



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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NO. K/DOS/128/1913 of 2019-20

Date of registration : 12/06/2019

Date of order : 03/07/2019

Total days : 21

IN THE MATTER OF GRIEVANCE NO. K/DOS/128/1913 OF 2019-20 OF INAYAT UMARJI PATEL, GALA NO.2, S.NO.333, BEHIND SKY WAY HOTEL, PELHAR, VASAI (E), TAL-PALGHAR, PIN CODE – 401 202 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT DISCONNECTION OF SUPPLY.

Inayat Umarji Patel,
Gala No.2, S.No.333,
Behind Sky Way Hotel, Pelhar,
Vasai (E), Tal-Palghar, Pin – 401 202
(Consumer No. 001943830173) . . . (Hereinafter referred as Consumer)
V/s.

Maharashtra State Electricity Distribution
Company Limited
Throughit's Nodal Officer/Addl.EE.
Vasai Circle, Vasai . . . (Hereinafter referred as Licensee)

Appearance : For Licensee - Shri.V.M.Gokhale, AA, Vasai (E) S/dn.

For Consumer - Shri.Vasant Vaze (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 Inayat Umarji Patel having consumer no. 001943830173. Grievance is as below :

i) **Details of the grievance** : That, I have paid all the bills as up to the month of May-2019 regularly. On 14/05/2019, all of a sudden I received one letter bearing No.3341 dtd.13/05/2019 along with a supplementary bill of Rs.1,74,880/- without providing any documentary evidences in support of it.

Reason – R phase voltage found ‘zero’ on meter and found normal at primary. As a lay person, I do not understand this concept.

Caution Notice – It is requested to pay the said recovery amount within 15 days or otherwise the power supply will be disconnected by the MSEDCL. It is further stated that the said recovery is debited in the next billing cycle. It means that, my next bill will come along with said burden.

Immediately on 15/05/2019, we wrote one letter to MSEDCL demanding following documents.

- a) Inspection report dtd.12/02/2019.
- b) MRI report as retrieved by you.
- c) Testing of meter is required to establish the facts.

Till then no disconnection to be done.

ii) **A) Date of original intimation of Grievance by the consumer to the Distribution Licensee**
Letter dated 15/05/2019 to Vasai (E) S/Dn.

iii) **Remedy provided by the Distribution Licensee, if any : nil**

iv) **Nature of Relief Sought from the Forum :**

- a) To refrain MSEDCL from disconnecting the supply till the matter is heard and finalized by the CGRF.
- b) Meter to be tested in front of the consumer and accordingly the recovery to be decided, correct of otherwise.

3) **Distribution Licensee in reply states as under :**

i) खाली नमूद केलेले मुद्दे मान्य करून ग्राहकाने तक्रारीत उल्लेख केलेले सर्व मुद्दे हे कार्यालय नाकारीत आहे.

ii) श्री.इनायत उमरजी पटेल यांना दि.१५.०३.२०१६ रोजी ग्राहक क्र.००१९४३८३०१७३ नुसार नवीन वीज पुरवठा औद्योगिक गरजेकरीता २७ अश्वशक्ती वीज जोडभार मंजूर करण्यात आला होता.

iii) सदर ग्राहकाचा वीज मांडणी संच दि.१२.०२.२०१९ रोजी सहाय्यक अभियंता (गुणवत्ता नियंत्रण कक्ष) वसई रोड (पू.) उपविभाग यांच्याकडून तपासणी करून मीटरमधील एम.आर.आय. डेटा मशीनमध्ये घेण्यात आला. मीटर क्र.०५७९१३८१ कंपनी जिनसचा अहवाल तपासला असता, मीटरमधील 'आर' फेसमधील व्होलटेज हा शून्य दि.०३.०८.२०१८ संध्याकाळी ६.५७ मी.झाला होता. त्यामुळे दि. ०३.०८.२०१८ ते १२.०२.२०१९ या दरम्यान मीटरमधील मोजणी झालेले युनिट हे ३३ टक्केनुसार (Slow) कमी झाल्याचे आढळण्यात आले.

iv) सहाय्यक अभियंता (गुणवत्ता नियंत्रण कक्ष) वसई रोड (पू.) यांनी सादर केलेल्या अहवालात एकूण वीज वापर ६६२२९ युनिटपैकी २२०७४ युनिटची देयक आकारणी झालेली नसून कंपनीच्या महसूल रक्कम रु.१७४८८०/- हा ठप्प राहिला/वेळेवर प्राप्त झाला नाही. त्यामुळे सदर ग्राहकाला पुरवणी देयक रु.१७४८८०/- अदा करण्यात आलेले आहे.

माहे ऑगस्ट - २०१८ पूर्वी ग्राहकाच्या सरासरी वीज वापर १३६८५ प्रतिमहा होता.

जुलै - २०१८ ऑक्टोबर-२०१७ = एकूण वापरलेले युनिट

१३६८४६ - १ = १३६८४५ हा १० महिन्यात झालेला वीज वापर सी.पी.एल.प्रमाणे दिसत आहे.

माहे मार्च-२०१९ ते मे-२०१९ या कालावधीचा वीज वापर तपासले असता हा १३२९० सरासरी युनिट प्रतिमहा झालेला आहे.

मे-२०१९ - मार्च-२०१९ = एकूण वापरलेले युनिट

ग्राहकाचा वीज तपासणी केल्यानंतर दि.१२.०२.२०१९ पासून मासिक वीज वापरामध्ये वाढ झालेल्याचे दिसून येत आहे. ग्राहकाला अदा केलेले पुरवणी देयक हे ऑगस्ट - २०१८ ते फेब्रुवारी-२०१९ (७ महिन्याचे) या दरम्यान एकूण वीज वापर ६६२२९ युनिटचा झालेला असून, त्याचा मासिक सरासरी वीज वापर ९४६१ प्रतिमहा आहे.

वरील तिन्ही कालावधीचे ऑक्टोबर -२०१७ जे जुलै -२०१८, मार्च-२०१९ व मे-२०१९ व ऑगस्ट -२०१८ ते फेब्रुवारी-२०१९ मासिक सरासरी वीज वापर बघितले असता १३४८७ च्या ऐवजी ९४६१ युनिटनुसार झालेला आहे. यावरून असे लक्षात येते की, ग्राहकाला अदा केले पुरवणी देयक रक्कम रु.१७४८८० हे योग्य असून कंपनीचा महसूल प्राप्त झालेला नाही.

4) We have heard both sides. This is a case of missing R & Y phase. MRI data has been downloaded from the electric meter. It is seen that R & Y phase voltage was zero due to loose connection between meter PT Screw and incoming cable phase (R & Y). After tightening both screws voltage approved as normal and reflected as restored on 12/02/2019. In MRI report.

5) As we take up this matter we are reminded of similar grievance dealt with by us in the forum in which we have elaborately dealt with the issue. There were judgments cited on either side 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. refused to quash the bill. Only that the slowness of the meter was got confirmed again by appointing a commissioner. This judgment is a complete answer to the challenge put up by the consumer to the impugned bill. Besides, there is also the judgment of Hon'ble Ombudsman in Regulation no. 29 of 2014 wherein it was held on similar facts that 15.4.1 was not applicable.

6) Besides above, consumer has raised a point that the inspection report does not bear the signature of the consumer, hence it should not be accepted/ inspection was not done in presence of the consumer.

7) We have given a thought to the proposition put forth. But then no Regulation is shown to the effect that if inspection is not done in presence of the consumer it has to be straight away rejected. It is very difficult to attribute malafides to the officials without any basis. Documents won't lie including electronic records. It is thus difficult to reject the MRI report.

8) In the above background the grievance fails. Only that the consumer be granted installments as per MSEDCL circular.

Hence the order

ORDER

- 1) The Grievance application of consumer is hereby partly allowed.
- 2) Bills are sustained.
- 3) Distribution Licensee to grant installments as per MSEDCL circular.
- 4) Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

Date: 03/07/2019

(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, BandraKurla 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.