



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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NO. K/DOS/141/1947 of 2019-20

Date of registration : 24/09/2019

Date of order : 02/12/2019

Total days : 69

IN THE MATTER OF GRIEVANCE NO.K/DOS/141/1947 OF 2019-20 OF SMT.MOHINI N.BHATIYA, NEAR ASLAM SCHOOL, KON VILLAGE, KALYAN-BHIWANDI ROAD, TAL-BHIWANDI, DIST.THANE, PIN CODE – 401 301.REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT DISCONNECTION OF SUPPLY.

Smt.Mohini N.Bhatiya,
Near Aslam School, Kon Village,
Kalyan-Bhiwandi Road, Tal-Bhiwandi,
Dist.Thane, Pin Code – 401 301
(Consumer No.013260824711, LT-IICom.)

... (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 - Shri.D.D.Dhube, Dy.EE, CSD S/dn.

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

[Coram- Shri.A.P.Bhavthankar -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.1947 of 2019, Smt. Mohini N. Bhatiya, Near Aslam School, Kon Village, Kalyan-Bhiwandi Road, Tal-Bhiwandi, Dist. Thane. V/s. MSEDCL, Dy. Executive Engineer, Kalyan CSD, S/dn, above name consumer filed grievance directly, before CGRF under threat of disconnection and high bill issued to her. Consumer Representative contends that consumer is using supply from 03/12/1997 and paying the bills regularly. There was no use at shop even though average bill of '800' units issued. Consumer paid the bills till July-2019. After checking it was found that average bill is issued from Jan-2018. In month of Aug-2019 bill issued for Rs.10,530/- with average of '800' units. Complaint filed with MSEDCL on 25/08/2019. It was found that current reading was shown 128885, hence considering this reading bill for '12982' units raised against consumer. Disconnection notice was issued to consumer for recovery of Rs. 2,92,201/-. Consumer further contends that reading on meter is '28885' only whereas bill is showing reading '128885'. Consumer Representative contends that, there is no use as the premises was previously used as wine shop but now used as go-down. Consumer Representative further contends that the meter should be treated as faulty and minimum bill to be issued for 3 months as per regulation. 15.4.1 of supply code.

After filing the said dispute on 25/09/2019 notice was issued to the Respondent Utility on 25/09/2019 directing utility to file reply on or before 10/10/2019.

Respondent Utility submitted that connection given to consumer for commercial purpose on date 03/12/1997 with Elymer make having meter SR.No.0651433. Meter bill is correct up to reading 115903 KWH till month of Jan-2018. Average '577' units charged from Feb-2018 to Mar-2019 (i.e. $577 \times 14 = 8078$ units) and 800 units average charged from April-19 to Sept-2019 (i.e. $800 \times 6 = 4800$ units) Total 12878 units charged till Sept-2019. Meter reading overflow and as meter is 5 digit meter, in system 6 Digit reading is not accepted in meter reading app as billing system changed and average units charged to consumer. Now reading as per inspection report given by section Engineer is 1,28,885 KWH. Meter photo is also available. Hence provisional bill is given upto reading 1,28,885 KWH of Amount Rs.29,220/-. Bill revised from Jan-2018 to Aug-2019. Total consumption from Jan-2018 to Aug-2019 is 12,982 units. ($1,28,885 \text{ KWH} - 1,15,903 \text{ KWH} = 12,982$ units) Total 10,701 units already paid by consumer. Hence balance 2281 units is to be paid. As healthy period billing average of the consumer is '934' units, accordingly bill generated, which is justified. Respondent Utility requested to reject the consumer complaint. We have perused document filed by consumer and Respondent utility carefully, following point arose for my consideration to which I have recorded by finding to the points the reason given below.

Points :

- i) Whether the Respondent Utility is entitled to recover the charges from Jan-2018 to Aug-2019?
- ii) Whether Regulation 15.4.1 is applicable here?
- iii) Whether consumer is entitled for any relief?
- iv) What order?

Reasoning :

We have given opportunity to the Consumer Representative and Respondent Utility representative for hearing on 11/10/2019. We have perused the dispute raised by consumer. It is alleged by consumer Representative that meter is having '5' digits and bill recoded for six digits, hence the meter is faulty. During the hearing, we gave instructions to Respondent Utility to test the meter in laboratory in presence of consumer. Respondent Utility presented the meter testing report on 04/11/2019, in which meter is O.K. we checked CPL of consumer from year 2003. It is observed that the consumer was billed as per reading since date of connection. Meter reading recorded in the bill also was as per reading only. The meter is '5' digit meter, in the month of Sept-2016 Initial reading of meter was 99080 and final reading was '100231'. This means meter overflowed in that month and as the meter is '5' digit only it started recording again from '00001' but in the billing system meter was entered as six digit meter, hence Respondent Utility started recording the reading by prefixing one to the existing meter reading. From month of Feb-2018 Respondent Utility started issuing average bill to consumer under RNT status with average of 577 units and later 800 units. We also checked the meter by instructing Respondent Utility to present the meter in forum office. It is clear that, there is no issue of faulty/defective meter, as meter is working properly. Meter testing report also shows that the meter is O.K. hence we cannot apply Regulation 15.4.1 blindly. In our opinion this is the case of accumulated reading for period Feb-2018 to Aug-2019 hence Respondent Utility is entitled to recover the same. Hence we are inclined to pass the following order.

- 3) Delay is due to late testing of meter. Also Respondent Utility arranged testing of meter in testing lab adjacent to Forum office, which took some time.

Hence the order

ORDER

- 1) The Consumer Grievance application no. 1947 is hereby dismissed.
Distribution Licensee to grant 3 installments to consumer without DPC and interest for payment of outstanding bill.

Date: 02/12/2019

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

Sd/-
(A.P.Bhavthankar)
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.