



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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NO. K/DOS/102/1858 OF 2018-19

Date of registration : 25/03/2019

Date of order : 24/04/2019

Total days : 30

IN THE MATTER OF GRIEVANCE NO. K/DOS/102/1858 OF 2018-19 OF MR.SHAHBAN RAMZAN ALI KHAN, SURVEY NO.18, HISSA NO.1/1, VILLAGE SATIWALI, TUNGARESHWAR PHATA, NR. BURMA SHELL PETROL PUMP, TAL-VASAI, DIST. PALGHAR, PIN CODE – 401 202 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT DISCONNECTION OF SUPPLY.

Mr.Shahban Ramzan Ali Khan,
Survey No.18, hissa no.1/1,
Village Satiwali, Tungareshwar Phata,
Nr. Burma Shell Petrol Pump, Tal-Vasai,
Dist. Palghar, Pin Code – 401 202
(Consumer No. 002170165015) . . . (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.Ramchandra Pandey (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 Mr.Shahban Ramzan Ali Khan having industrial connection at Vasai (E), consumer no. . 002170165015. Contention of consumer is that the meter no.5794740 had gone defective in month of Nov-2016 and MSEDCL replaced the same with new meter no.5792677 in month of Dec-2016 and issued exorbitant bill in month of Jan-2017 which subsequently rectified and paid by consumer.

The electricity bills was coming higher than user since Apr-2017 which consumer observed in month of May-2017 and found that meter no.5792677 was defective . The production was nil and electricity bill was coming higher than user. In month of Jul-2017 provisional bill of Rs.115850/- issued by Distribution Licensee against Rs.1,92,546/- which paid by consumer. Distribution Licensee issued exorbitant bill amount Rs.3,89,340/- for the month Aug-2017 and Rs.3,96,152/- in month Oct-2017. Meter tested in Genus company lab and found faulty as per report date 30/09/2017. Due to non-availability of meter the same meter was installed again till Jan-2018. Distribution Licensee rectified bill and given part bill Rs.70,000/- which paid on 02/11/2017 for avoiding disconnection. The supply was disconnected on 05/01/2018 due to arrears. After payment of Rs.1,00,000/- on 09/05/2018 supply restored in month Jun-2018 with new purchased meter by consumer. Consumer spent Rs.10,030/- for purchase of new meter.

The average units consumed was 5787.89/month as per unit consumed by old meter no. 5794740 since Nov-2015 to Oct-2016 and average units Rs.5048.42 as per unit consumed by new meter no.XD496959 since Jun-2018 to Dec-2018. However Distribution Licensee did not respond consumer demands.

- i) Interim relief to protect the electric supply from threats of disconnection.
- ii) Bill revision on relevant base as option proposed in request date 19/01/2019.
- iii) Refund of purchased meter cost.

Consumer again filed rejoinder on 16/04/2019 in which he claimed revision of bill as per regulation 15.4.1 of supply code for period Feb-2017 to Jan-2018.

3) Notice was given to Licensee vide letter no.EE/CGRF/Kalyan/125 dt.27/03/2019 to which Licensee appeared and filed reply on 10/04/2019.

4) **Licensee in its reply contends that :**

- i) *That, MSEDCL denied all contention raise in grievance except those admitted herein below.*
- ii) *That, Electric supply to Mr.Shahban Ramzan Ali Khan was sanction vide consumer no. 002170165015 for Industrial purpose date of supply was 23/04/2012.*

iii) That, meter No.05794740 make Genus installed to consumer No. 002170165015 was abnormally recorded MD 144 KVA in month of Nov-2016 on noticing above MSEDCL got tested said meter from Genus Company on basis of analysis report of meter no.05794740. the bill of consumer was revised in the month of Feb-2017 for period of Nov-2016 to Jan-2017. The bill of 338383 unit is revised for 30150 units. The revised average monthly consumption was taken on basis of consumption recorded from July-2016 to Oct-2016 that is prior to dispute arise. In Jan-2017 meter no.05792677 (Make: Genus) was installed to consumer. The new meter installed to consumer was recorded proper consumption from Jan-2017 to July-2017. In Aug-2017 the MD of meter no.05792677 is again abnormally recorded 144 KVA MD and this was continue in Aug-2017 to Nov-2017. MSEDCL got tested above meter from Genus Company and on dtd.30/09/2018 Genus Company submitted meter analysis report. On the basis of analysis report the electricity bill of the consumer for period Aug-2017 to Oct-2017 is revised and against billed consumption of 84142 units. The revised bill of average monthly, given on the basis of 10120 units recorded consumption of meter no.05792677 during period from Jan-2017 to July-2017. As such bill of consumer was properly revised in view of regulation 15.4.1 of MERC code 2005.

5) We heard the arguments and gone through the record kept before us. The Genus company has given meter analysis report as follow :

Meter Analysis Report

| | | |
|----------|--------------------------|---|
| 1 | Customer Name | Additional Executive Engineer, Vasai Road (E) Sub Division, MSEDCL |
| 2 | Meter Sr. No. | 05792677 |
| 3 | Meter Description | 3 Phase 40-200 Amp fully static TOD Tri-vector energy meter with inbuilt CT and Modem |
| 4 | Nature of Fault | Abnormal KVA recorded |
| 5 | Observation | After analysis of ZLM file and meter it was found that the meter started recording magnet tamper and running at I _{max} |
| 6 | Conclusion | Meter is found to be faulty and has recorded energy incorrectly |

From the meter testing report it is clear that meter is faulty but period of faulty billing is not clear from CPL. Higher bill issued in month of Aug-2017 if for '37716' units and in month of Sept-2017 for '46426' units for which Licensee contends that M.D. recorded in that particular month was higher i.e.144 KVA and due to that the bills were high Distribution Licensee says that bills are revised already. We observed that the consumption recorded by the disputed meter is on higher side compared to previous meter and new meter. Hence we cannot take base of disputed meter for revision of bill. In our opinion average of healthy period of Nov-2015 to Oct-2016 to be taken in consideration for revision of bill and disputed bill for period Dec-2016 to Jan-2018 to be

revised as per average of healthy period billing of previous meter. We cannot apply section 15.4.1 here straight way because the period of faulty billing is not clear from the Genus company meter testing report. Also from CPL higher M.D. recorded in month of Aug-2017 and Oct-2017 only. In the light of above billed units for the meter no.05792677 to be kept aside and billing to be done considering the base of previous meter no.05794740 for period of Nov-2015 to Oct-2016.

6) Consumer also demanded refund of meter cost as per section 14.4.1 of supply code which 2005 he has purchased due to non-availability of meters at Distribution Licensee but as per section 14.4.1 only meter testing fees can be refunded if paid by consumer. However as per schedule of charges now in force it is the responsibility of the Licensee to fix the meter and if consumer installs the same he is entitled for refund of costs of meter.

Hence the Order

ORDER

- 1) The Grievance application of consumer is partly allowed.
- 2) Licensee to revise bill for period Dec-2016 to Jan-2018 (i.e.for the period of disputed meter) as per average of previous healthy period Nov-2015 to Oct-2016.
- 3) Cost of meter as per schedule of charges be refunded to consumer along with interest at RBI rate from the date of claim made with the Distribution Licensee till realization.
- 4) 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.