



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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NO. K/DOS/87/1832 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/87/1832 OF 2018-19 OF SMT.SUNITA D.VISHE, H.NO.343, AT DANGURALE, TAL-MURBAD, DIST. THANE, PIN CODE- 421 401. REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT DISCONNECTION OF SUPPLY.

Smt.Sunita D.Vishe,
H.No.343, At Dangurale,
Tal-Murbad, Dist. Thane,
Pin Code- 421 401

(Consumer No. 018712100474) . . . (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 she is billed as per residential tariff. Grievance of the consumer is that she is getting electricity bills which are on higher side as compared to her consumption and load.

Contention of the consumer is that meter no. 8815001742 was installed on March-2008. However somewhere in the year she started getting high consumption bills, hence she followed-up with the Licensee and complained about faulty meter in 03/06/2015 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 her supply. Consumer also submitted that the bill were issued to her 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 her and asked for SOP.

3) Notice was given to Licensee vide letter no.EE/CGRF/Kalyan/081 dt.06/03/2019.

Licensee stated that the meter no.8815001742 has been replaced by meter no. 5374760578 as per the request of the consumer on 07/05/2018. However because of some technical problem the change was reflected in the month of Oct-2018. Due to technical error the bills issued to the consumer from May-2018 to Sept-2018 were with faulty status and on average basis.

The Licensee further stated that however all the bills issued from May-2018 to Sept-2018 were revised as per the reading of new meter (meter no. 5374760578). Licensee also stated that the bills so revise as per new meter no. 5374760578 were not paid by the consumer, hence her supply was disconnected.

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

On 03/06/2015 consumer informed to the Licensee that her meter is faulty and the bills issued by the Licensee are of faulty status.

- i) CPL shows faulty status from April-2015 to Sept-2018.
- ii) CPL shows that the meter is replaced in the month of Oct-2018 (i.e. after 37 months)
- 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) Unless there is an evidence to show that the meter reading was not possible due to some genuine ground the calculation of consumption in such situation has to be based on some basis but roughly not on average basis.
- v) Though consumer was pursuing with the Licensee from 03/06/2015 the cognizance was taken by Licensee by replacing the meter May-2018. Again for some technical reasons this

effect was shown in the month of Oct-2018, till period the bills issued to the consumer with faulty status.

- vi) 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.
- vii) Taking into consideration all the above observations we are of the opinion that claim of the consumer is to be allowed.

Now applying 15.4.1 the meter to be taken as stopped and the average of healthy period i.e. Dec-2013 to Nov-2014 is considered for three months prior to date of arising of dispute i.e. June-2015 and further consumer is entitled for setting aside of bills for years prior to Apr-2018.

- 5) 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.1832 is allowed.
- 2) Licensee is directed to issue the bills to the consumer from Jan-2018 to Mar-2018 as per '21' units consumptions per month. All other bills for two years preceding the date of replacement of meter are set aside i.e. Apr-2016 to Dec-2017.
- 3) Amount paid against these bills be adjusted against ensuing bill.
- 4) 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.