

The complaint about accumulated bill for additional consumption of unit recorded due to Y Phase PT missing since May-2016 to Jan.-2018.

The above named consumer was obtained the supply to his premises for Industrial purpose since May-2016. According to the consumer Genus Make meter having cap. 40–200 A was installed to his premises on 25.05.2016 for 3 phase 50 HP. The date of installation was 25.5.2016 & he is using the supply for his premises from 25.5.2016 & in the month of Jan.2019 he has received the accumulated bill amounting to Rs.3,84,400/- from the Utility for additional consumption due to “Y” phase PT missing events. According to the consumer on dated 18.6.2018 Flying Squad, Ganeshkhind has visited the premises and examines the spot inspection report & it seems that “Y” phase PT was missing & confirmed through MRI report. The additional consumption of 40988 units bill & its bill was issued to the consumer amounting to Rs.3,84,400/-. After receiving the said bill, the consumer was initially approached to the concern office and requested for re-examine the meter in laboratory and calculate correct unit consumption.

According to him, the defective meter was installed since beginning of their installation & though their meter was not showing proper reading on meter display. According to the Utility, it was wrong in fact in every month that the official of the Utility was recording the proper reading of the meter and issued the bill which was paid by the consumer from time to time. The consumer was also made grievance that fact, of “Y” Phase PT missing was not noticed by official prior to the Flying Squad visit checking and it was brought to the notice to the consumer only after examinations of meter & after MRI data retrieval.

The consumer has alleged that since last 3 years, his meter was not checked and tested by the Utility which is violation of MERC Rules and Regulations resulted in financial loss without his fault. The

consumer has raised the grievance that the accumulated bill and the meter testing report was challenged and made grievance initially in Form No.-X before IGRC. After receiving the dispute of IGRC, the IGRC registered the case No.08/2019 on dated 14.03.2019. The IGRC received the complaint, thereafter IGRC gave opportunity to the Respondent Utility & consumer for hearing on 10.4.2019 and the matter was heard by IGRC. The IGRC has passed order on 10.5.2019 that directing the Respondent Utility to calculate the plain assessment bill to the consumer. In view of Section 56 (2) 2 years prior to 18.06.18 to the reassess and review the bill. The IGRC has also directed to reassess the bill only after calculation of missing PT events to verify the same.

After receiving the said order the consumer was not satisfied with the order of IGRC & therefore the consumer was approached to the Forum and filed the grievance in Form No. A on 12.6.2019. According to the consumer the installation of meter and the meter itself was faulty, the report submitted by Flying Squad, Ganeshkhind regarding missing of Y phase PT is wrong and it was not verified and inspected by the Utility which violates the Regulation and procedure. The consumer also prays for not to charge penalty, interest and DPC as its not consumers fault and prays for other relief.

After filing the complaint on 12.6.2019 this office has issued the notice to the Respondent Utility directing to give the detail reply on or before 27.6.2019. Thereafter the Respondent Utility appeared and file the reply alongwith documents of MRI report, testing report, Flying Squad report and assessment of bills alongwith B-80 etc. The consumer was also attached the copy of accumulated bill and other relevant documents of his establishment, I have perused the same.

After considering of rival contention of the consumer and the Respondent Utility the following points arose for my consideration to which I have given my findings to the issue alongwith reason given below:-

1. Whether accumulated bill issued to the consumer in Oct. - 2018 for claiming 40988 units is legal valid and proper ?
2. Whether the consumer is entitled for defective meter case as per MERC Clause No. 15.4.1 of CGRF Regulations 2005 ?
3. Whether the Utility is entitled to recover the arrears from the date of installation of meter due to less consumption as "Y" Phase PT missing event occurred and calculated units are proper or not ?
4. Whether consumer is entitled for any relief ?
5. What Order ?

Reasons:-

I have given the opportunity to the consumer and his representative who appeared before the Forum on dated 6/7/2019. I have perused the contention of the utility & according to the Utility the spot inspection made on dated 18.6.2018. The Flying Squad, Ganeshkhind has visited the premises of the consumer and found "Y" phase PT was missing since 11.5.2016 to 5.6.2016, from 7.6.2016 to 20.7.2017 and further from 20.7.2017 to 6.01.2018. Accordingly MRI data was retrieved by the Utility and they have prepared the bill on "Y" phase PT was missing & hence less consumption is recorded in the meter of the said consumer and hence additional 40988 units which is amounting to Rs.3,84,400/- to be recovered and issued in the month of Oct.2018 bill. Thus it is apparently clear that prior to the spot inspection of Flying Squad, the actual recording of units on the meter was not noticed either by consumer or by the official of the Respondent Utility as monthly consumption to be recorded which was seen on meter display only. The report of Flying Squad & Inspection at the spot required to be valid and re-examine as per the contention of consumer & hence needs laboratory testing. And therefore direction was given to check the installation and MRI data retrieval of Genus Co. as per documents and thereafter the said meter was tested & it was found that "Y" phase "PT" was missing and which resulted in less recording of consumption units.

It means the consumer was not received and given proper consumption of units bill as per Section 56 (1) of Indian Electricity act. The action taken by Respondent Utility to recalculate the units by adding the "Y" phase PT missing separately calculated for the period 25.5.2016 to 5.6.2016, 07.06.2016 to 20.7.2017 & 20.07.2017 to 06.01.2018. The said calculation of units resulted in preparing additional supplementary bill of accumulated bill consumption which is challenged by the consumer on perusal of complaint of the consumer. It appears that the fact of less consumption recorded by meter due to Y phase PT missing came to the first time in the knowledge to Flying Squad, Ganeshkhind inspection on 8.6.2018 and therefore the said fault cannot be identified prior to this incident & hence the consumer cannot be blamed for less consumption unit recorded and the accumulated bill issued is valid & proper. Therefore no interest, DPC and penalty can be charged against the consumer.

In view of proper reassessment of bill the directions was given to retrieval of MRI and the report of MRI of calculation of difference of unit which shows missing of "Y" phase PT is justified. There is no doubt or any reason for me to hold otherwise contention of the consumer i.e. "Y" phase P.T. was not missing and the bill was issued is wrong. Apparently MRI data & technical specification of spot inspection report on 18.6.2018 and other collateral report confirm that, the fact that "Y" Phase PT missing since the date of installation and claimed by the Respondent Utility resulted in issuing the bill in the month of Oct.2018 is correct and proper. The fact is confirmed of verifying the said report thereafter the Respondent Utility directed to reassess and recalculate the additional units as per MRI data and the consolidated amount should be bifurcated in equal monthly installment payable by the consumer. As such the reason of making complaint I found that the consumer is justified in raising the dispute as the less consumption recorded units bill was wrongly issued to the consumer.

Therefore the Respondent Utility entitled to recover the MRI recorded unit 40988 due to less consumption recorded by Y phase PT missing & it shall be recovered from the consumer and it can be recovered only in equal

monthly installments. The consumer shall not be charged any Interest, DPC and penalty on the said amount. Hence I am inclined to allow the consumer complaint partly only restricted to the bifurcation of units in equal monthly installment and the amount shall be payable accordingly alongwith current bill in 8 equal monthly installment.

The time limit of 60 days prescribed for disposal of the grievance could not be adhered due to submission of report of Licensee during the instructions given at the time of hearing by the Forum.

Hence I proceed to pass the following order:

ORDER

1. The consumer complaint No.41 of 2019 is partly allowed.
2. The less consumption of units i.e. 40988 units bill amounting to Rs.3,84,400/- shall be recovered from the consumer due to "Y phase PT missing events occurred for the period 25.05.2016 to 06.01.2018 & this recovery is permissible which is within 24 months from the date of detection i.e. 18.6.2018.
3. No interest & DPC & penalty shall be charged against the consumer.
4. The consumer shall pay the said arrears amount of unit consumption bifurcated in 8 equal monthly installment alongwith current bill.
5. No order of cost.
6. The Licensee is directed to report the compliance within one month from the date of this order.

The order is issued under the seal of Consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Pune Urban Zone, Pune on 23rd Aug. - 2019.

Note:-

- 1) If Consumer is not satisfied with the decision, he may file representative within 60 days from date of receipt of this order to the Electricity Ombudsman in attached "Form B".

Address of the Ombudsman
The Electricity Ombudsman,
Maharashtra Electricity Regulatory Commission,

606, Keshav Building,
Bandra - Kurla Complex, Bandra (E),
Mumbai - 400 051.

- 2) If utility is not satisfied with order, it may file representation before the Hon. High Court within 60 days from receipt of the order.

I agree / ~~Disagree~~—

I agree / ~~Disagree~~

Sd/-

sd/-

sd/-

ANIL JOSHI
MEMBER
CGRF:PZ:PUNE

A.P.BHAVTHANKAR
CHAIRPERSON
CGRF: PZ:PUNE

BEENA SAVANT
MEMBER- SECRETARY
CGRF:PZ:PUNE