



(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.

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REF.NO. Member Secretary/CGRF/MSEDCL/BNDUZ/141/15

Date:- 21.04.2017

Case No. 141/2017

Hearing Dt.

**In the matter of excessive and wrong bill**

**M/s. Ornate Chemical Pvt Ltd.,**

**103 Champavati Blog Dighe House Lohar Ali**

**Thane.**

**- Applicant**

**Vs.**

**M.S.E.D.C.L. Thane Power House 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. Archana Sabnis, Member, CGRF, Bhandup.

B - On behalf of Appellant

- 1) Shri.Vikas Gothankar – Consumer Representative

C - On behalf of Respondent

- 1) Shri. Additional Executive Engineer, Thane Power House Sub Division.

**Consumer No. 000010266513**

1. Above named consumer using the said connection on the given address dated of connection 30.06.2000 under the category 52LT commercial 3

phase SL 16KW. It is contention of consumer that he using the supply receiving from the said meter for the purpose of study room. Accordingly to consumer average monthly reading consumption of the said room is 600/700 units per month. Consumer submitted that when he was using old meter for the same consumption use the consumer was receiving bill for the old meter 1400,1900 and 2800 unit therefore he raised dispute against the respondent utility and requested to check and verify the meter. consumer submitted that reading recorded on new meter shown the consumption recorded is between 600 to 700 unit same why the old meter dues the reading was 1400,1900 and 2800. Therefore he approach to the respondent utility and filed the dispute initially before IGRC on dated. 20.08.2016 thereafter IGRC registered of the case No.26 on dated 23.01.2016 opportunity was given to consumer and his representative and respondent utility official IGRC heard the dispute on 18.01.2017 IGRC pronounce the judgment given reasoning that meter tested on 15.07.2016 after payment of testing fees the meter testing report shows there was error but within permissible unit. Respondent utility contention was upheld and consumption recorded on old meter and new meter was verified with both the meters are tested and report was OK. IGRC refuse to grant any relief and dismiss the complaint. Being aggrieved the said order of IGRC consumer approach to the Forum and filed dispute stating that the decision of IGRC is not admitted the dispute may be review and reheard by this forum and revised and reassess the bill reading recorded as per reading of old meter and compare this new meter referred and grant he appropriate relief. After filing the said dispute on dated 20.02.2017 notice was issued to the respondent utility. After service of notice respondent utility appeared and filed reply on 08.03.2017. It is contention of respondent utility that consumer grievance dispute started after receiving energy bill for the

month of July 2016 .consumer approach to the section officer and meter was tested and report was error within permissible unit. Consumers already paid testing fees of Rs 500 vide receipt 4552650 dated15.07.2016. The meter was already tested was accu-check machine in presence of consumer and old meter was also tested on 28.07.2016 report revealed that the error of meter was found within permissible limit since the consumer unsatisfied the meter was replace and old meter was send to testing laboratory on 20.08.2016. Thereafter the old meter also tested in lab on 06.09.2016 in presence of consumer. Respondent utility filed reply given to the consumer and letter received from consumer for testing and accu-check report. According to respondent utility the error was found within permissible limit and therefore consumer pray that the revised bill issued to the consumer is legal valid and proper liable to be recovered from the consumer. In support of reply consumer filed details record of consumer old and new meter coy of CPL is attach

2. I have verified the document filed by consumer include application given to IGRC and Ex. Engineer bill issued to the consumer for the month July to December up to December 2017, meter testing report 14.10.2016, meter testing report dated 20.08.2016 laboratory meter testing report, copy of receipt deposited Rs. 500/- and copy of application given to IGRC along with complaint. I have verified all the document produce before this Forum.
3. After perusing the rival contentions of consumer and respondent utility, following points arose for our consideration to which I have recorded points with reason given below
  - 1] Whether respondent utility issued bill to the consumer in Feb. 2016 is legal valid and proper.

2] Whether consumer is entitled for relief on meter testing report error found within permissible limit.

3] Whether consumer complaint is tenable.

4] What order?

### **Reasons**

4. I have given opportunity to the consumer and his representative who appears before this Forum it appears that initially consumer raised the dispute about recording exorbitant reading on old meter therefore the reading recorded on old meter as per complaint 1400,1900,2800 per month reading was recorded on old meter. It is contention of consumer after he raised the complaint the meter was replace and for the same consumption new meter recorded unit for 600-700 per month the variation of recording of unit significantly shows that old meter was recording unit exorbitant.
  
5. If appears that meter testing report accu-check and laboratory testing submitted by respondent utility admittedly label the there was error accordingly to respondent utility the error was found within permissible limit and therefore the reading recorded on old meter as per actual consumption

The dispute is unique appeared before the Forum has to be confirm merely recording error within permissible limit. whether respondent utility entitled to recovered earlier reading recorded on old meter which was access in the bill and permission to recover the said amount can be given or not ?. Normally the average consumption recorded on new meter required to be access and verified there is no reason brought by respondent utility that consumption patter recorded on new meter was anxious in using of supply after incident is occurred. The MRI data of old meter was verified and the report testing laboratory is significant observation made in said report are reported which are reproduce for

settling the dispute. The above meter is tested as per ISI3779:1999 (amended up to date) for starting Test, No load Test, Test on limits of Error and Long Duration Test. Error test and Dial test for KWH parameters are found in order. MRI of meter is retrieved. Display showing mismatch Date & time. Meter is showing OPEN event on display along with date & time. Hence meter should be sent in manufacturer at your end for further analysis to rule out any possibility of tempering. if the said MRI data is verified the laboratory itself referred that the meter should be sent to manufacturer for analysis and rule out the possibility of tempering. This indicate that the error reporting is not scientifically disclose the reason normally it is the belief of consumer that whenever the report accurate and laboratory testing should be given to be discloser of fact this fact is related to highly technical. I want to rely the MRI retrieving data laboratory meter testing report. To My view when laboratory testing meter retrieved data significantly oping that the meter should be send to laboratory for further analysis of manufacture. In this event the report of error permissible limit does not helpful and support utility to believe there contention that they are entitle to recover the bill. In this case I am of the opinion that consumer pattern which is required to be verified and settled. To support my view I found for the similar load of supply use by the consumer and meter reading recorded on new meter is significantly reported between 700-800 unit and according to me the said consumption pattern should be decided of category of this consumer. I come to conclusion that merely the error reported within permissible limit does not entitled to utility to claim the correctness of access bill earlier meter reading recorded which was apparently high and exorbitant. I found there is substance contention of complaint which is not at all considered by IGRC in their judgment. I have obtained technical assistant technical Member who also heard this dispute. In my view merely the error found with permissible limit does not

entitled respondent utility to claim correctness of meter and recovered the bill and therefore the bill issued to the consumer relying old reading of 1400-1900 & 2800 is not proper legal and valid . Therefore the said demand is liable to be quash and set aside. I hereby give direction to respondent utility to access the bill against the consumer of this period calculating average monthly unit 1400 and reassess and revised the bill accordingly. The consumer shall not be charge any interest DPC and penalty as it is not his fault .Hence I am inclined to allow the complaint of consumer and proceed to pass following order.

**ORDER**

1. The consumer complaint No. 141/2016 is allowed.
2. The bill issued respondent utility earlier relied on old meter reading is illegal stands quash and set aside. The respondent utility is directed to revise and reassess the bill calculating monthly average unit 1400 and revise and reassess the bill for the said period
3. No interest and penalty and DPC be charge against the consumer.
4. The utility has liberty to reassess bill after testing report from central Laboratory.
5. No order as to the cost.

Proceeding close.

Both the parties be informed accordingly.

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

**Note:**

1) If Consumer is not satisfied with the decision, it may proceed within 60 days from 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**

**I Agree/Disagree**

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

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

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