

**CONSUMER GRIEVANCE REDRESSAL FORUM  
M.S.E.D.C.L., Bhandup Urban Zone, Bhandup**

**Case No. 237/2018**

Date of Grievance: 29.11.2018

Date of Hearing : 26.02.2019

Date of Order: **EE/CGRF/BUZ/502dtd.10.12.19**

**In the matter of billing**

M/s. DAV Public School,  
Tulshidham Manpada,  
Thane-400607.  
(Consumer No. 00012011601)

VS

The Executive Engineer, ----- Respondent  
M.S.E.D.C.Ltd.,  
Thane Circle,  
Thane.

**Quorum**

1. Dr. Santoshkumar Jaiswal, Chairman.
2. Shri. Mr. Ravindra Avhad, Member Secretary.
3. Mrs. Sharmila Ranade, Member.

**Present during the hearing:-**

**A] - On behalf of Appellant**

Mr. A.D.Bhalshankar - Consumer Representative

**B] - On behalf of Respondent**

Mr. Vijay Sonawale, Addl. Executive Engineer, Kolshet Sub  
Division.

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'.

2. M/s. DAV Public School have got an electric connection bearing consumer no. 000012011601 at Tulshidham Manpada, Thane having connected load 146KW and contract demand 183 KVA on 07.07.2003. the energy meter installed is of CT operated and have Sr. No. 055-MSE56176. As per the CPL, this meter is installed in the month of June 2008 and since then CPL records shows that the status of the meter is normal up to Feb. 2018. The additional Executive Engineer, flying unit, Thane checked the consumer's meter on 26.04.2018. He found the seals of meter were intact and the screws of Y phase of MTC are loose. Therefore, the meter is recording slow by -33.53%. Accordingly, the Additional Executive Engineer of Kolshet sub division has issued a plain assessment bill Rs. 2556260 for 143268 units less bills from 20.07.2013 to May 2018. A consumer requested Addl. EE Kolshet sub division for detailed bifurcation of the bill for the month of May 2018. However, instead of giving bifurcation of the bill of May 2018, The Addl. EE. Kolshet Sub Division has issued notice for disconnection of power supply under section 56 of Electricity Act 2003 to pay Rs.3203250 within 15 days.

AEE, Kolshet, Sub Division threatened to take necessary action of disconnection and appropriate legal action if consumer fails to pay the entire amount of bill before 15.09.2018. After receiving the notice on 03.09.2019, a panic straitened and aggrieved consumer requested Addl. EE Kolshet Sub Division to grant installment of assessment bill of less units billed as per circular No. PR-03/Tariff24156 dtd. 18.07.2009 without interest and DPC as the consumer into at fault. However, he has granted only 10 installments which is unlawful and baseless.

Being the load is more than 20 KW and as per the policy of MSEDCL, the meter reading of the consumer was regularly taken through MRI for data collection such as instant parameters like voltages, phase current, power factor, and Active power apparent power, reactive power, system frequency, phase sequence etc. energy values like Active/Apparent/Reactive Energy and demand, average power factor, Midnight data, power on/off position, meter CT/PT ratio, meter tariff program, flag position of meter.

It is to be noted that as per the CPL, the status of the meter is normal since June 2008 up to Feb. 2018. Also, the concerned meter reading agency/ Assistant Engineer who is taking meter reading by MRI did not find, observe and bring to the notice of the respondent about the missing of Y phase current on meter display since inclusion of MRI reading up to Feb. 2018 through the above data of meter is available in every month after meter reading was taken through MRI and retrieval MRI data of the meter. It is therefore, not believable that the meter reading agency/ assistant Engineer could not see period. More over, it is to be noted that in the event of loose screws in CT and MTC terminals, it gives rise to heavy spark and carbon formation. The meter was recording slowly by 33.53% means it has exceeded the limit of error far below than specified in The Electricity Rules, 2005 section 57. As per section 57 the limit of error does not exceed 3 percent above or below absolute accuracy. Also, by any stretch of imagination this cannot be treated as a case of human error in billing and on correcting the error. Therefore, considering the above facts the said meter is defective and hence, this case comes under 15.4 billing in the event of defective meter, 15.4.1 of MERC Regulation 2005. Further, it was the responsibility of the respondent to carry out periodical testing and maintenance of consumer's meter as per Regulation 14.4 of Electricity supply Code. However, the respondent has checked the consumer's meter after lapse of 10 years violating the Central Electricity Authority. As per this regulation, consumer's meter shall be tested at site once in five years. Testing may be carried out through NABL accredited mobile laboratory and recalibrated if required, at manufacturer's work.

This case comes under 15.4 billing in the event of defective meter, 15.4.1 of MERC Regulation 2005. Hence, a bill of plain assessment of less billed units due to slow meter recovery of Rs. 2556260/- for the period from 20.07.2013 to 26.04.2018 shall be set aside and adjusted for maximum period of three months prior to the month in which the dispute has arisen. The Hon. Electricity Ombudsman Mumbai in a similar case has the dispute has arisen. After revising the bill of plain assessment of less units billed due to slow meter, the installment should be given as per letter No.PR-3/Tariff/24156 date 18.07.2009 without interest and delay payment charges.

3. M/s. DAV public is his consumer bearing consumer no. 000012011601. The date of connection of above said consumer is 07.07.2003. As per spot inspection report (DVS.No.) 14855, dt.26.04.2018 submitted by flying squad, Thane the additional Executive Engineer of flying squad, Thane visited the above said premises for checking of meter. He observed that seals provided to meter are intact. He then retrieved MRI data of the meter and found that the display of the meter does not showing 'Y' phase current on it since 20.07.2013. He observed that meter found slow by 33.53% and recommend plain recovery of the period 20.07.2013 to 26.04.2018. As per spot inspection report 14855 dt.26.04.2018, consumer has been charged slowness recovery bill for 1, 43,260 units of Rs. 23, 97, 804, 97/-. The discrepancy had come to notice during the spot inspection which was done on 26.04.2018 and the corrective action is taken in front of the consumer with his due knowledge and copy of spot inspection is given to him. It is clearly shown to him that the current increases as soon as the screws are tighten; the correct reading is shown by the meter. This shows that meter is correct and measuring the consumption accurately.

Hence the say of applicant stating clause 15.4. in case of billing of defective meter is not applicable in this case. Due to outside loosening of screw this has happened and it may have done by consumer. But as the intention is not proved, the utility has given a plain recovery to the applicant.

The consumption is recovered and the MRI data has clear date of this event, hence the recovery is proposed for this period.

Hence as per the Electricity Ombudsman in case no. 60 of 2017 in the matter of defective meter and billing is to be followed and as per the decision of Ombudsman, you are requested to give order to consumer to pay all the bills as per consumption of the consumer.

After the corrective action taken on 26.04.2018, the recorded consumption of the consumer has shown the increase in units which proves that consumer is using the electricity which was recorded 33.53% less previously. Consumption before spot inspection for Jan.2018 and Feb. 2018 was 9590 units and 8734 units respectively,

whereas consumption after corrective actions taken for June 2018 and July 2018 is 22,348 units and 20,964 units respectively.

Disconnection notice under section 56 of Electricity Act 2003, dt. 01.09.2018 was issued to consumer with 15 days time period for payment of 33.35% slowness recovery bill of Rs. 23,97,804.97/-. Consumers communicate with us letter and requesting to grant monthly breakup to make payment of recovery bill along with monthly energy bill. With respect to this we allow consumer to pay the recovery bill in 12 installments along with monthly energy bill.

Till date 4 installment given to consumer along with monthly energy bill. As per order of the Hon'ble Electricity Ombudsman in case No. 60 of 2017 in respect of M/s. z Enterprises V/s. MSEDCL, directed to recover the entire recovery for non recording of consumption of one phase. The provision of Regulation no. 15.4.1 of MERC Regulations for defective meter is not applicable in such case. According to the respondent there is defect in connections of the meter. Not showing Y phase current and is found slow by 33.53% when tested with accucheck meter. Due to this less consumption recorded.

Considering the above factual position and the data available with the respondent, it will not be proper to give benefit to the applicant consumer under Regulation 15.4.1. It clearly shows that applicant consumer was billed less and hence recovery is given to the applicant. Therefore applicant consumer is hereby directed to pay total bill of Rs. 23, 97,804.97/-, being recovery for slowness of meter. It would be therefore proper, if the applicant consumer is given monthly installments to pay the arrears.

4. We have heard both sides and gone through the submission made by both parties, it appears that CPL was normal from 2008 to 2018 on 26.04.2018 in the inspection done by the flying squad. It appears that 'Y' phase screw was loose and thereby 33.35% meter was slow. Therefore flying squad has observed that from 20.07.2013 to 26.04.2018, the electricity units of 1,43,260 were excessively used and the applicant is arrears of 25,56,260/-. This figure was got from MRI. But no Case under Section 135 was filled. The applicant submit that

meter is faulty one and as per section 15.4.1 only 3 months recovery be taken or at the most as per Rule 56(2) two years, as it is a fault of respondent. It is submitted by the respondent also that there was a increase of 33% consumption as 'Y' phase loose connection was tightened and connected properly to the meter and aborted that their claim arrears of 5 years, according to actual consumption by the applicant.

5. On hearing both sides, it appears that the meter is not faulty as only 'Y' phase was damage, MRI as given correct figure. It appears that only 'Y' phase is slow by 33.35%. Therefore, under such circumstances the rule of recovery under section 56(2) for 2 years only. Hence, it is held that applicant has to pay arrears for 2 years only to the respondent.

Hence, we proceed to pass the following order:

#### **ORDER**

1. This application is hereby partly allowed.
2. The respondent shall be recovered only arrears for 2 years from the applicant prior to the bill of May 2018 that is from June 2016 to May 2018 for 24 months without any interest, DP charges and etc. and adjust the difference in future bill.
3. The Licensee is directed to report the compliance within one month from the date of this order

No order as to the cost.

**I Agree/Disagree**

**I Agree/Disagree**

**MRS. SHARMILA RANADE,  
MEMBER  
CGRF, BHANDUP**

**Dr. SANTOSHKUMAR JAISWAL  
CHAIRPERSON  
CGRF, BHANDUP**

**MR. RAVINDRA AVHAD  
MEMBER SECRETARY  
CGRF, BHANDUP**

The order is issued under the seal of Consumer Grievance Redresses Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup.

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, Keshav Building,Bandra - Kurla Complex, Bandra (E),Mumbai - 400 051"
- b) b) consumer, as per section 142 of the Electricity Act, 2003, can approach Hon'ble Maharashtra electricity Regulatory Commission for non- compliance, part compliance or
- c) Delay in compliance of this decision issued under" Maharashtra Electricity Regulatory Commission ( consumer Redressed Forum and 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.