



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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NO. K/DOS/88/1833 of 2018-19

Date of registration : 06/03/2019

Date of order : 22/05/2019

Total days : 77

IN THE MATTER OF GRIEVANCE NO. K/DOS/88/1833 OF 2018-19 OF SHRI.YASHWANT L.PAGAR, DANGURLE, TAL-MURBAD, DIST. THANE, PIN CODE- 421 401. REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT DISCONNECTION OF SUPPLY.

Shri.Yashwant L.Pagar,
Dangurle, Tal-Murbad,
Dist. Thane, Pin Code- 421 401
(Consumer No. 018712165762) . . . (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.Ashok Narwade, Dy.EE, Murbad 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 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 :-

Consumer is a single phase L.T. consumer of the Licensee and he is billed as per residential tariff. Grievance of the consumer is that he is getting electricity bills which are on higher side as compared to his consumption and load.

Contention of the consumer is that meter no. 8200017663 was installed on Feb-2010. However somewhere in the year he started getting high consumption bills, hence he followed-up with the Licensee and complained about faulty meter and requested to change the faulty meter. However it was not changed within a stipulated period.

Consumer further said that Licensee did not rectify the bill but instead disconnected his supply. Consumer also submitted that the bill were issued to him on average basis which is not acceptable to the consumer. Consumer therefore approached to the forum and requested to revise the bills as per the provisions of 15.4.1.

Consumer has also asked for the refund of excess paid by him and asked for SOP.

3) Notice was given to Licensee vide letter no.EE/CGRF/Kalyan/080 dt.06/03/2019.

Licensee stated that the meter no.00017663 has been replaced by meter no. 74760573 as per the request of the consumer on Feb-2018. However because of some technical problem the change was reflected in the month of May-2018. Due to technical error the bills issued to the consumer from Feb-2018 to May-2018 were with faulty status and on average basis.

The Licensee further stated that however all the bills issued from were revised as per the reading of new meter (meter no. 74760573). Licensee also stated that the bills so revise as per new meter no. 74760573 were not paid by the consumer, hence his supply was disconnected.

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

- i) CPL shows faulty status from Nov-2015 to Apr-2018.
- ii) CPL shows that the meter is replaced in the month of May-2018.
- iii) Licensee has calculated the bill on the basis of average number of unit. Consumption which is not consistent with the guide line of MERC.
- iv) Though consumer was pursuing with the Licensee the cognizance was not taken by Licensee by replacing the meter and the bills issued to the consumer with faulty status.
- v) For lab testing the meter is not available. Even the copy of CPL prior to 2015 for considering the consumption pattern of healthy period is also not available with the Licensee. In these circumstances it will be unjust to ask the consumer to pay the electricity charges when there is no record.
- vi) Taking into consideration all the above observations we are of the opinion that claim of the consumer is hereby allowed.

5) We have also noticed that though the meter was replaced in the month of Feb-2018 the effect was reflected in the month of May-2018.

From March-2017 to Jan-2018 bills issued to the consumer are with faulty status.

6) Hence it will be proper to direct Licensee to issue bills to the consumer as per the provision of 15.4.1 which reads 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.

7) Delay is due to late submission of reply by Distribution Licensee also the CPL required for previous period submitted on 15/05/2019 i.e. after laps of two months. Hence the delay.

Hence the order

ORDER

- 1) The Grievance application no.1833 is allowed.
- 2) Licensee is directed revised bills to the consumer for 3 months prior to Feb-2018. (i.e. Jan-2018, Dec-2017 and Nov-2017) as per the provision of 15.4.1.
- 3) Consumer is not entitled for SOP as he has not made an application within 60 days as per section 12.2.
- 4) Amount already paid by the consumer be adjusted in ensuing bills.

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

Date: 22/05/2019

(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.