory Commission for non- compliance, part compliance or
- c) Delay in compliance of this decision issued under" Maharashtra Electricity Regulatory Commission (consumer Redressed Forum and 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.