



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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NO. K/E/1563/1853 of 2018-19

Date of registration : 19/03/2019

Date of order : 02/05/2019

Total days : 44

IN THE MATTER OF GRIEVANCE NO. K/E/1563/1853 OF 2018-19 OF SMT.SHANTI N.KHEMANI, SHOP NO.40, SHANTI MARKET, ULHASNAGAR-1, DIST.THANE, PIN CODE – 421 001. REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT BILLING DISPUTE.

Smt.Shanti N.Khemani,
Shop No.40, Shanti Market,
Ulhasnagar-1, Dist.Thane,
Pin Code – 421 001.

(Consumer No. 021510357474) . . . (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. J.L.Borkar. AEE, Ulhasnagar-I S/dn.
2) Smt.Shubhangi Ghadge, Jr.Asst., Ulhasnagar-I 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 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 is single phase L.T. consumer of the Licensee from November-1982. Consumer is billed as per commercial tariff. This grievance is registered by consumer for excessive energy bill.

The consumer submitted that meter no. 1332089 (to be verified) was installed in his premises at Shop No.40, Shanti Market, Ulhasnagar from November-1982. Consumer complained about faulty meter to the Licensee and to replace this meter, however it was not changed. Therefore again on 01/10/2018 he wrote a letter to Executive Engineer, Ulhasnagar to that effect.

The further contention of the consumer is that he was given a bill of high units as his meter is faulty since June-2016. This bill was revised by the Licensee on average basis which is absolutely improper and incorrect. According to the consumer actually this bill should have been raised as per regulation 15.4.1 and not on average basis. In this connection consumer has followed up with the Licensee for several times but in vain.

Consumer therefore lodged a grievance application in the forum with a request to direct the Licensee to revise the bill as per the regulation 15.4.1 and further requested to direct Licensee to refund the balance amount with interest. Or adjust it in next ensuing bills. Consumer has also asked for SOP for not replacing the defective meter within stipulated time.

3) Notice was given to Licensee vide letter no.EE/CGRF/Kalyan/115 dt.20/03/2019 to which Licensee appeared and filed reply.

Licensee submitted that after receiving the letter dtd.01/10/2018 by the consumer, officials of the Licensee checked the meter and eventually replaced it on 15/12/2018, as it was faulty.

4) Licensee further submitted that as the meter was faulty the bills were revised from August -2018 to Dec-2018, on average basis of '138' units and a credit of Rs.1810.00 has been given to consumer in the month of March-2019. Licensee stated that consumer has paid all the bills issued to him, which shows that those bills were acceptable to him. Since bill has been revised and meter is replaced consumer's grievance has been redressed.

5) On perusal of the record and hearing both the parties following points arise for the consideration of the forum.

- i) Whether bill was correctly raised?
- ii) Whether consumer is entitled for refund.
- iii) Whether consumer is entitled for SOP.

As per the CPL data following observations were recorded.

Oct-2016 meter shows status as inaccessible.

Nov-2016 meter shows status as inaccessible.

Dec-2016 meter shows status as inaccessible.

Jan-2017 meter shows status as inaccessible.

From Feb-2017 to April-2017 status faulty

From July -2017 to Oct-2017 inaccessible

From Nov-2017 to March-2018 faulty

6) It can be seen that reading is on higher side. Hence it is the case of defective meter and is covered under regulation 15.4.1 of *MERC Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Other Conditions of Supply) Regulations 2005*.

The said regulation provide guidelines for billing in the event of defective meter, 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) The plain reading of the above regulation 15.4.1 reveals that in case the meter is defected as defective then it can be rectified only for past maximum 03 months prior to the date of detection.

In this case according to the consumer his meter is defective from June-2016. Even CPL shows that most of the time the status of the meter is faulty.

The spot inspection report shows that consumer has 3 Tube lights, and 2 Fans. Looking at the sanctioned load bills issued to the consumer are on higher side.

The healthy period as per CPL is from April-2015 to April-2016. The bills revision made by Licensee is not as per regulation of 15.4.1 but on average basis which is not as per the guidelines of the Hon'ble MERC.

Licensee to take into consideration the healthy period (i.e. From April-2015 to April-2016) and revise the disputed bill accordingly to the regulation 15.4.1 of *MERC Maharashtra Electricity*

Regulatory Commission (Electricity Supply Code and Other Conditions of Supply) Regulations 2005.

8) We have also noted that consumer has given application for replacement of meter on 01/10/2018 however Licensee has replaced it on 15/12/2018 consumer has asked for SOP for this delay. But we would like to note that as per the provision of 12.2 of *MERC Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Other Conditions of Supply) Regulations 2005*. Consumer has to make an application within 60 days from the date of cause of action. CPL shows that meter is faulty from Feb-2017 hence as per the above provisions laid down he was supposed to demand for SOP on or before which is not done by the consumer taken into consideration.

Hence the Order

ORDER

- 1) The Grievance application of consumer is partly allowed.
- 2) Bill revised by Licensee is set aside.
- 3) Licensee to revise the bill of consumer as per the provisions of as explained in para 6 15.4.1 of MERC, without DPC and interest.
- 4) The amount if any paid by the consumer against this bill be adjusted, towards the revised bill.
- 5) Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

Date: 02/05/2019

(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.