



Consumer Grievance Redressal Forum, Kalyan Zone  
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301  
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**NO. K/E/1610/1945 of 2019-20**

Date of registration : 23/09/2019

Date of order : 04/11/2019

Total days : 42

**IN THE MATTER OF GRIEVANCE NO.K/E/1610/1945 OF 2019-20 OF MR.PANDURANG TUKARAM GYKAR, FLAT NO.B/302, HINDUSTAN COLONY-1, BABA NAGAR, NALLASOPARA EAST, TAL-VASAI, DIST.PALGHAR, PIN - 401 209 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT BILLING DISPUTE.**

Mr.Pandurang Tukaram Gykar,  
Flat No.B/302, Hindustan Colony-1,  
Baba Nagar, Nallasopara East,  
Tal-Vasai, Dist. Palghar, Pin - 401 209  
(Consumer No.001900189482, LT - Res.) . . . (Hereinafter referred as Consumer)  
V/s.

Maharashtra State Electricity Distribution  
Company Limited  
Through it's Nodal Officer/Addl.EE.  
Vasai Circle, Vasai

. . . (Hereinafter referred as Licensee)

Appearance : For Licensee - 1) Shri.Rajesh Bhute, AEE, Nalasopara (E)  
2) Shri.Sunil Pawar, UDC, Nalasopara (E)

For Consumer - Shri.Ramchandra Pandey (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.1945 of 2019 Mr.Pandurang Tukaram Gykar, Flat No.B/302, Hindustan Colony-1, Baba Nagar, Nallasopara East, Tal-Vasai, Dist. Palghar V/s Executive Engineer, Nalasopara. Complaint about wrong recovery of bill due to faulty meter status. Above name consumer obtain Residential connection and using the supply since 25/08/2012. The category a supply is 90/LT-I Residential – single phase. Connecting load 0.49 KW. Consumer initially filed complaint on 04/07/2019 alleging that the meter no.6508396561 is not recording units properly. Consumer requested to test the said meter in lab and also requested to revise the said bill according to actual consumption. Bills to be charged as per MERC Supply Code 2005 Section 15.4.1 as per Regulations. Consumer also pray for cost of litigation. Consumer initially filed the said dispute before IGRC and requested to grant relief for revision of bill as per Regulation no.15.4.1 of MERC Supply Code 2005. Consumer was charged as per the average bill for '110' unit/month since Aug-2018, therefore the grievance is raised.

After filing the said grievance to IGRC, IGRC registered the case as case no.04724 on 16 Sept-2019. Opportunity was given to the consumer and say of the Respondent is obtained. Hearing was held on 30/07/2019 by IGRC, Vasai Circle. On dtd.16/09/2019, IGRC passed order and gave direction to Respondent Utility to test the meter within 7 days, from the date of it's order.

Not satisfied with the order of IGRC, present consumer filed this grievance before this forum on 23/09/2019. After filing the said grievance, notice was issued to the Respondent Utility by this office on 23/09/2019, giving direction to Respondent Utility to file reply on or before 09/10/2019. After service of notice Respondent Utility appeared and filed reply on 10/10/2019. Respondent Utility submitted that the meter of this consumer name Mr.Pandurang T. Gykar was faulty. Average consumption bill was issued as per central billing system of head office? The request for change of meter was considered in second list issued by head office after 6 months and the meter was replaced on 25/03/2019. During the period from Aug-2018 to Mar-2019 the consumer was charged on average consumption basis for '110' units and thereafter the meter was tested. As per the report of meter testing on 04/10/2019 the consumer's average bill was corrected giving credit Rs.1423.95. B-80 was prepared. It is submitted by utility that since last 6 months as per new meter the average consumption is '132' units and consumer was billed as per '110' units since Aug-2018 to Mar-2019, therefore deference in unit is payable by the consumer but not claimed. Respondent Utility pray that request of the consumer to apply 15.4.1 as per Regulation Supply Code 2005, hence consumer will be billed for 3 months as per average only. As the relief is already given hence Respondent Utility pray for rejection of complaint.

I have gone through complaint of consumer and order passed by IGRC. Following point arose for my consideration to which I have recorded to finding to the points for the reason given below.

**Points :**

- i) Whether consumer is entitled for charging the bill as per Regulation no.15.4.1 MERC Supply Code 2005?
- ii) Whether claiming of average unit consumption 1 year period bill is legal valid and proper?
- iii) Whether consumer is entitle for any relief?
- iv) What order?

**Reasoning :**

I have given opportunity to consumer and Representative and heard the matter on 11/10/2019. It appears that IGRC has given direction to Respondent Utility to check and test the meter within 7 days from the date of it's order, but the said meter was not tested within reasonable time. It is also found from the record that respondent utility charged monthly consumption bill, which was issued since Aug-2018 to Mar-19 as per average consumption '110' units/month. Even though the difference of unit consumption made charge payable and the relief was given to the consumer the amount of Rs.1548.50 only. To support the said contention Respondent Utility filed the copy of meter testing report dtd.04/10/2019, Bill revision report 04/10/2019, 10/10/2019 and copy of CPL. It is perused by me and it appears from the meter testing report itself the meter status was faulty and reported in remark column. Therefore the application of provision as prayed by the consumer & breach of calculation of average bill unit consumption obviously not as per provision of section 15.4.1 supply code 2005. Therefore I have no other option to allow relief to the consumer. For granting relief, the bill arrears claim from the consumer Aug-2018 to Mar -2019 the difference of units is calculated trails wrong. The consumption pattern of the consumer is assess from the reading of the said bill currently of the new meter is installed. The report of the Respondent Utility in reply admitted that on 25/03/2019, the new meter was installed and therefore the average consumption which is used and recorded of the consumer can only be recovered. Hence I feel the contention of consumer is legal valid and proper in view of the status of faulty meter reported the consumer should be charged the arrears bill consumption as per provision of 15.4.1 Section MERC Supply Code 2005 valid only on three months. If excess recovery paid by the consumer it should be adjusted next future bill. The consumer meter testing charges if recovered liable to be refunded in addition the utility shall pay compensation amount of Rs.500/- to the consumer which can be adjusted in future bills. Hence I am inclined to allow the complaint and proceed to pass following order.

Hence the order

**ORDER**

- 1) The Consumer complaint no.1945 is hereby allowed.
- 2) Respondent utility shall calculate the arrears of bill unit consumption as per section 15.4.1 supply code 2005 recovery should be restricted as per period provided 3 month only. The additional amount if any recovered shall be adjusted in future bills.
- 3) The meter testing charges shall be refunded to the consumer if paid.
- 4) The utility shall pay amount of Rs.500/- towards compensation cost. Which can be also adjusted in future bill.
- 5) Compliance be made within 45 days and report be made within 60 days from the date of receipt of this order.

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, 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.