



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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NO. K/E/1578/1887 OF 2019-20

Date of registration : 30/04/2019

Date of order : 04/06/2019

Total days : 35

IN THE MATTER OF GRIEVANCE NO. K/E/1578/1887 OF 2019-20 OF SHRI.PRAKASH L. RAMANI, ROOM B/H KALIMATA MANDIR OPP. RADHA NIWAS, ULHASNAGAR-1, DIST. THANE, PIN CODE – 421 001 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT BILLING DISPUTE.

Shri.Prakash L. Ramani,
Room B/H Kalimata Mandir Opp.
Radha Niwas, Ulhasnagar-1,
Dist. Thane, Pin Code – 421 001
(Consumer No. 021511053240)

... (Hereinafter referred as Consumer)

V/s.

Maharashtra State Electricity Distribution
Company Limited
Throughit's Nodal Officer/Addl.EE.
Kalyan Circle-II, Kalyan

... (Hereinafter referred as Licensee)

Appearance : For Licensee - Shri.J.L.Borkar, AEE, Ulhasnagar-I S/dn.

For Consumer - Shri.J.S.Rajput(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 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) Consumer herein is one Shri.Prakash L. Ramani having consumer no. 021511053240. Grievance is that meter is faulty since Jan-2018. It was replaced in Jan-2019. Consumer therefore prays 15.4.1 be applied and recovery may be made for three month only and balance amount be refunded.
- 3) Distribution Licensee in reply contends that consumer is a single phase commercial one. Complaint receives from consumer the accumulated bill of June-2018 for '1193' units was divided in the period from April-2018 to June-2018 and there was deduction of Rs.7,991/- was made in the bill for July-2018 as per bill revision no.8747222 dt.28 June-2018.
- 4) On 31/10/2018 on inspection it was detected that the meter was defective. In particular there was problem of display. The averaging of bills done for the period from July2018 to Oct-2018 at average of 567 was revised at average of '262' units and is Dec-2018 a deduction was 16300 was given as per bill revision no.9354526 dated 01/11/2018.
- 5) Meter was replaced on 12/12/2018, though due to technical difficulty the date shown was 01/02/2019 the bill for Dec-2018 to Feb-2019 was also issued on average basis at '697' units which was connected and issued as per actual recording and giving deduction of 17,405/- as per revision no.10011801 dt.07/03/2019. The bill for Nov-2018 will also be revised.
- 6) Distribution Licensee therefore contends that the bills of the consumer were revised from time to time to the satisfaction of the consumer.
- 7) We have heard both sides. Admittedly the meter is defective. With no display. The meter can not be tested. Thus it is to be taken as defective. Meter falling in the category of stopped Regulation 15.4.1 is to be applied. The average of the healthy 12 months period proceeding Nov-2017.
- 8) The second factor to see for applying 15.4.1 is to see when the dispute arose. There is no application given by the consumer to Distribution Licensee raising the dispute. Hence the date of replacement of the meter i.e. 12/12/2018 may be taken as the date when the dispute arose.

Hence the order

ORDER

- 1) The Grievance application of consumer is hereby allowed.
- 2) Distribution Licensee to apply Regulation 15.4.1 and adjust the bill for three month prior to 12/12/2018 with the average of 12 months preceding Nov-2017.
- 3) Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

Date: 04/06/2019

(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.