



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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NO. K/E/1611/1946 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/1611/1946 OF 2019-20 OF MR.DINESHKUMAR R.VARMA, FLAT NO.C/401, MANGLE, MURTI APT. LAXMI NAGAR, NALLASOPARA (E), TAL-VASAI, DIST.PALGHAR, PIN - 401 209 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT BILLING DISPUTE.

Mr.Dineshkumar R.Varma,
Flat No.C/401, Mangle,
Murti Apt. Laxmi Nagar, Nallasopara (E),
Tal-Vasai, Dist. Palghar, Pin - 401 209
(Consumer No.001907438470, 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, LDC, 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.1946 of 2019 Mr.Dineshkumar R. Varma, Flat No. C/401, Mangal Murti Apt. Laxmi Nagar, Nallasopara (E)Tal-Vasai, Dist. Palghar, V/s AEE, Nalasopara. Complaint of wrong recovery of arrears of bill. Above name consumer filed grievance before IGRC on 16/07/2019, alleging that, he is using the said supply for his residence having consumer no.001907438470. The date of connection is 11/06/2014.category of 90 LT of Residential single phase, connecting load0.49 KW. Consumer is using the said supply for his residential purpose. Thereafter consumer was billed on average basis in the month of Mar-2019 by Respondent Utility as per average unit calculation '161' units. The meter was replaced after the period of 6 months on dtd.20/08/2019.The Respondent Utility charged the consumer as per average consumption '161' units per month for the above period i.e. six months.

After receiving the said bill, consumer approached to IGRC on dtd.16/07/2019 and filed the grievance. After filing the said grievance, IGRC registered case vide case no.04655. IGRC gave opportunity to consumer and Respondent Utility and hearing was taken place on 30/7/19. On 06/09/2019 IGRC passed order against the consumer stating the consumer complaint is rejected. Being aggrieved by the said order present consumer filed the grievance form no. 'A'before this forum on 23/09/2019.After filing the said grievance this office issued notice to Respondent Utility 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 installed in the premises of consumer found faulty in Mar-2019. However the consumer was charged for average consumption '161' units as per previous consumption average by system. The name of the said meter was not placed in first list of meter replacement and thereafter appeared in third list after 6 months after the meter was found faulty. Therefore the meter is changed in the month of Mar-2019.The consumer was charged as per average consumption units '161' which is already deposited by consumer. Respondent Utility prays for rejection of complaint.

After perusing rival contention of consumer and Respondent Utility following point arose for my consideration to which I have recorded finding to the points to the reason given below :

Points :

- i) Whether consumer is entitled to apply provision of 15.4.1 as per MERC supply code Regulation 2005?
- ii) Whether consumer is liable to pay bill restricted to 3 months?
- iii) Whether consumer is entitle for refund of excess bill paid cost?
- iv) What order?

Reasoning :

I have given opportunity to the consumer and Representative and the grievance was heard on 11/10/2019. It appears from the order of IGRC that obviously the reason not properly given by IGRC for rejection of complaint. It is further seen from the report of meter testing filed report no.5174 dtd.20/08/2019 that, the meter is faulty. The connecting load was also assess which reflected average consumption unit '95' from the inspection report of Assistant Engineer. The bill amount claimed from consumer till the month of Aug'19 is Rs.3720/- which is not paid by consumer therefore the reason for filing the dispute and cause of action arose. The status of the report and reply admittedly the meter is faulty and it was not changed within proper period due to the name of consumer not appeared in meter replacement list of head office. The consumer was charged average consumption '161' units for six months. As per provision of regulation 15.4.1 of MERC supply code 2005 consumer should have been billed as per average for three months only. Therefore IGRC was wrong in not applying the proper Regulation to this consumer. The meter status was admittedly reported faulty and average consumption bill was continuously given for longer period, hence I found there is substance in the grievance raised by the consumer which was not at all consider by IGRC. Therefore there is violation principal of natural justice. I also found the grievance raised by the consumer is liable to be consider as report of meter status was faulty the provision for 15.4.1 of MERC supply code Regulation 2005 should be applied and benefit to be extended to consumer. Hence I am inclined to allow the grievance to proceed to pass order.

Hence the order

ORDER

- 1) The Consumer complaintno.1946 is hereby allowed.
- 2) Respondent Utility shall calculate of average consumption units as per average consumption of previous 12 months of healthy period and which is recoverable only for the period of 3 months. Excess amount paid by the consumer shall be adjusted in future bills.
- 3) Cost of meter also be refunded to consumer if paid by consumer.
- 4) 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.Bhavthnkar)
Chairperson
CGRF, Kalyan

Sd/-
(A.P.Deshmukh)
Member Secretary
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.