



Consumer Grievance Redressal Forum, Kalyan Zone  
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301  
Ph- 2210707, Fax - 2210707, E-mail : cgrfkalyan@mahadiscom.in

**NO. K/E/1566/1869 OF 2018-19**

Date of registration : 09/04/2019

Date of order : 12/06/2019

Total days : 64

**IN THE MATTER OF GRIEVANCE NO. K/E/1566/1869 OF 2018-19 OF STAR CITY MULTI SPECIALITY HOSPITAL PVT. LTD., H.NO.69/1, CHAKKI NAKA, GOPAL CHOWK, KALYAN (E), PIN CODE - 421 301 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT BILLING DISPUTE.**

Star City Multi Speciality Hospital Pvt. Ltd.,  
H.No.69/1, Chakki Naka,  
GopalChowk, Kalyan (E),  
Pin Code - 421 301

(Consumer No.020150303967) . . . (Hereinafter referred as Consumer)

V/s.

Maharashtra State Electricity Distribution  
Company Limited

Throughit's Nodal Officer/Addl.EE.

Kalyan Circle-I, Kalyan

. . . (Hereinafter referred as Licensee)

Appearance : For Licensee - Shri.S.V.Gavali, AEE, Kalyan (E) S/dn.

For Consumer - Shri.R.V.Shivdas(C.R.)

[Coram- ShriA.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 M/S Star City Multi Specialty Hospital Pvt. Ltd. Having consumer no.020150303967/0. Grievance is that consumer received provisional bill plain recoveries of one phase missing with 151814 units vide no.641 dated 25/03/2019. Consumer refers to letters.

- i) MSEDCL no.641 dt.25/03/2019.
- ii) MSEDCL Bill for the month of April-2019.
- iii) Consumer letter addressed to Addl. Executive Engineer dt. 29/03/2019.
- iv) Panchnama dt. 14/02/2019.
- v) Consumer letter dt.28/03/2019.
- vi) MSEDCL hand written lietter dt.23/03/2019 for Rs.17,15,760/-.
- vii) Statement of energy bills from April-2016 to Mar-2019.

3) Consumer submits that from the above documents it is not clear as to what is the period of missing phase. As such no period show in the letter of Distribution Licensee is justified.

4) Consumer prays for invoking Regulation 15.4.1 and recovery for only three month as provided therein. Also SOP is invoked.

5) **Distribution Licensee in reply contends that :-**

*Star City Specialty Hospital Pvt. Ltd., is our Public Service Consumer of M.S.E.D.C.L.,BU-4169 having consumer no. 020150303967, meter no. 13002096 make L & T . From ASCII data it is analyzed that B- phase current of above said consumer is missing, also it is noticed that monthly consumption of the consumer is less than the actual connected load. So, Inspection was conducted on dt.21.01.19. Meter was checked at site in presence of Assistant Engineer (MTU Kalyan East Division), Section officer (Tisgaon) SDO (SDN-I Kalyan East) and Assistant Engineer (QC-SDN-I) . For further checking meter & CT sealed in the box with consumer's signature along with signature of AE (QC) & SDO of Kalyan East SDN-I .On dt. 22.01.19 the L& T make meter no. 13002096 replaced by 40-200 A meter no. X06881160. The sealed meter & CT was again retested in Testing Lab Kalyan circle-I, Kalyan in presence of consumer and L& T company representative. Vide ref. No. 7 the meter is showing current on each phase of meter when tested on bench & accuracy of meter is within permissible limit when tested for dial test. CTs are tested for ratio test & results are with in limit.*

*As per opinion of Company representative, there was no visible sign of disturbance of internal circuit when checked through transparent body. After downloading MRI data, it is noticed through Load Survey that the B Phase current was missing for most of the days. Further cumulative failure of B-Phase was a significant amount of 700 days.*

*Assessment is calculated vide ref no. 8 as per MERC Regulation (ref 15.4 (15.4.1) Recorded consumption during unhealthy period. According to assessment, provisional bill issued to consumer on 22.3.2019 for 151814 unit (700 days) amounting Rs. 17,15,760/- Also non payment of the same notices issued to consumer on 25.3.2019 and 2.4.2019.*

6) We have heard both sides. This is a case of missing phase. MRI data has been downloaded from the Electric Meter. Cumulative failure of B-phase was seen for 700 days. Consumer submits that missing of phase amounts to defective meter and as such Regulation 15.4.1 applies, as against this Distribution Licensee representative produced some judgment on similar facts and submits that the prayer can not be granted. Consumer does not rely on any judgment.

7) As we take up this matter we are reminded of a similar grievance bearing no.1549 of 2017-18 in which we have elaborately dealt with the issue. There were judgments cited on both the sides in which the one in the case of writ petition no.3614 of 2013 Bombay High Court prevailed over all other judgments. In that case her ladyship Vasanti A.Naik J. of Bombay High Court refused to quash the bill. Only that the slowness of the meter in that case was got confirmed again by appointing a commissioner. This judgment is a complete answer to the challenge put up by consumer to the impugned bill. Besides, there is also a judgment of Hon'ble Ombudsman in Representation 29 of 2014 where in it was held on similar fact that 15.4.1 was not attracted. Question remains about calculating the bill amount and the proper method to be adopted.

8) Consumer Representative herein Claims that his load is commercial and hence current on all three phases are different. Load on the phase recording less is not having much load.

After going through CPL, consumption of consumer has recorded low for assessment period compared to healthy period i.e. Jan-2016 to Dec-2016. For period of Jan-2017 to Dec-2017 it is '173436' units and for Jan-2018 to Dec-2018 it is '143204' compared to '202289' units for period Jan-2016 to Dec-2016. From the MRI report it is clear that current on 3 phases on date 20/01/2019 was 20.7, 10.28 and 0 (zero) and after tightening of connection the current on 3 phase on date 21/01/2019 was 21.26, 13.6 and 15.12 respectively. This shows that there was no recording of phase B current before 21/01/2019. LT company 'Temper Report' also shows that 'current failure for B phase' for 699 days 22 Hrs, 17 min and 58 seconds. If we consider that the B phase current was absent for 699 days 22 Hrs. i.e. for 700 days then the meter may have stopped recording from 19/2/2017 i.e. from the month of Feb-2017. If we take the consumption for period Mar-2017 to Dec-2018 the average consumption/month is '13070' units. Whereas if we take the consumption prior to Feb-2017 i.e. for period Feb-2016 to Jan-2017 it comes to '16867' units/month. There is definitely decrease in consumption but not to the tune of one third as claimed by Distribution Licensee. If we consider that load is balanced and meter was recording for two phases only then the assessment will be for '19605' units/month which is not matching with healthy period consumption i.e. '16867' units hence we feel that even though meter recorded

low due to absence of B phase current, the assessment should not be calculated considering one third consumption method, it will be injustice to the consumer. In this situation Distribution Licensee should take base of healthy period consumption of period Feb-2016 to Jan-2017 to calculate assessment for period Mar-2017 to Jan-2019. Means Distribution Licensee to apply average of '16867' units/month for period Mar-2017 to Jan-2019 for calculating bill and issue fresh bill to consumer 23 installments to be granted for payment of assessed bill without DPC and interest.

9) SOP not be granted as the consumer not applied for the same within 60 days from cause of action in view of regulation 12.2.

Hence the Order

### **ORDER**

- 1) The Grievance application of consumer is hereby partly allowed.
- 2) Bill of Rs.17,15,760/- is set aside.
- 3) Fresh bill as explained in Para no.8 is to be issued.
- 4) Installments to be granted without DPC and interest.
- 5) Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

Date: 12/06/2019

(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, KeshavBldg, BandraKurlaComplex,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.