



Consumer Grievance Redressal Forum, Kalyan Zone  
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301  
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**NO. K/DOS/142/1954 OF 2019-20**

Date of registration : 30/09/2019

Date of order : 02/12/2019

Total days : 64

**IN THE MATTER OF GRIEVANCE NO. K/DOS/142/1954 OF 2019-20 OF THE AMARNATH RAMSUMER SINGH, APPLE IND. HUB, PLOT NO.11, PELHAR, VASAI (E), PIN – 401 208. REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT DISCONNECTION OF SUPPLY.**

Amarnath Ramsumer Singh,  
Apple Ind. Hub, Plot No.11, Pelhar,  
Vasai (E), Pin – 401 208  
(Consumer No. 001943810261, LT-Ind.)

... (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.V.M.Gokhale, AA, Vasai (E) S/dn.  
2) Shri.Jaydip Sawant, AE (QC), Vasai (E) S/dn.

For Consumer - Shri.Vikesh L.Chaudhari (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.1954 of 2019, Amarnath Ramsumer Singh, Apple Ind. Hub, Plot No.11, Pelhar, Vasai (E), Consumer No. 001943810261 V/s MSEDCL, Addl. Executive Engineer, Vasai (E) S/dn. Complaint about threat of disconnection and high bill. Consumer filed the Grievance application directly before this forum in which consumer contends that MSEDCL vide letter no.3348 dtd.03/05/2019, informed that, during the inspection, B phase voltage found zero since 30/10/2017 to 11/01/2019 which has resulted into slowness and less recording of units by 33.33% and hence recovery bill of Rs.5,38,730/- is raised on me. Before he makes any enquiry about the correctness or otherwise, the same has levied into the bill for the month of June-2019 making him difficult to pay even the current bill. Under the threat of disconnection, MSEDCL has forcibly recovered the amounts as under from him against the recovery.

- i) Rs.79,370/- on 01/08/2019. (Total Rs.1,70,000/- including bill for June 2019)
- i) Rs.53,776/- on 22/08/2019. (Total Rs.3,50,000/- including bill for July & Aug 2019)

Again in the bill for Sept 2019 he was asked to make payment of Rs.3,50,000/- (Current bill Rs.1,48,985/- and against the recovery Rs.1,01,115/-) which he could not afford to pay.

Consumer has therefore submitted them a letter dtd. 26/09/2019 requesting them to explain :

- i) When the meter was slow, the recovery can be made for past three months only as per Regulation 15.4.1 of MERC supply code. Hence may be revised to three months.
- ii) When the recovery pertains to 15 months I may be granted 15 equal installments (out of which 2 are already paid)
- iii) He may be provided copy of inspection report.
- iv) He may be provided copy of MRI report.

Consumer approached this forum contending that his connection should not be disconnected. His bill be revised and grant installments.

After filing the said dispute on 30/09/2019 notice was issued to the Respondent Utility on 30/09/2019, directing utility to file reply on or before 15/10/2019.

After service of notice Respondent Utility appeared and filed reply on 22/10/2019. Respondent Utility submitted that, the premises of consumer was inspected and on the inspection dtd. 11/01/2019 and MRI Data Analysis of meter no.5794731, it is observed that 'B' phase voltage found zero due to loose connection between meter PT screw and incoming cable phase (B). After tightening screws, voltage appeared as normal and reflected as restored on 11/01/2019 in MRI report. There is no fault in meter and in CT/PT, but due to technical reason of loose screw, 'B' phase consumption not recorded in meter. In MRI data analysis 'B' phase is approved to be missing from 13/10/2017 and restore on 11/01/2019. As such consumer was under billed during above period and billed for only 2/3 consumption and hence recovery 1/3 consumption is required to be levied. During above period consumer was billed for 137284.2 unit (2/3 consumption) hence there is recovery for '68632' units. The period of recovery is 15 months. Before restore voltage of 'B' phase the consumption for the period of Oct-2017 to Jan-2019 total

billed 137871 units, it means the average comes to '9191' unit per month for this period. After restore voltage 'B' phase the consumption for the period of Feb-2019 to Oct-2019 total billed 142066 units, it means the average comes to '15785' unit per month for this period. The meter is ok and recorded proper consumption after tightening of loose connection between meter PT screw and incoming cable phase. above can be seen from MRI report. As such 15.4.1 of MERC supply code 2005 can not be applied to this case. The recovery is restricted to period of 15 months, hence recoverable as per the provision of S.56 (2) of E.A.2003. In view of the above the grievance of complainant is to be rejected.

We have perused document filed by consumer and Respondent utility carefully following point arose for our consideration to which we have recorded by finding to the points the reason given below.

**Points :**

- i) Whether Respondent Utility is entitled to recover missed units due to voltage missing for period 13/10/2017 to 11/01/2019?
- ii) Whether Supply Code Regulation 15.4.1 apply here ?
- iii) Whether consumer is entitle for any relief?
- iv) What order?

**Reasoning :**

We have given opportunity to the Consumer Representative and Respondent Utility Representative and the grievance was heard on 15/10/2019 and 22/10/2019. Instructions were passed to Respondent Utility to explain when the voltage of 'B' phase was missing in MRI report during the disputed period. Respondent Utility explained month wise MRI report for period 13/10/2017 to 11/01/2019 from the MRI report it is revealed that 'B' phase voltage was missing intermediately and not continuously. The 'B' phase voltage was recorded during some period in between and all the instances are recorded in MRI report. Accordingly we instructed Respondent Utility to calculate the exact period duration and units during which the 'B' phase reading was missing. Respondent Utility submitted the calculations in Excel Sheet on 21/11/2019 through mail. From the calculation sheet it is clear that there were 17 such instances during which 'B' phase voltage was missing. Units consumed during this missing phase period are '131723' units. Hence units proposed during this period calculated as 65861.5 units. We perused the calculations submitted by Respondent Utility and found correct. Consumer contended that meter to be treated as faulty and bill to be revised as per regulation 15.4.1 for 3 month only. In present case meter is working O.K. The same meter is recording electricity till date. If we compare consumption during phase missing period i.e. Oct-2017 to Jan-2019, it comes to average '9191' units/month. After restoration of 'B' phase voltage units consumer during Feb-2019 to Oct-2019 on average of 15785 units/month. This consumption pattern also proves that the meter has recorded 1/3<sup>rd</sup> units less than the normal consumption. In our opinion Regulation 15.4.1 does not

apply here, meter data is recorded and MRI report is also available hence Respondent Utility entitled to recover missing units due to voltage missing for the period 13/10/2017 to 11/01/2019. The only relief can be granted of installments. Consumer is entitling for 6 installments for payment of assessed bill that too without DPC and interest. We asked Respondent Utility to explain MRI report to consumer but finally the MRI data analysed by forum which cause some delay. Hence there is delay in order.

Hence the order

### **ORDER**

- 1) The Grievance application no. 1954 stands dismissed.  
Respondent Utility to allow 6 installments to the consumer for payment of remaining recovery bill without DPC and Interest. Consumer is not entitled for any other relief. Respondent Utility may initiate appropriate action as deem fit against the erring officials for lack of supervision of period of 15 Months.

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.