



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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NO. K/DOS/129/1914 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/129/1914 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. 001943830165) . . . (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.994280/- 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) *That, MSEDCL denied all contention raise in grievance except those admitted herein below.*

ii) *That, Inayat Umarji Patel Consumer of MSEDCL (Consumer No. 001943830165) having date of supply March-2016. The load of 49.98 HP was sanction for Industrial Purpose Meter No.5796193 Make Genus is installed to consumer.*

- iii) *That, the premises of consumer on the Inspection dtd.12/02/2019 and Data analysis of meter no.5796193, it is observed that 'R' and 'Y' phase voltage found 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 a restored on 12/02/2019 in MRI report. There is no fold in meter on CT PT but due to technical reason of loose screw 'R' and 'Y' phase consumption not recorded in meter. In MRI Data Analysis 'R' and 'Y' phase is approved to be missing from 24/02/2018 and restore on 12/02/2019. As such consumer was under billed during above period and billed for only 1/3 consumption and hence recovery 2/3 consumption is require to be livid. During above period consumer was billed for 62660.26 units (1/3 consumption) hence there is recovery for 125113.97 units. The period of recovery is 12 months.*
- iv) *After restore voltage 'R' and 'Y' phase the consumption increase for the month of March 2019 is '11018' unit, April 2019 is '16161' unit and May 2019 is '20389' units.*
- v) *That, the meter is ok and recorded proper consumption after tightening of loose connection between meter PT screw and incoming cable phase above can be seen from MRI report. As such 15.4.1 of MERC supply cord 2005 did not apply to this case the recovery is restricted to period of 12 months. Hence recoverable within provision of S.56 (2) of E.A 2003.*

In view above reject the grievance of complainant.

- 4) We have heard both sides. This is a case of missing R & Y phase. MRI data has been down loaded 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 grievances 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 compete 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.