

**Consumer Grievance Redressal Forum  
Maharashtra State Electricity Distribution Co. Ltd.  
Bhandup Urban Zone, Bhandup**

Ref. No. Secretary/MSEDCL/CGRF/BNDUZ/      Date :

Case No. 367

Hearing Dt. 17/02/2011

**Interim cum final order**

**In the matter of Fast Meter**

<b>Shri Sunil D. Shete</b>	- Applicant
<b>Vs.</b>	
<b>MSEDCL (Bhandup)</b>	- Opponent

**Present during the hearing**

**A - On behalf of CGRF, Bhandup**

- 1) Shri R.M Chavan, Member Secretary, CGRF, Bhandup.
- 2) Mrs. Manik P. Datar, Member, CGRF, Bhandup.

**B - On behalf of Applicant**

- 1) Shri Sunil D. Shete, Applicant Consumer.

**C - On behalf of Opponent**

- 1) Shri P.P. Borkar — Dy. E.E., MSEDCL, Bhandup.
- 2) Shri S.D. Sonvalkar, Asstt. Acct., Bhandup S/Divn.

### **Preamble**

Shri Sunil D. Shete is a residential consumer of Maharashtra State Electricity Distribution Company Ltd (i.e. MSEDCL) under service no. 000052064899 residing at Yanadi A/3, Ganesh nagar, Opp. Jijamata School, Bhandup. This single phase electric connection was released by MSEDCL on 01/01/1987. The consumer average monthly consumption was around 400 units and was billed with the normal meter status and as per meter reading. The Applicant consumer claimed that his meter is running fast and hence was billed excessive for limited gadgets and utility is not responding to his correspondence due to which he was reluctant to pay the dues which raised to an amount of ` 56,800/- by the end of Dec-2010. On request of Applicant consumer utility allow him to pay ` 28,400/- as a part of bill which he paid by cheque but utility officials insisted him to clear the balance amount in short period, otherwise his power supply will be discontinued. With this threat of disconnection the Applicant consumer approached to this Forum under Regulation 6.5 of MERC (CGRF & EO) Regulations 2006 for interim relief against the disconnection of his power supply. Accordingly the case was registered vide 367 and hearing was fixed on 17/02/2011.

### **Consumer Say: -**

On 17/02/2011 Shri Sunil D. Shete was present to represent the case. Brief detail of the case as stated by the Applicant is as under :-

The Applicant consumer's bill dispute began in Aug-2007. The utility had not read the meter for the period of Aug-2007 to April-2008 and billed him arbitrarily with the fake readings. In the month of April-2008, the representative of utility came to read the meter and noted reading as 15302.

But meter was showing 14391. It was brought to the notice of utility. Instead of corrective action utility billed him on faulty basis. There is a difference of about 1000 units which utility should have credited to him for their own mistake but did not. Utility immediately removed the meter and provided the same after its repairing.

He further stated that after refixing of this meter, it was running very fast. He approached many times to utility to get his meter tested and replaced. Accordingly utility provided in series a check meter which read around 155 to 160 units per month where as his meter under observation was reading around 300 to 400 units/month.

He further stated that utility replaced this faulty meter on 16/12/2008 with the new one which again read abnormally high. He reiterated that in the month of March-2010, he issued a blank cross cheque to pay the rectified amount of the bill, but the utility officials forwarded the cheque to the bank with an amount of ₹ 39,820/-.

As regards to the dispute of fast meter, utility belatedly checked his meter on 06/01/2011 and declared it as working in permissible limit which he declined to agree with.

Again utility officials visited his premises on 29/01/2011 and checked each and every gadgets in use and replaced his old meter (no. 11060778) by new one having serial no. 15317790.

He argued that payment made by him is not reflect in his bill and utility debited the excess amount in his account which remain unreplied even after vigorous follow-up.

**Prayer of the Consumer :-**

- 1) The meter serial no. 088628 should be tested in his presence out of Bhandup jurisdiction and credit should be given as per the report.
- 2) Supply should not be disconnected till the final order of the Forum.
- 3) His billing statement should be audited by the billing staff other than Bhandup area.

**Utility Say :-**

On behalf of utility Shri P.P. Borkar, Dy. Ex. Engr., Ishwar Nagar sub-division and Shri S.D. Sonvalkar, A.A. were present to represent the case (herein after referred as Opponent). As argued by the Opponent the consumer had issued a cheque of ` 39,820/- vide cheque no. 685612 dt. 18/03/2010 but not honoured for this total amount. Hence the same amount had been debited in two parts i.e. in the month of July-2010 for ` 25,837.99 and in the month of Sept-2010 for ` 13,982.01 in the bill along with the fine for dishonoured cheque and bank commission.

Opponent further stated that as regards to the fast meter the credit amounting to ` 15,913.25 was passed to the consumer for the period of Feb-2008 to Dec-2008.

They further added that on frequent request by the Applicant the meter under dispute having serial no. 088628 was accu-checked on 06/01/2011 and out come of the meter was normal functioning within permissible limit.

They reiterated that on repeated request of the consumer the same meter was replaced on 29/01/2011.

The Opponent also admitted to credit the amount of ₹ 3,982/- which the Applicant claimed for payment by the bank from his account provided the Applicant should produced the copy of bank statement or pass book with the relevant entry.

The Opponent further clarify that the consumer is billed as per meter reading and there is no ambiguity in billing and hence nothing to rectify. Accordingly the notice of disconnection was issued to the consumer for early payment of arrears.

**Observation :-**

The matter was heard on 17/02/2011. Both the parties were present.

The billing dispute is arose in the month of August-2007 for the non reading of meter by utility and was continued till April-2008 as argued by the Applicant. In the month of Feb-2008, the consumer was billed with the average consumption of 403 units under RNA status (reading not available) which was refunded in the month of March-2008. Moreover, in the month of April-2008, utility noticed "*a reversal of reading and hence billed with the faulty status*".

Having gone through the CPL, Forum observed that the Opponent had already corrected the bill of the consumer considering the defective meter for the period of Feb-2008 to Dec-2008 and passed the credit of ₹ 15,913.35 in the month of Dec-2009 which is also agreed by the consumer. As regards to the period of Aug-2007 to Jan-2007, Forum observed that the utility corrected

Applicant's bill from Feb-2008 to Dec-2008 but Applicant dispute was arose from Aug-2007. On query the Opponent is unable to clarify as to why the above disputed period was not considered while rectifying the bill. Observing the facts of the case and the test report produced by the utility dtd. 16/12/2008 based on the standard meter provided as a check meter in series with the consumer's meter reveals that consumer's meter was working fast by 18.05% Opponent therefore directed herewith to rectify the Applicant bill for the period of Aug-2007 to Jan-2008 according to the test report.

The meter having sr. no. 088628 was tested in the laboratory on 22/02/2011 in the presence of two witnesses and was found OK.

However, this meter was not tested in the presence of consumer or it's representative, as was directed by the Forum during the course of hearing. Hence Forum constrained to direct to Opponent to get the meter tested in presence of consumer on 10<sup>th</sup> March 2011 at 12.00 hrs. at Bhandup testing lab. If any abnormality found in working of the meter beyond the specified tolerance of it's preciseness, the bills for the period from Jan 2009 to Dec 2010 should be rectified accordingly or otherwise if the Applicant consumer do not rely on utility's laboratory, he may get tested his meter at his own cost in Central Government testing laboratory available at address.

Institute For Design Of Electrical Measuring Instruments	Electronics Regional Test Laboratory (West)
Eastern Express Highway, Chunabhatti, Sion, Mumbai – 400 022	S.T.Q.C. Directorate, Department of Information Technology, Ministry of Communication & Information Technology, Govt. of India, Plot no. F-7 & 8, M.I.D.C. area, Opp. Seepz, Andheri (East), Mumbai – 400 093

As regards to the payment claimed by the consumer for an amount of ₹ 3,982/- debited from his bank account, Forum feels that consumer should produced the certified copy of bank statement or pass-book showing the relevant entry. On its submission, utility should credit the same through the bill. Forum also observed that the grievance of the Applicant consumer was not solved for a long period, hence it will be fair and proper to waive the DPC and interest charged on the pending arrears.

As per the Applicant's perception the security deposit was charged to him in five equal installments of ₹ 400/- each which utility cannot recovered.

In view of above it is well known policy adopted by MSEDCL to facilitate the consumer to pay the additional security deposit in equal installments to minimize the burden with regular bill which is in consence with Commission's Regulations. The claim of the consumer for refund of additional security deposit charged by utility is hereby rejected.

### **ORDER**

- 1) The bills from Aug-2007 to January-2008 should be rectified as per meter test report dt. 16/12/2008.
- 2) DPC and interest charged on arrears should be waived.
- 3) If consumer agree for testing of meter in MSEDCL's Lab at Bhandup, it should be tested in his presence on 10<sup>th</sup> March 2011 at 12.00 hrs.

The compliance should be reported to this Forum within 30 days after receipt of this order.

No orders as to cost.

Both the parties should be informed accordingly.

The order is issued under the seal of consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 8<sup>th</sup> of March 2011.

Note :

- 1) In absence of Chairperson the order is issued by Member Secretary and Member of the Forum.
- 2) If Consumer is not satisfied with the decision, he may go in appeal 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 go in appeal before the Hon. High Court within 60 days from receipt of the order.

**MRS. M.P. DATAR**  
**MEMBER**  
**CGRF, BHANDUP**

**R.M. CHAVAN**  
**MEMBER SECRETARY**  
**CGRF, BHANDUP**



