



Consumer Grievance Redressal Forum, Kalyan Zone  
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301  
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**NO. K/DOS/140/1941 of 2019-20**

Date of registration : 31/08/2019

Date of order : 27/09/2019

Total days : 28

**IN THE MATTER OF GRIEVANCE NO. K/DOS/140/1941 OF 2019-20 OF SHRI.ANTHONY P. FERNANDES (USER-SHRI.JATIN CHAWLA), BEHIND BLK C-78, NEAR CENTURY COLONY, ULHASNAGAR -3, DIST.THANE, PIN CODE – 421 003 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT DISCONNECTION OF SUPPLY.**

Shri.Anthony P. Fernandes  
(User -Shri.Jatin Chawla),  
Behind BLK C-78, Near Century Colony,  
Ulhasnagar -3, Dist.Thane, Pin - 421 003  
(Consumer No. 021514965576) . . . (Hereinafter referred as Consumer)  
V/s.

Maharashtra State Electricity Distribution  
Company Limited  
Through it's Nodal Officer/Addl.EE.  
Kalyan Circle – II, Kalyan . . . (Hereinafter referred as Licensee)

Appearance : For Licensee - 1) Shri.U.R.Thakare, AEE, Ulhasnagar – III  
2) Shri.Atul Zingare, AE, Ulhasnagar Section –III  
3) Smt.Pinki Panjabi, LDC, Ulhasnagar – III

For Consumer - Shri.J.S.Rajput (C.R.)

[Coram - 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) The brief facts of the grievance applications are :

Consumer herein Shri.Anthony P. Fernandes is having L.T. Commercial connection vide consumer no. 021514965576 at Ulhasnagar. Consumer Representative contends that his connection is from 07/07/2016, but no reading taken since date of connection. Consumer paid bills regularly. Consumer made complaints to Distribution Licensee but Distribution Licensee go on issuing average bills. In month of Jan-2019 connection disconnected without notice, which reconnected after payment of Rs.100/- against reconnection charges. In month of Mar-2019 bill of '23345' units amounting Rs. 2,13,530/- issued. Meter of consumer is outside even though reading were not taken. The meter tested in lab and found fast, even though the said bill is not revised and connection is disconnected. Consumer Representative further demands SOP.

3) Notice was given to Licensee vide letter no.EE/CGRF/Kalyan/370 dt.04/09/2019 to which Licensee appeared and filed replied on 18/09/2019.

4) Distribution Licensee in its reply contends that bill issued to consumer in month of Mar-2019 is accumulated reading for 28 months. From Nov-2016 to Feb-2019 consumer billed on lock status, in which average was '134' units/month till Feb-2018 and for period Mar-2018 to Feb-2019 average was '434' units/month. In month of Mar-2019 total accumulated '23345' units billed and lock credited of Rs.78263.67 released. Consumer meter is already replaced, as per new meter, consumption is '616' units for month of Jul-2019 and '646' units for the month of Aug-2019. As per spot verification report consumer load is as follows :

Equipment	Nos.	Watt	Load	DF	KWh/Day
LED Bulb	23	5	115	0.5	1.38
AC 1 ton	1	1500	1500	0.5	18
AC 1.5 ton	1	2000	2000	0.5	24
TV	1	100	100	0.5	1.2
Oven	1	800	800	0.5	9.6
Fan	3	60	180	0.5	2.16
Fridge	1	250	250	0.5	3
			4945		59.34
			4.945		1780.2

On 18/03/2019 at the time of meter inspection meter reading was 23977 and M.D. was 4.76 K.W. The recorded M.D. on meter is matching with connected load. On 03/04/2019 again meter inspection done, in which meter reading shoot up to '26973' and M.D. shoot up to 14.55 kw. The recorded M.D by meter during the inspection is as follows :

Date	Time	KWh	KW (MD)
30/03/2019	11.00	26377	14.55
05/02/2019	13.30	23446	4.76
11/01/2019	16.30	22655	3.91
21/12/2019	14.00	22034	3.87
02/11/2018	16.30	21221	4.55
23/10/2018	13.00	20087	5.08

As per above table it is clear that consumer reading issued in month of Mar-2019 is as per normal meter reading and matching with consumer use.

Distribution Licensee further contends that the said meter sent for testing in which meter showing 349.50% fast. But from the M.D. recording it is clear that M.D. recorded from Oct-2018 to Feb-2019 is normal, whereas on 03/04/2019 inspection report M.D. recorded on 30/03/2019 is 14.55 Kw, from which it can be concluded that till 09/03/2019 (meter reading date) for Mar-2019 recorded consumption was as per consumer use only and meter was normal. The meter was send to HPL company for further analysis, as per the load survey report meter was working normally till 26/03/2019. From 27/03/2019 meter M.D. recorded abnormal. Hence it is clear that consumer meter was normal till 26/03/2019 and meter reading was correct. S.V. report, load survey report and Temper report are kept on record.

5) We have gone through the documents and the arguments made by both the parties. We have observed that :-

Consumer billed on average from Nov-2016 to Feb-2019. In month of Mar-2019 accumulated reading bill for '23345' units issued to consumer, to which consumer has taken objection. Meter testing report is showing meter is 349.50% fast, but when the meter got faulty is not mentioned in report. We have gone through the Inspection report in which it is clear that meter M.D. was in the range of 4-5 kw from 23/10/2018 to 05/02/2019, on 30/03/2019 it shoot up to 14.55 kw, which is abnormal compared to connected load of consumer. Inspection report of Distribution Licensee on 18/03/2019 also noted that M.D. 4.99 Kw For further details we have gone through load survey report and Temper report given by HPL Company from which it is clear that fault occurred in the meter is from 27/03/2019. In half hourly data, consumption for half hour slot is 10-24 units which is just impossible. Hence claim of Distribution Licensee that meter got faulty on 27/03/2019 cannot be denied. Hence accumulated units till month Mar-2019 is correct as per usage only but the accumulation is for 28 months, which is not allowed as per **section 56 (2) of IE act 2003**, which reads as under :

**(2) Notwithstanding anything contained in any other law for the time being in force, no sum due from any consumer, under this section shall be recoverable after the period of two years from the date when such sum became first due unless such sum has been shown continuously as recoverable as arrear of charges for electricity supplied and the licensee shall not cut off the supply of the electricity.**

Hence Distribution Licensee is liable to recover bill for 24 months only prior to Mar-2019. Hence bill for month of Nov-2016 to Feb-2017 is set aside. Distribution Licensee to calculate bill for 24 months prior to Mar-2019 and credit the excess amount charged in month of Mar-2019. As far as billing in month Apr-2019 and May-2019 is concerned Distribution Licensee to revise the bill as per section 15.4.1 considering the average of previous 12 months (In this case average is for 28 months)

6) The prayer of SOP cannot be granted as consumer has not applied for SOP conception within 60 days from default as per regulation 12.2 of SOP regulation 2014.

Hence the order

### **ORDER**

- 1) The Grievance application of consumer is hereby partly allowed.
- 2) Distribution Licensee revise the bill for period Mar-2017 to Mar-2019 as explained in Para no.5, 24 installments should be given for payment of bill if consumer demands. That too without DPC and Interest.
- 3) Bill for month Apr-2019 and Mar-2019 to be revised as explained in Para no.5.
- 4) No SOP.
- 5) Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

Date: 27/09/2019

Sd/-  
(Mrs.S.A.Jamdar)  
Member  
CGRF, Kalyan

SD/-  
(A.P.Deshmukh)  
MemberSecretary  
CGRF, Kalyan

**\*\* (In the sitting of Forum, the Chairperson is not available. As per MERC Regulations (2006), Clause 4, the technical member shall be the Chairperson of such sitting in which Chairperson is not available and hence in the present case, the technical member performed the role of Chairperson of the Forum ).**

### **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, Bandra Kurla 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.