



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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NO. K/DOS/91/1839 OF 2018-19

Date of registration : 13/03/2019

Date of order : 16/04/2019

Total days : 35

IN THE MATTER OF GRIEVANCE NO. K/DOS/91/1839 OF 2018-19 OF SHRI.PRAKASH M. LALWANI, FLAT NO.201/E, RAMAYAN NAGAR, DHARAMDAS MARG, ULHASNAGAR-3, DIST.THANE, PIN CODE – 421 003 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT DISCONNECTION OF SUPPLY.

Shri.Prakash M. Lalwani,
Flat No.201/E, Ramayan Nagar,
Dharamdas Marg, Ulhasnagar-3,
Dist.Thane, Pin Code – 421 003
(Consumer No.021510591779)

. . . (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 - 1) Shri. H.J.Gothwad, AEE, Ulhasnagar - III S/dn.
2) Shri.R.P. Joshi, AA, Ulhasnagar - III S/dn.
3) Shri.S.B.Nalawade, AE, Section – I.

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) Brief facts of the grievance application are that :

The consumer Shri.Prakash M. Lalwani is having a single phase residential connection at Flat No.201/E, Ramayan Nagar, Dharamdas Marg, Ulhasnagar-3. It is the contention of the consumer is that his meter was not working properly as it was showing reading even when there is no load.

Consumer further contended that only after a continuous follow-up with the Licensee his meter was replaced with a new meter. However the bill which were raised on the basis of average consumption were not revised by the Licensee.

One more contention of the consumer is that it was the duty of the Licensee to replace the meter and to revise the disputed bill within a stipulated period but Licensee did not take any effort to remove the meter or rectify the disputed bill, on the contrary Licensee issued a disconnection notice to the consumer under 56 (1) of IE Act 2003, on 02/03/2019.

It is also submitted by the consumer that "Pal Mohan" make meter always shows O.K. status or within permissible limits of accuracy, if tested in the lab but these meter are defective and hence on 09/03/2016 Chief Engineer (MMC) has send a mail to all zones stating that these meters are not performing upto to the mark and therefore such types of meters be replaced immediately.

Prayer of the consumer is that his disputed bill be revised and compensation be awarded for not replacing meter within stipulated time.

3) Notice was given to Licensee vide letter no.EE/CGRF/Kalyan/089 dt.13/03/2019 to which Licensee appeared and filed reply,

Licensee submitted that consumer's meter no.40462685 has been tested in the lab on 11/10/2018 as per his request. Meter found O.K. in the lab. Licensee further submitted that consumer has not paid any amount towards energy bill since 26/03/2018. Hence a notice under section 56 (1) of EA 2003 was issued to the consumer on 02/03/2019.

Licensee also contended that it has observed the load used by the consumer and after observing the said load the energy bills issued to the consumer are correct.

Hence Licensee requested to dismiss the grievance application of the consumer and requested to direct consumer to pay the bill immediately.

4) We have gone through the documents placed before us and also heard the arguments of both the parties. Our observations are :

i) We have gone through the E-mail dtd. 09/03/2016 referred by the consumer in his argument. Firstly it appears that this mail is not in respect of "Pal-Mohan" make meter which the consumer is disputing for secondly it is mentioned in the said mail by chief Engineer (MMC) to all zones that ***"considering the huge volume of Rolex & Flash make meters failed in field it is decided at corporate level that, the Rolex and flash make single phase meters are not to used for New Service Connection (NSC) and for replacement of***

faulty meter henceforth till further instruction from this office". These instructions are related to new service connection and for replacement of faulty meters. Which clearly means that the above make meters should not be used for new service connection and should not be used to replace the faulty meter hence forth. Nowhere it is mentioned that the existing Rolex or flash make meter be replaced. Hence this contention of consumer is not relevant and cannot be taken into consideration.

- ii) The test report placed on record dated 11/02/2018 shows that meter was tested in the testing lab at rated voltage and testing report shows that the said meter found in permissible limit. Here we would also like to point out that some meters of Pal Mohan can be defective but we cannot say the whole lot/series of this make is defective. Hence it was tested in the lab and found O.K. hence the contention of consumer that meter was not working properly cannot be taken into consideration. More over consumer was not ready to get the said meter tested from NABL.
- iii) We have also gone through the sheet of load placed on record. Looking at the equipment's installed in the consumer's residence we do not find that the meter is not working properly.
- iv) Moreover we have also noticed that consumer has not paid any amount towards energy charges from 26/03/2018 as per CPL.

Taking into consideration all the above discussion we pass the following order :

Hence the Order

ORDER

The Grievance application No.1839 of the consumer is stands rejected.

Date: 16/04/2019

(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.