

(A Govt. of Maharashtra Undertaking)

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Consumer Grievance Redressal Forum

“Vidyut Bhavan”, Gr. Floor,

L.B.S.Marg,Bhandup (W),

Mumbai – 400078.

REF.NO. Member Secretary/CGRF/MSEDCL/BNDUZ/

Date

Case No.104/2016

Hearing Dt. 30/11/2016

In the matter of exorbitant and excess bill claim by MSEDCL on date 22.10.2014

M/s. Reliable Enterprises

- **Applicant**

Vs.

M.S.E.D.C.Ltd., Sarvoday, Sub Division

- **Respondent**

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri. Anil P. Bhavthankar, Chairperson, CGRF, Bhandup.
- 2) Shri.Ravindra S. Avhad, Member Secretary, CGRF, Bhandup.
- 3) Dr. Smt. Sabnis, Member, CGRF, Bhandup.

B - On behalf of Appellant

- 1) Shri. N. S. Vaide - Consumer/Consumer representative

C - On behalf of Respondent

- 1) Shri. Jadhav , Addl. Executive Engineer, Sarvoday sub division

Consumer No.600000636000 and meter no. 06262875 New meter No.065-06588734

1. Above named consumer filed this complaint against the respondent utility stating that he is in occupation in his premises and having connection for his units at Sarvoday Nagar Sub Division. On 22.010.2014 he received bill for the month September 2014 mentioning period 01.09.2012 to

01.10.2014 showing consumption of 17811 units where as consumption in average use 11500 unit in the month of September 2014. According to consumer utilization of machine & consumption pattern was low in those month. Consumer alleged that the exorbitant bill is issued by respondent utility is unexplained and he do not agree of showing consumption in the bill dated 22.10.2014 and 23.09.2014. Consumer attaches both the bill along with the complaint. On dated 17.11.2014 respondent utility visited the site of consumer and make accucheck meter give report by assistant Engineer on 17.11.2014 where as during accucheck report the meter found error plus 18% reading found fault. Accordingly the said report was given to the consumer thereafter consumer made complaint against the respondent utility on 20.11.2014 and inform that average consumption of reading from the month Nov. 13 to Oct.14 is average 11500 units but however in the month of October and September the consumption is shown 17311 units. According to consumer as per the report of meter shown 18.47% fast instated of 144154 units of 1 year the unit should have been calculated 144154 minus 18.47% units comes to 121679 of 12 month average. According to consumer 10000 units per month is normal consumption is occupant and there is difference of unit 2012 per month since last 2 years which calculated 24000 units. Therefore consumer made complaint then after adjusting 24000 units extra charge by utility and recover in the bill consumer pray for refund. After making to this complaint of respondent utility official. The consumer send another letter to 22.04.2015 and onwards thereafter respondent utility acted upon the complaint on 31.04.2015 the meter was tested in laboratory and the report was issued and communicated to the consumer along with technical data of meter testing report by letter dated 02.05.2015. According to laboratory testing report the meter was found 'OK' and therefore the consumer was informed. After making complaint about the faulty accu-check meter report

received dated 17.01.2015 respondent utility change the meter thereafter on 04.05.2015 consume made against complaint stating that excessive billing is charge in 17.01.2015 and consumption is actually consume was less and difference of calculation of unit shown in current bill April 2015 consumer deposited amount of Rs.84, 731/- and arrears of Rs.45, 435/- requested by consumer to kept pending for final decision. Even thereafter respondent utility not said proper attention to the dispute as laboratory testing meter report OK. Consumer again sent letter on 18.06.2015 and requested to settle the dispute of excess billing raised by him earlier. Consumer requested to send the meter for manufacturing meter laboratory for retesting. Since then respondent utility not raised any reply and the matter was kept pending. Thereafter on 27.08.2015 consumer send letter to the respondent utility for final request of settling the excess bill but no action is taken for settling the said dispute. Therefore consumer approach to the Forum made complaint against the respondent utility in Schedule 'A' on dated 18.10.2016.

2. After filing this complaint notice was issued to respondent utility and after service of notice respondent utility appeared and filed reply on 24.11.2016. It is contention of respondent utility that connection is provided to the consumer having connecting load is 67HP grievance raised by consumer for excess billing for the month of Oct. 2014. According to utility the consumer was billed for 7311 units in the month of October 2014 where as average consumption is 12000 units per month approximately. In respect of the consumer had filed complaint in the office on 24.11.2014 concern engineer tested CT operated meter having meter serial No. 6262875 at the site and found the meter was fast by 18.47% the said report is submitted at the time to the sub division office. According to utility the meter No. 6262875 was replace on 17.01.2015 and the said meter was send for

testing laboratory and it was tested and report of meter received on 02.05.2015 for the laboratory testing department the remark was given the meter was found Ok in order. As the consumer requested to give benefit of the fast meter but as per the report of meter testing division it is not possible to give refund and their request of October 2014 till the meter report was found in order. Respondent utility enclosed both report of the meter for perusal and ready reference. Respondent utility submitted that as per IGRC order testing report of laboratory is more authentic than accucheck report. Hence on the basis of accucheck report machine meter testing the refund claim by the consumer cannot be given respondent utility pray for dismissal of complaint. Respondent utility attach both the meter testing report and copy of technical data and copy of CPL showing consumer personal Léger consumer attach all the copy letter and correspondence made by him time to time with respondent utility.

3. I have perused the entire document filed by consumer and respondent utility. After perusing rival contention following point arose for our consideration to which I gave my finding for the reason.
 - a. Whether consumer is entitled to claim benefit and refund of 18.47% fast meter in report.
 - b. Whether respondent utility entitled to recover consumption of 17.311 units in the month of October 2014 bill from the consumer.
 - c. Whether consumer is entitled for any relief.
 - d. What order?

Reasoning

4. On dated 30/12/2016 I gave opportunity to consumer to personally representative the case and I also gave opportunity to respondent utility

additional executive Engineer, Sarovaday Sub division the dispute of the consumer was heard appears that in the month of October 2014 Consumer received exorbitant consumption of bill shown in the month of October 2014, 17311 units. Therefore consumer made complaint to the respondent utility first time on dated 01.11.2014. As per regulation after receiving the complaint of exorbitant reading the action should have been taken as per circular No.244 and rule and regulation mentioning SOP provision 11.7 onwards. Accordingly the calendar duration shown by consumer the bill issued exorbitant in the month of October where as the complaint is made on 01.11.2014.

5. According to utility accu-check meter was check on 17.11.2014 and the report was given the meter was found error 18.47% fast, It means that responsible officer of utility made consumer to believe the contention of accucheck report of meter found with error but no proper action within stipulated time. After sufficient period laps on the part of utility and persuasion letter sent as per the report of laboratory testing. The meter was testing in laboratory on 31.04.2015. On dated 07.04.2015 and 09.04.2015 the report of the laboratory testing received to the utility shown the meter was tested and found OK, It means against utility wanted to change the earlier contention the accu-check report was given to the consumer with result of error 18.37% disbelieve own accu-check report and relied the laboratory meter testing report insisted upon consumer to believe and persistently saying that the consumption recorded and showing in bill is proper. Even thereafter no proper correspondence was made with the consumer ultimately the complaint was kept in abeyance finally when the consumer requested on 27.08.2015 to send the meter for manufacturing laboratory testing as per letter dated 27.08.2015 and shown his willingness but respondent utility filed to take proper step in brief when

there is dispute of accu-check meter testing report and laboratory meter testing report the consumer as every right to send the meter for manufacturing laboratory testing at his own cost .

6. Here in this case act of the respondent utility describe valuable right of consumer to approach to the neutral third party for retesting of meter and no action is taken by respondent utility. To my view it is outside the rules and regulation provided under the statue the respondent utility failed to observe guideline of Commercial Circular 244 nor proper procedure and meter testing analysis rules and regulation followed within stipulated time under this statue if the utility insisted the consumer as the first instance to believe that accu-check meter testing report is error 18.45% fast then to my view the utility cannot be revert back with the own conception and justify the meter testing report in laboratory in their favor and try to recover amount justification mention in the bill once the error appears on the case of record and inform to the consumer by responsible officer of utility and consumer same to believe to act upon the report it is not fair on the part of utility to revert the action.
7. I found in this case the consumer already deposited amount by cheque Rs 84731/- and remaining amount which was mention in the bill was kept under dispute.
8. On perusal of rules and regulation mention in the statue the procedure for taking action in defective meter status and complaint of the consumer regarding bill I come to conclusion the consumer must be entitled to get benefit of wrong action taken by utility as the legislature of consumer redressed forum is in favor of consumer and not otherwise. Therefore I am inclined to allow the claim of consumer with direction to utility .The utility

shall revised the assessment of the bill October 2014 insisted of showing unit 17311 the benefit of 18.44% fast error reduced the consumption proportionate and deduct the calculated amount from bill .Hence, I proceed to pass following order.

ORDER

1. Consumer complaint No.104/2016 is allowed.
2. The respondent utility directed to revise the assessment of bill October 2014 instated of 17311 units shall calculated unit considering 18.47% fast and deduct proportionate amount from bill and benefit of already deposited amount shall be given to the consumer.
3. The respondent utility shall not charge any interest and penalty on the said bill. No order as to the cost.

Both the parties should be informed accordingly.

Proceeding close.

The compliance should be reported within 45 days.

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

Note:

1) If Consumer is not satisfied with the decision, he may file representation within 60 days from the date of receipt of this order to the Electricity Ombudsman in attached "Form B".

Address of the Ombudsman
The Electricity Ombudsman,
Maharashtra Electricity Regulatory Commission,
606, Keshav Building,
Bandra - Kurla Complex, Bandra (E),

Mumbai - 400 051

2) If utility is not satisfied with order, it may file representation before the Hon. High Court within 60 days from receipt of the order.

I Agree/Disagree

**DR. ARCHANA SABNIS
MEMBER
CGRF, BHANDUP**

**ANIL P. BHAVTHANKAR
CHAIRPERSON
CGRF, BHANDUP**

I Agree/Disagree

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