



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
Ph- 2210707, Fax – 2210707, E-mail : cgrfkalyan@mahadiscom.in

NO. K/E/1601/1931 OF 2019-20

Date of registration : 08/08/2019

Date of order : 04/11/2019

Total days : 88

IN THE MATTER OF GRIEVANCE NO.K/E/1601/1931 OF 2019-20 OF SHRI.SURESH G.GOPALANI, KAUSAL APARTMENT, UNO 416-421, FLAT NO.102, ULHASNAGAR-1, DIST. THANE, PIN CODE - 421 001 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT BILLING DISPUTE.

Shri.Suresh G. Gopalani,
Kausal Apartment, UNO 416-421,
Flat No.102, Ulhasnagar-1, Dist.
Thane, Pin Code - 421 001

(Consumer No.021510704727 LT-Res.)

. . . (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.J.L.Borkar, AEE, Ulhasnagar S/dn.-I
2) Smt.Shubhangi Ghadge, LDC, Ulhasnagar S/dn.-I

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

[Coram- Shri.A.P.Bhavthnkar -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 complaint no.1931 of 2019 Shri.Suresh G.Gopalani, Kausal Apartment, UNO 416-421, Flat No.102, Ulhasnagar-1, Consumer No.021510704727, PC-3 V/s Addl. Executive Engineer, Ulhasnagar Sub Division. Complaint about excessive and accumulated bill and correction. Above name consumer received bill issued by utility, accumulated reading which was adjusted after receiving laboratory meter report testing report OK against this consumer claim supplementary bill for Rs.8230.33. Disconnection notice issued under section 56 (2) directing consumer to pay the said bill on or before 15/07/2019. After receiving the said bill initially consumer approached to IGRC and raised grievance that accumulated bill arrears claim along with current bill issued by utility is illegal, bad in law and without any justify ground. After filing the said dispute, IGRC registered the case and given opportunity of hearing by issuing notice to respondent utility on dtd.30/05/2019. Thereafter utility filed reply stating that consumer complaint is made on 03/09/2018 and requested to change of meter on 08/02/2019. Thereafter physical spot inspection made and connected load was verified. Consumer meter no.13979933/HE was removed and send for laboratory testing. Thereafter the report received of laboratory testing of the said meter bearing report no.6550. Accordingly in the month of Aug and Sept -2018 the photograph of the meter reading was verified and the said reading was recorded. As subsequently laboratory testing report of meter is received and found Ok. Therefore previous adjustment made in the bill for month of Aug and Sept -2018 was debited and consumer was charged as per actual meter reading correctly. Respondent utility filed copy of meter testing report, spot verification report and pray for consumer complaint is bad in law and revised bill issued showing debit amount of benefit wrongly given to the consumer for the bill Aug and Sept -2018. Also claimed that bill of actual meter reading is charged against the consumer which is legal, valid and proper. Being aggrieved by the said order of IGRC consumer approached to the forum and filed grievance in Form No 'A' on 08/08/2019 stating that, consumer already deposited bill as per demand and paid to the utility properly. The supplementary bill issued by the utility to the consumer is illegal and liable to be revised giving earlier benefit as per direction of order of CGRF in old case. Consumer already deposited the bill as per order of the court the said benefit should not be withdrawn. After filing the said grievance before this forum notice was issued to the respondent utility on 14/08/2019 directing respondent utility to file reply.

3) After receiving the said notice respondent utility appeared and filed reply along with copy of CPL, Spot Inspection Report, Meter testing report, Copy of Order of CGRF in case no. 1825 of 2018-19 order dtd.27/03/2019. I have perused document filed by consumer and also perused documents filed by respondent utility including B-80 benefit, spot inspection report and laboratory meter testing report along with the case. Respondent utility submitted that during the application of consumer for change of meter the meter was not available for replacement. However on 08/02/2019 replacement of meter was made and old meter was send to the laboratory on 13/02/2019. Report of laboratory testing received to the office and found that

benefit given to the consumer for Rs.8230.33 for the bill month Aug and Sept -2018 was wrong. The amount debited in the consumer in the month of May-2019. The said bill issued as per actual meter reading and consumer is liable to pay the same. Respondent utility also filed copy of spot inspection report and assessment of connected load consumption of the use by the consumer is about '262' unit showing accucheck result 100% fast. The consumer raised the dispute that, accucheck report 100% meter fast is covered under meter defect and reassessment as per provision for 15.4.1 as per regulation Respondent utility can charge average 3 months billing only. Therefore revised bill claim in the month of May-2019 is illegal and liable to be corrected, After perusing rival contention following point arose for my consideration to which I recorded by finding to the points by the reason given below :

Points :

- i) Whether respondent utility entitled to claim, the benefit already given for the bill of Aug and Sept -2018 for Rs.8320/- ?
- ii) Whether Respondent utility entitle to claim as per actual meter reading shown in the photograph. Unit consumed charged against the consumer for amounting 28,600/- ?
- iii) Whether consumer is entitled for any relief?
- iv) What order?

Reasoning:

On 25/09/2019 I have given opportunity to consumer and his representative Shri.J.S.Rajput. I also give opportunity for hearing respondent utility Nodal Officer J.L. Borkar, AEE and Smt. Shubhangi Ghadge, LDC. After perusing the nature of dispute in view of copy of earlier order passed in the case of this consumer is attached order dtd.27/03/2019. The forum already proceed to pass order against the Consumer and complaint was dismissed. Load assessment report was filed. Connecting load consumption for the unit in m/o Aug and Sept which was billed excessive in those month and recovered from the consumer. As such in event of Failure of earlier consumer complaint, the consumer deposited in the said amount.

There after utility claimed additional bill by giving debit entry of earlier relief which was already given to the consumer on the ground in view of meter testing report found Ok. Benefit which was given under B-80 relief monetary to the consumer earlier was withdrawn for amounting Rs.8,320/- which was claimed in the bill. Consumer was further charged as per actual meter reading available reading on old meter and the bill was claimed correctly. It is contention of consumer that intimation given of accucheck meter check report as disclosed by the respondent utility authorized official shown that at spot inspection meter was 100%fast and the report is given to the consumer. It is also necessary to note that connecting load was verified and unit found consumed counted '262' unit per month. Recommended to charge the bill as per the consumption unit '262' unit per month as per the report of MSEDCL authorized officer.

The Respondent utility believes and relies on laboratory meter testing report received later on in which meter is found ok and action was taken to withdrawn the benefit which was already given under B-80. The monitory benefit was withdrawn therefore the said action again gave fresh cause of action to the consumer to file the present dispute. The action which was taken by utility at earlier event, the consumer was not given proper opportunity to raise the dispute properly. In our opinion, the consumer has paid the testing charges & got the meter tested at laboratory meter testing bench, where meter is tested with all the testing parameters as per prescribed conditions. The meter testing in laboratory is mandatory as per regulation 14.4.2 of supply code regulation 2005. Which is reproduced here for sake of brevity:

14.4 Testing and Maintenance of Meter:

14.4.2 The consumer may, upon payment of such testing charges as may be approved by the Commission under Regulation 18, request the Distribution Licensee to test the accuracy of the meter: Provided that the consumer may require the Distribution Licensee to get the meter tested at such facility as may be approved by the Commission.

As per this regulation we cannot rely on accucheck testing report, because there are always chances of human error during the accucheck testing, which is done at site & without maintaining reference parameters required accurate testing of meter. In case if there is doubt on meter, final testing is always done in laboratory only. In this case section officer given accucheck meter report as 100 % fast and bill for the month of Aug & Sep'2019 have been corrected as per average consumption of '262' units. Here the officer has not given any calculation, how he calculated the consumption '262' units Distribution Licensee revised the bill as per this report but later on during lab testing it is found that meter Ok, hence rightly withdrawn the benefit earlier passed to the consumer, because meter testing in laboratory is more authentic than accucheck report. In previous order in case no. 1825 of 2018-19 of the same consumer the forum has rightly rejected the grievance stating that, ***the meter is found Ok in testing. On examination of CPL there appears similar units both before and after replacement of meter. Load attached also can be seen. We do not find any merit in the grievance.*** I would also like to mention here that consumption of consumer in month of Sept-2019 is '499' units, which clearly show that consumer is using higher units during some months of the year.

The delay is due to postponement asked by both parties for their difficulty. Utility filed incomplete reply & meter testing accucheck report not submitted timely. Meanwhile previous chairperson completed his tenure & matter heard again by me. Hence the delay. Hence I am inclined to pass following order.

ORDER

The Consumer complaint no.1931 is hereby Dismissed.

Date: 04/11/2019

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

Sd/-
(A.P.Deshmukh)
Member Secretary
CGRF, Kalyan

Sd/-
(A.P.Bhavthnkar)
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, 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.