



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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NO. K/E/1613/1949 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/E/1613/1949 OF 2019-20 OFSMT.DAMAYANTIBEN B.CHHEDA, GALA NO.13, RAJ MILAN INDUSTRIAL COMPLEX, CHINCPADA, VASAI (E), DIST. PALGHAR, PIN CODE – 401 208.REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT METER FAULTY.

Smt.DamayantibenB.Chheda,
Gala No.13, Raj Milan Industrial Complex,
Chinchpada, Vasai (E), Dist. Palghar,
Pin Code – 401 208

(Consumer No. 001590469790, LT-V Ind.)

... (Hereinafter referred as Consumer)

V/s.

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

... (Hereinafter referred as Licensee)

Appearance : For Licensee - Shri.V.M.Gokhale, AA, Vasai (E) S/dn.

For Consumer - Shri.Harshad Sheth(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.1949 of 2019, Smt. Damayantiben B. Chheda, Gala No.13, Raj Milan Industrial Complex, Chinchpada, Tal-Vasai, Consumer No. 001590469790. Vasai S/dn., Connected load 61.0 KVA, Category 36 LT-V B-II, date of connection 17/12/1997. Dispute of no display, meter defect, excess recovery amount claimed by utility in bill date 15/06/2019. Above name consumer using the said supply for Commercial purpose on the premises at given address. In the month of Jun-2019 consumer received bill showing consumption of 42,649 units for amount 3,70,109/-. Prior to the said period consumer was receiving average monthly consumption bill which was less. For the exorbitant amount claim in the bill of Jun-2019, Consumer approached initially to IGRC and file complaint in form no. 'X' on 29/06/2019. Consumer alleged that, he made complaint to Respondent Utility office but cognizance not taken. Thereafter in month of April-2019 the premises was visited by utility official and meter was replaced. Consumer attach copy of meter replacement report dtd. 26/04/2019. Thereafter in month of Jun-2019 exorbitant bill claimed for utilization of units additionally claimed by Respondent Utility and consumer was billed for additional access 42,649 units. Consumer pray that copy of CPL, meter replacement report and MRI report from April-2016 to till date may be supplied. Consumer pray for compensation for breach of SOP for not resolving his dispute since last 11 months and not responding to the complaint and also pray to test the meter NABL laboratory. The notice of disconnection issued along with demand bill to be stayed and revision bill as per provision of 15.4.1 of MERC Regulation Supply Code 2005 and grant of cost. After filing the said complaint to IGRC. The IGRC, issued notice to the consumer and gave opportunity of hearing. After receiving notice to Respondent Utility Reply is filed before IGRC. Thereafter IGRC passed order against the consumer stating that, the grievance is rejected on the ground that unit charged in the disputed period of no display is correct as per actual consumption as per average monthly reading. IGRC give judgment in case no.4725 on dtd.16 Sep-2019.

Being aggrieved by the said order of dismissal of complaint of this consumer. Consumer approached to the forum and filed his grievance in form no. 'A' on 24/09/2019. Consumer pray the similar relief as claim to revise the bill as per provisions of 15.4.1 of MERC Regulation code 2005 and revise the bill accordingly. Consumer also pray of compensation of breach of SOP and taking appropriate action against utility for not resolving this complaint. Consumer pray for set aside the notice under section 56 of threat of disconnection as exorbitant bill not liable to be paid by consumer.

After filling the said grievance on 24/09/2019 this office registered the complaint vide case no.1949 of 2019 office issued notice to Respondent Utility on 25/09/2019 and directed utility to file reply on or before 09/10/2019.

After receiving the said notice Respondent Utility appeared and filed reply on 14/10/2019 Respondent Utility submitted that, the above said connection used for Industrial purpose by the consumer since 17/12/1992 connecting load is 65 KVA. Consumer was receiving bill till July-2018 as per reading 187909 and the bill is issued to the consumer. Utility submitted that old meter no.05791467 of Genus company show no display. Therefore it was replaced on 26/04/2019 and new meter is installed. At the time of feeding meter replacement report and

entry of new meter in the month of Jun-2019 old meter recovery units was shown as '42649' unit. Last bill issued to the consumer as per reading was for the period Sept-17 to July-18, 11 months. Consumer used 1,31,463 units. The average monthly consumption calculated 131463 divided by 11 comes to 11951. But due to no display the consumer was billed on average since Aug-18 to Apr-2019 for 72000 units only. Utility submitted that during the period Sept-2017 to July-2018 monthly consumption recorded by the use of consumer 11951. Whereas the bill was claimed from Aug-2018 to May-2019 required to be paid as per monthly consumption units 11951. But the consumer was under billed only for 72000 units as per average consumption. Therefore difference of consumption as per actual unit used by the consumer 119510 – 72000 comes to 47510 which is to be recovered from consumer. Therefore in the month of Jun-2019 the difference of unit claimed 42649 which is less charged against the consumer. Respondent Utility submitted that 4861 units is less charged which was already used by the consumer. Respondent Utility prayed for dismissal of complaint with cost. Consumer produced all Relevant Document Respondent Utility produce copy of CPL and copy meter replacement report. The meter was sent to the lab during the course of enquiry. The report of meter testing lab Genus company is file on record, along with copy of MRI till month 01/03/2018 taken by laboratory testing report

We have perused all the document file by consumer and complaint. we also peruse copy of document and reply given by utility. Following point arose for our consideration to which we have recorded my finding to the points. For the reason given below :

Points :

- i) Whether consumer liable to pay bill issued in the month of Jun-2019 for claiming additional use of unit actually as per assessment 42649 liable to be recovered ?
- ii) Whether consumer is entitle to assess the bill as per MERC Regulation 15.4.1. for the period of 3 months.
- iii) Whether consumer is entitle for any refund or Compensation?
- iv) What order?

Reasoning :

We have given opportunity to consumer and his representative Shri. Harshad Sheth. We also give opportunity to Respondent Utility the dispute was heard by this forum on 18/11/2019.

It appear from the dispute that the consumer was receiving bill for the supply use admittedly for Industrial purpose. The connecting load is 65 HP whereas consumer was under bill for the units on the basis of average consumption for considerable long period till he makes complaint first time to the utility in the month of Apr-2019. In the month of April'19 the premises was visited by the Responsible officer by utility. The status of meter was verified, the old meter was found not display and new meter is installed. The meter replacement report dtd. 26/04/2019 file by utility supports this contention. Thereafter the meter was send to the lab and it was verified the report is received the utility official and in the month of June'19 the actual consumption used by the consumer was assess on the basis of report. The average consumption of last 12 months of healthy period was considered by utility. As per reply utility submitted that

the average consumption recorded 119510 units whereas consumer was bill only for 72000 units. The difference of unit calculated 47510 the units consumed on average basis and claimed and therefore the demand bill issued in the month of June which was seriously challenge by the consumer.

The grounds, which is challenge by consumer is assess, the consumer claim benefit of Regulation 15.4.1 of Electricity Supply Code Regulation in case of defective meter. The regulation which defined is reproduced as under:

15.4.1 Subject to the provisions of Part XII and Part XIV of the Act, in case of a defective meter, the amount of the consumer's bill shall be adjusted, for a maximum period of three months prior to the month in which the dispute has arisen, in accordance with the results of the test taken subject to furnishing the test report of the meter along with the assessed bill.:

Provided that, in case of broken or damaged meter seal, the meter shall be tested for defectiveness or tampering. In case of defective meter, the assessment shall be carried out as per clause 15.4.1 above and, in case of tampering as per Section 126 or Section 135 of the Act, depending on the circumstances of each case.

Provided further that, in case the meter has stopped recording, the consumer will be billed for the period for which the meter has stopped recording, up to a maximum period of three months, based on the average metered consumption for twelve months immediately preceding the three months prior to the month in which the billing is contemplated.

It is seen from the record that no display status at the premises was found since July - 2018 but till the month April-2019 no grievance was raised by the consumer. It appears that consumer enjoyed no display status and enjoyed the benefit of under billing. Actual consumption is used by him was higher but he remain silent and not made any complaint for considerable long time. In the month of April the meter was checked and found no display. It is incumbent on part of consumer to raise the dispute since July-2018 when no display status was seen by him, but it was no done so.

The complaint which is filed by the consumer claim three months assessment period on the basis of report of laboratory testing available which is much letter at the time of hearing of the dispute on 16 Nov-2019. Therefore the consumer cannot avail the said benefit and cannot plead so, when the meter testing was required to be done immediately.

The interpretation of 15.4.1 required to be made in positive sense in order to prevent loss of revenue. To our view, consumer is liable to pay the assessment of the units as per actual monthly consumption but which was not done. As per the reply of utility during the period of dispute Since Aug-2018 to Apr-2019 consumer was under billed only for unit 72000. But actual consumption which has calculated as per healthy period monthly consumption is '119510' units which is at higher side. The consumer continues to pay and take advantage of under billing due to reason of no display and enjoy the benefit. Therefore the action of not making any complaint not entitle consumer to claim such relief. In our opinion the Respondent Utility entitle to recover under bill assessment for admissible period within 24 months. In view of Regulation provision

provided utility entitle to recover subsequently accounted properly on the basis of average monthly consumption which is appropriate and nearby. Therefore we are not inclined to grant benefit of MERC Regulation 15.4.1 which entitle utility to recover the bill only for three months. To better interpretation the three months assessment period is prior to the period when the defect is noted. In this case the defect is noted and confirmed in m/o Apr'19 for earlier period the three months calculation required to be recovered by utility if the excess unit bill is charged. As such to correct interpretation the recovery for three months only , as claimed by the consumer cannot be allowed in presence case.

We found the report which is filed during the hearing, the Genus Company meter was faulty and MRI report is filed up to the period of 1/3/2018. The actual consumption which is excess prior to three months only can be adjust. As such for remaining entire period the less consumption recovered should be compensated by average monthly units calculated by utility and therefore we are not inclined to give any relief to the consumer except the remaining unit under bill can recovered by claiming valuation of bill without carrying any interest DPC and penalty. The reason of no complaint is lodged by the consumer, when the no display status enjoyed since Aug-2018 to Apr-2019 as reported. Hence we are not inclined to grant any relief and proceed to pass following order.

The delay is due to late submission of MRI report by Respondent Utility.

Hence the order

ORDER

- 1) The Consumer complaint no. 1949 stand dismissed.
No order as to the cost. The utility entitle to recover the remaining unit claim 42649 without charging any Interest DPC and penalty in equal six monthly installments.

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
- e) Three years as per MERC Regulations and those will be destroyed.