

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

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

Date :

In the matter of bill revision

Case No. 154

Hearing Dt. 12/02/2008 & 07/03/2008

Shri Fatte Mohd. Shaikh - Applicant (Consumer)

Vs.

MSEDCL, Bhiwandi - Opponent (Utility)

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri S.L. Kulkarni, Chairman, CGRF, Bhandup.
- 2) Shri S.B. Wahane, Member Secretary, CGRF, Bhandup.
- 3) Mrs. Manik P. Datar, Member, CGRF, Bhandup.

B - On behalf of Applicant

- 1) Shri Shakeel Ansari, Consumer's representative

C - On behalf of Respondent

- 1) Shri D.R. Barhate, Asstt. Engr. Bhiwandi
- 2) Shri Nisarg Shah, Asstt. General Manager, Torrent Power Ltd.
- 3) Shri M. Parikh, Manager, Torrent Power Ltd.

PREAMBLE :

Consumer registered his grievance with this Forum on 21st Jan 2008 vide case No. 154 for an interim order. His meter was burnt on 09/01/2008. Utility did not replaced his burnt meter immediately. Hence, he approached with this Forum for an interim order for replacement of meter. After hearing both the parties, Forum issued an interim order for reconnection of his energy supply with new meter on 25th Jan 2008 and for detailed examination of the case, regular hearing was fixed on 12/02/2008 at 14.00 hrs. The hearing had to be postponed a few times due to unsuitability and unavailability of time either of the parties. Hence, it was not possible for the Forum to issue an order in the stipulated time.

CONSUMER'S SAY:

Shri Fatte Mohd. Shaikh is having Three phase power loom unit at H. No. 51/1, Shastri Nagar, Kalyan Road, Bhiwandi - 421 302, with consumer No. 13012554932.

Consumer was released power supply in the month of October 2006 for 15 HP load dtd. 10/10/2006.

Consumer installed his power looms in the month of May 2007 and actual production was started from 01/06/2007.

Shri Abdul Ali was running the power loom unit, which had been taken on lease by original consumer Shri Fatte Mohd. Shaikh. The copy of agreement was attached.

Old meter was replaced by M/s. Torrent Power Ltd. On 22/05/2007 though it was in working condition.

Consumer was getting bills on average basis upto October 2007. But the credit had not been passed to him after actual reading obtained.

Consumer's meter was burnt on 09/01/2008 and due complaint was registered to M/s. Torrent Power Ltd. for restoration of supply. Supply was not restore upto 24th Jan 2008, hence, he approached with the Forum for interim order.

M/s. Torrent Power was insisting to the consumer to pay the abnormal raised bills, which was not acceptable to the consumer.

His power loom unit was started in month of June-2006. During the development period, 30 looms were tested one by one for which consumption was 728 units.

Meter was replaced on 22/05/2007 with wrong meter number on meter changed slip.

Part payment of arrears had been made for Rs. 20,000/- on 20/07/2007.

In December 2007, meter showed 66497 units and consumption on 22/05/2007 was 728 units totaling to 67225 units were consumed by the consumer.

As per M/s. Torrent Power Ltd., the total consumption from Feb 2007 to Dec 2007 was 1,31,438 units on asses basis. Hence, excessive units charged by M/s. Torrent Power were 64231 units.

When the consumer went to pay the amount for 67225 units, it was refused by M/s. Torrent Power Ltd. and forced him to pay full arrears for restore the power supply. Consumer had paid the meter cost of Rs. 3110 on dtd. 01/02/2008.

The Forum had issued an interim order on 25th Jan-2008, MSEDCL forwarded the order to concerned authority of M/s. Torrent Power Ltd. But they ignored the interim order and sent a notice of disconnection at 19.00 hrs. on 29/01/2008.

General Manager Mr. Mehta took the consumer to their section office at Narpoli and told that they did not recognize or care such orders of CGRF.

As consumer had been suffering from heavy losses, he had no alternative to pay the arrears with three installments. He paid Rs. 70,000/- immediately following two post dated cheques of Rs. 42,000/- and Rs. 40,473/-.

Prayer of the consumer :

- 1) To award compensation as prescribed by S.O.P. as per applicable rate of Rs. 100/hrs from 09/01/2008 till 01/02/2008. According to u/s 142 & 146 of E.A. 2003, Mr. Siddharth Mehta (G.M.) technical, M/s. Torrent Power Ltd. should be penalized as he showed disrespect of your honorable Forum.
- 2) Compensate the loss about 80,000/- from 09/01/2008 to 01/02/2008.
- 3) S.O.P. under clause 14.3 regarding reading of meter should be given to the consumer.
- 4) Due to negligence of M/s. Torrent Power Ltd. the consumer should not be penalized with DPC and interest.
- 5) Rectify the wrong assessment billing charged by TPL amounting to 64213 units.

UTILITY'S SAY:

- 1) The consumer, Mr. Fateh Mohd. Shaikh has a sanctioned load of only 15 HP. There is an unauthorized extension of load of 19 HP, which has still to be regularized by the consumer. Therefore, more than 60% of the load out of the total load of 34 HP is unauthorisedly being used by the consumer.
- 2) Torrent Power Ltd. as a part of its MMR activity, initially replaced the meter on 22/05/2007 based on the sanctioned load of 15 HP. (copy of the billing showing sanctioned load of 15 HP is enclosed). Further, also a copy of our Vigilance Memo dtd. 23rd January, 2008 issued to the consumer indicating the actual load to be 34 HP with 19 HP as the unauthorised load, is also attached.
- 3) In the month of July, 2007, the consumer had a total outstanding of Rs. 91801.67. At the request of the consumer and without prejudice to our outstanding bills, the part payment of Rs. 20000/- was accepted by us with verbal assurance from the consumer that the balance amount would be paid by him in the next bill. Accordingly, a noting was made on the bill, which the consumer then made the part payment of Rs. 20000/-
- 4) The consumer is habitual offender of not paying the bill which is reflected in the fact that, till December-2007, the total outstanding amount of Rs. 152473.28 has not been paid by the consumer towards the energy bills on some pretext or the other. We have issued notices to the consumer for disconnection in the past.
- 5) The consumer who is utilizing more than 60% of the load unauthorisedly informed us on 9th January, 2008 that his meter has been burnt and insisted on replacing the meter without making any payment towards his past dues nor towards the cost of replacement of meter as per MERC regulation 14.2.

Further, he has to regularize the unauthorised extension of 19 HP for which our Vigilance Department has issued him a Memo dtd. 23rd January, 2008 which is still pending at his end.

OBSERVATIONS:

1) According to M/s. TPL he is not the original consumer (Shri Fatte Mohd. Shaikh) but the occupier of the premises who has filed the complaint, this complaint becomes untenable.

This contention of M/s. TPL is not proper since the occupier has the right to file a complaint. Hence, this case is admissible.

2) In the month of May-2007 he has been charged on the average of the previous three months consumption, which seems a fair assessment. Considering that the final reading in the month of May before change of meter was not readable (as per meter change slip). The consumer's contention that the final meter reading of the IP meter showed 728 units at the time of meter changed dtd. 22/05/2007. IP meter was 728 is not proper for the simple reason that the meter reading showed at the end of April-2007 was 15145 units. Hence, the calculation sheet as presented by the consumer has not relevant and hence not acceptable to the Forum.

The assessed bill, which was raised by M/s. TPL was revised and duly credit was passed on to the consumer in the month of April for Rs. 3916.12

As consumer had paid on 20,000/- in the month of July-2007 the arrears were rising considering his monthly consumption is very high. Consumer had paid Rs. 70,000/- in the month of Jan-2008 the total outstanding of Rs. 109210/- are still pending on 31/01/2008.

After replacement of meter utility again issued average bills from June-2007 to Sept-2007. In the month of October-2007, utility had given the electricity bill of accumulated meter reading of 50732 units amounting to Rs. 123065/-. The utility corrected the error by giving credit for assessed bill in the month of June-2007, July-2007 & Augst-2007 and in Jan-2008 for Rs. 94893/-.

The applicant has claimed for compensation from utility for delaying replacement of burnt meter and restoration of supply. The utility clarified that it had already given to the consumer the quotation for the meter cost on 09/01/2008, but consumer paid the said on 01/02/2008 subsequently the new meter was fixed on 01/02/2008 with restoration of power supply.

As per regulation under S.O.P. 14.2.3 reads as:

14.2.3 Where, upon a complaint by the consumer or inspection by the Authorised Representative, the meter is found to be burnt, it shall be replaced and supply restored to the consumer.

Provided that the Distribution Licensee may recover the price of the new meter from the consumer:

Provided further that the estimated electricity charges for the period for which meter was not available due to burning of meter may be billed to the consumer in the ensuing bill after supply is restored.

which indicates that it is a duty of utility to restore the consumer's supply immediately in case of burnt meter. Here the supply of consumer was restored on 01/02/2008 i.e. after twenty days. Hence, he is eligible for compensation as per S.O.P. regulation 14.2.3 @ Rs. 100/- per week.

CGRF expresses with regret the delay on the part of the franchisee M/s. TPL on their part not to reconnect the power supply of the consumer for about one week. Their official should have very careful to obey the orders of CGRF.

It is noted that the utility had billed him on average basis although the meter reading was available. Hence utility is liable to pay to the consumer compensation @ Rs. 200/- per month, as regards, consumer's request of waiver of DPC and interest, it cannot be considered in the view of the fact that the consumer had made payment to the utility quite late.

ORDER

- 1) Utility should give to the consumer final energy bill by taking actual meter reading to be taken in the presence of consumer.
- 2) The bill so worked out should be explained to the consumer, the consumer must clear the bills so given to him within two months from receipt otherwise utility force to take action as per procedure.
- 3) Since the utility is at the fault as explained in the observation should pay the compensation to the consumer as mentioned above.
- 4) Compliance of these orders should be reported within 60 days.

The order is issued under the seal of consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 7th of May 2008.

Note : 1) 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

S.L. KULKARNI
CHAIRMAN
CGRF, BHANDUP

S.B. WAHANE
MEMBER SECRETARY
CGRF, BHANDUP

