



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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NO. K/DOS/99/1855 OF 2018-19

Date of registration : 20/03/2019

Date of order : 24/04/2019

Total days : 35

IN THE MATTER OF GRIEVANCE NO. K/DOS/99/1855 OF 2018-19 OF MR.SHANTILAL R.PANCHAL, GALA NO.96, PARAMAR TECHNO CENTRE, PHASE 2, PELHAR, PO.PELHAR, VASAI (E), DIST.PALGHAR, PIN CODE – 401 202. REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT DISCONNECTION OF SUPPLY.

Mr.Shantilal R.Panchal,
Gala No.96, Paramar Techno Centre,
Phase 2, Pelhar, PO.Pelhar, Vasai (E),
Dist.Palghar, Pin Code – 401 202.

(Consumer No. 001940160355) . . . (Hereinafter referred as Consumer)

V/s.

Maharashtra State Electricity Distribution
Company Limited
Through it's Nodal Officer/Addl.EE.
Vasai Circle, Vasai

. . . (Hereinafter referred as Licensee)

Appearance : For Licensee - Shri.V.M.Gokhale, UDC, Vasai (E) S/dn.

For Consumer - Shri.Vasant Vaze (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 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. 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 brief facts of the grievance application are :-

Electricity supply is given to the consumer's premises for industrial purpose through meter no.05793258 of Genus make. It is the contention of the consumer that this meter was registering the electrical consumption properly up to August-2018. In the month of Sept-2018, Oct-2018 and Nov-2018 the meter has recorded exorbitant consumption than previous average monthly consumption. Therefore consumer has approached Licensee for redressal of his grievance on 14/03/2019. But Licensee did not provide any remedy and on the contrary disconnected his supply that too without notice on 18/03/2019. Consumer therefore approached this forum with following prayers.

- i) Licensee be directed to restore the supply immediately without making any payment and reconnection charges.
- ii) The disputed bills of Sept-2018 to Nov-2018 be revised on average basis as per past consumption based on meter testing report.

3) Notice was given to Licensee vide letter no.EE/CGRF/Kalyan/118 dt.20/03/2019 to which Licensee appeared and filed reply on 10/04/2019, in which Licensee submitted that :

In Sept-2018 meter no.05793258 abnormal recorded 94 KVA against contact demand of 41 KVA and recorded consumption 2018 in the month of Sept-2018. Hence Licensee sent this meter to Genus Company for further analysis and on 17/01/2019 Genus Company send a report.

Licensee further stated that accordingly revised bills for

Sept-2018 - '2804' units.

Oct-2018 - '2804' units.

Nov-2018 - '2830' units.

Were issued to the consumer.

4) Licensee also contended that the disputed bill of the consumer are already revised as per regulation 15.4.1 of *MERC Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Other Conditions of Supply) Regulations 2005*. Hence grievance of the consumer be rejected.

5) We have heard the arguments of both the parties and have gone through the documents kept on record.

It is an admitted fact that electricity supply was provided to the consumer through meter no.05793258 from 01/10/2011 for industrial purpose. The consumer registered a high bill complaint for the above said meter. This meter was sent to Genus Company for testing where it was revealed that the meter is defective. Genus Company issued a report accordingly.

Having regard to the above said facts it is clear that meter no.05793258 is defective. However the action of Licensee to revise the bills for

Sept-2018 - '2804' units.

Oct-2018 - '2804' units.

Nov-2018 - '2830' units.

Is not in accordance with 15.4.1 MERC Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Other Conditions of Supply) Regulations 2005. Here we would like to reproduce the regulation 15.4.1 of :

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.

In view of the above said regulation it is obligatory on the part of the Licensee to revise bills after deducting the above shown units and deducting DPC and interest if levied.

We have also perused the consumption pattern of the consumer which is on an average comes to '200' units per month.

Hence the order

ORDER

- 1) The Grievance application no.1855 is allowed.
- 2) The bill revised by Licensee to Rs.24,500/- is set aside.
- 3) Licensee is directed to revise the bill @ '200' units per month based on consumers previous consumption without DPC and interest.
- 4) The excess amount if any paid by Consumer be adjusted in next issuing bills.
- 5) Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

Date: 24/04/2019

(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.