



Consumer Grievance Redressal Forum, Kalyan Zone  
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301  
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**NO. K/E/1620/1958 OF 2019-20**

Date of registration : 07/10/2019

Date of order : 02/12/2019

Total days : 56

**IN THE MATTER OF GRIEVANCE NO. K/E/1620/1958 OF 2019-20 OF SHRI.C.S.NAINANI, P.P.BAG, NR.BK 579, SHEET NO.69, ULHASNAGAR -2, DIST. THANE, PIN CODE - 421 002.REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT DISCONNECTION OF NOTICE.**

Shri.C.S.Nainani,

P.P.Bag, Nr.BK 579, Sheet No.69,

Ulhasnagar -2, Dist. Thane,

Pin Code - 421 002

(Consumer No. 021510412441, LT-V Ind.)

... (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.M.S.Gavali, AEE, Ulhasnagar S/dn.-III

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.1958 of 2019, Shri.C.S.Nainani, P.P.Bag, Nr.BK 579, Sheet No.69, Ulhasnagar -2, Dist. Thane, Consumer No. 021510412441 V/s MSEDCL, Addl.Executive Engineer, Ulhasnagar-III S/dn. Complaint about wrong assessment bill, charged for the period July-2018 to July-2019. Consumer contends that, he is using supply for Industrial purpose since date of connection. Assistant Engineer of Respondent Utility inspected the premises on 26/07/2019 and informed that there is one phase voltage missing from July-2018 to July-2019. Recovery bill of '6159' units amounting to Rs.44,030/- issued to consumer. Notice no. 1799 dt.29/09/2019 issued to consumer on 05/10/2019 for disconnection of supply. Hence consumer approached CGRF directly on 07/10/2019 under threat of disconnection, with prayer to give direction to Respondent Utility not to disconnection the supply, Recovery bill to be set aside and grant SOP. After filing the said Grievance on 07/10/2019, notice was issued to Respondent Utility on 07/10/2019, giving direction 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 consumer is billed on AMR system. Consumer meter no. MHD 06724 inspected by Asst. Engineer O.T. section on 26/07/2019, in which he found that 'B' phase voltage was missing on display, the same fact was explained to consumer at that time itself. Due to one phase missing, meter has recorded only 66.6% of reading and 33.3% reading not registered by meter. The 'B' phase voltage missing data is recorded in the MRI data, which is kept on record. The consumer consumed '12321' units during July-2018 to July-2019 which is 66.6% only, accordingly remaining 33.3% units calculated as '6159' units i.e. 50% of '12321' units. Hence assessment bill for '6159' units amounting to Rs.44,030/- issued to consumer. In the similar matter in case no. 79 of 2017 before Hon'ble Ombudsman, Mumbai consumer's case was rejected by Electricity Ombudsman, Mumbai and decision was given in favour of MSEDCL. Respondent Utility prays for rejection of complaint.

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 missing units due to voltage missing for period of July-2018 to July-2019 ?
- ii) Whether supply code Regulation 15.4.1 applies 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 and the Grievance was heard on 24/10/2019. Instruction was passed to test the meter in LAB. The LAB test report received in the hearing on 18/11/2019. From the MRI report submitted by Distribution Licensee it can be seen that 'B' phase voltage from 1 July 2018 was showing '1.105', on 1 Aug-2018 it was '0.059' and so on till 1 Jul-2019 in which 'B' phase was '0.070'. On 1 Aug-2019 the voltage reading again restored to '259.51'. It is clearly seen that 'B' phase voltage was missing from the meter for the period from 01/07/2018 to 01/07/2019. Spot inspection report dt.26/07/2019 is showing that 'B' phase voltage was zero. Consumer refused to sign the inspection report but witness the same. Consumer Representative contends that, before inspection of premises notice was not given to consumer as per rule 76. Consumer not provided copy of inspection report as per regulation 8.4. Respondent Utility responsible for testing and inspection of meter as per Regulation 14.4. Consumer Representative relied on case no. 114 of 2019 before the Ombudsman Mumbai. We have gone through the Ombudsman case cited by Consumer Representative. In that case Genus Company has given report that meter is defective and MRI data could not be downloaded. The present case is different from the case cited by Consumer Representative, in present case meter is tested in LAB and it is found O.K., the same meter is recording reading till today. MRI also recorded phase missing event since 1 Jul-2018, hence in our opinion meter cannot be treated as defective meter and benefit of regulation 15.4.1 cannot be granted to consumer. Hence we are inclined to allow recovery of bill for period of July-2018 to July-2019. There should not be any DPC and interest on bill and also Grantsix monthly installments to consumer for payment of bill. No SOP.

Hence the order

**ORDER**

- 1) The Grievance application no. 1958 stands dismissed.  
The Respondent Utility to recover bill in 6 monthly installments 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 1 year.

Date: 02/12/2019

(Mrs.S.A.Jamdar)  
Member  
CGRF, Kalyan

(A.P.Bhavthankar)  
Chairperson  
CGRF, Kalyan

(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.