

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

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

Date :

Case No. 171

Hearing Dt. 29/03/2008

In the matter of bill revision

Shri Vivek R. Sharma - Appellant

Vs.

MSEDCL, Panvel - Respondent

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 Appellant

- 1) Shri G.B. Singh, Consumer's representative.
- 2) Shri V.K. Sharma, Consumer

C - On behalf of Respondent

- 1) Shri K.K. Mehta, Asstt. Engr.
- 2) Shri P.B. Bhagwat, D.A.

PREAMBLE :

The consumer registered his grievance with this Forum on 13/03/2008 vide case No. 171. The hearing date was fixed on 04/04/2008 at 12.00 hrs. All the concerned were intimated to attend the hearing with relevant documents.

CONSUMER'S SAY :

The consumer Shri Vivek R. Sharma was released three phase new connection on dated 16/03/2003 at plot No. 3213 at village Kundanshal, Tal. Panvel by providing meter No. 407624, bearing consumer No. 02938072711 for 15.60 kw commercial load. Due to N.A. problem, the load was not connected as per the sanctioned load & commercial activity was not started. However, the said premises was being utilized as godown for lighting purpose for security guards & office boys etc. Hence, the use of power was very nominal as compared to sanctioned load. However, I way paying the energy bill regularly.

In the month of July 2006 (i.e.18/07/2006), my meter was burnt which was replaced on 24/07/2006 after making the payment against cost of burnt meter for Rs. 2150/- vide M.R. No. 19450 dtd. 24/07/2006 & supply was restored on the same day. In the month of Dec-2006, I received the energy bill for Rs. 90878.56, which is exhorbitant as compared to all my previous bills. I approached all he concerned offices for its rectification but all in vain. Ultimately, I was forced to approach with Grievance Redressal Cell and appealed to ICGRC but I am aggrieved with decision of ICGRC. Hence approached to CGRF.

The details of my grievances are as follows :

- 1) The new connection was released on 16/03/2003 &
- 2) I received first bill in the month of June-2003 without unit recorded by meter i.e. minimum bill.
- 3) From August-2003 to April-2005, the meter was not read for its billing and bill was being issued on average basis ranging from 100 to 144 units for bimonthly billing under various billing status like MTRCH, Inacc, RNT, RNA, Rej etc. Neither the premises was verified nor the meter reading was taken by its staff though meter is installed outside of the premises & there was no reason for billing as per above status. D.F. officials had violated section 15.3 "*billing in absence of meter reading*" of MERC regulation 2005. Thus, I am eligible for awarding the compensation as per the S.O.P. Regulation 2005 published by MERC. The said fact was brought to the notice of concerned authority orally by contacting in person.
- 4) The meter was shown read in Oct-2004 bill but billing was done under reject status but verification for less consumption was not done by D.F. Again, the meter was read in the billing month of June-2005 to March-2006 except in Jan-2006 and billed under lock status. As consumption was found very low, even though no verification carried out D.L. for detecting the reason for low consumption. However, bill was issued as per the meter reading for the consumption recorded by the meter.
- 5) For April to July-2006, again bill was issued under Inacc & lock status without verification.

6) Meter is burnt on 18/07/2006 & replaced on 24/07/2006 but meter reader took the meter reading of the old meter showing previous reading 365 & current reading 388 though the new meter was at site. Nothing was mentioned regarding meter changed.

7) After replacement of meter on 24/07/2006, I received energy bill in Dec-2006 for Rs. 90876.56 for old meter final reading 15891.

8) The final reading taken by the concerned official is not realistic but it is fabricated one as the local official was not having transparent working but with malicious view keeping in mind to take revenge with me for some oral arguments on private matters of their working. However, the final reading of the old meter was not shown to me nor the MR-2 report was prepared in my presence. If it is true, D.L. should produce MR-2 report as well as old meter before the Forum to confirm the final reading as a evidence for transparent working.

9) The consumption pattern recorded by the old meter & new meter is nearly the same. However, the consumption recorded by the meter in the month of Feb-2007 is excessive high for the reason that there was shooting work organized for 4 to 5 days by utilizing the full sanctioned load for 24 hrs. being continuous work.

Therefore, I request to Hon'ble Forum to scrap the final reading declared by DL on fabricated ground and decide on the merit of previous trend of consumption recorded by old meter or on the further trend of consumption recorded by new meter deducting the consumption of 4 to 5 days in Feb-2007 for shooting work.

Prayer of the consumer :

Final reading of old meter no. 407624 declared by officials of DL as 15891 which is not realistic but it is fabricated, hence, it should be scrapped and PR should be determined on the base of previous trend of consumption or even further trend of consumption of the new meter considering my grievance details.

UTILITY'S SAY:

It is true that the new connection was released in March-2003 for sanctioned load of 15.6 kW and billing started since 2003. The consumer was billed on average basis for RNA, MTRCH, Inacc, Reject status upto April 2005. The reason behind was the installation of meter inside the premise, which was not available for recording the meter reading by the meter reader. Consumption pattern is also very low as compared the sanctioned load but no verification was carried out by us to verify the reason for low consumption. However, the meter was shifted from inside to outside of the premises to ease the meter reading while replacing the meter. Now, meter is being taken regularly and consumption pattern for old & new meter is nearly the same. Also we did not initiate any action to read the meter in pursuance to section 15.3 of Regulation 2005 for the period from June-2003 to April-2005 and April-2006 to July-2006.

However, the final reading of old meter reported by the concerned officials received by sub-divn. on 04/08/2006 vide inward No. 2071 is 15891 which is considered for billing the consumer which seems true to our best of knowledge considering the sanctioned load being accumulated consumption.

At this stage, neither we have any MR-2 report duly signed by consumer nor the said meter to confirm the final reading reported to billing section. Hence matter may please be finalized considering final reading as 15891 and consumer's all demand should be rectified.

OBSERVATIONS:

1) The root cause of grievance is concerned with the reporting of final reading of old meter no. 407624 as 15891 which is not found in order with the previous months reading billed & reflected on billing record as compared with the use of consumer. Hence, it is not acceptable by the consumer & requested to Forum to insist the respondent to submit MR-2 duly signed by consumer & also the old meter to confirm the final reading, which DL failed to produce before the Forum. Thus, demand of the consumer has got merit but there is no way lift before the Forum to confirm the actual & final reading of old meter no. 407624 in absence of meter and MR-2 report as demanded by the consumer except imagination/assumption to arrive at the final reading either considering the consumption pattern of the old meter or the new meter as both patterns are nearly same. The consumer is having no grievance if consumption pattern of new meter is taken as base to arrive at the final reading of old meter in absence of convincing final reading availability.

However, consumer explained the reason for very high consumption in the billing month of Feb-2007 for 2435 unit & submitted the documents with the Forum with a request to exclude the consumption for shooting in the said shed for 4 to 5 days by using 15.6 kw full sanctioned load for 24 hrs.

The average consumption of new meter no. 1109995 is advisable as old meter no. 407624 was provided inside the consumer's premises as per say of respondent reading is not recorded properly on billing record for a long time. Also alternate meter reading is not available with the parties. Hence, it is decided to consider trend of consumption of new meter to arrive at final reading to solve the dispute by excluding huge consumption for 4 to 5 days for 24 hrs. of 15.6 kw load.

The unit consumed during shooting period = $15.6 \times 4 \times 24$
 For 4 to 5 days for 15.6 kw load for 24 hrs. = 1497.5
 = 1498 unit

in February - 2007 bill.

Total unit recorded by meter = 2789-1
 From August-06 to July-07 by new meter No. 1109995 = 2788 unit
 Actual unit to be considered for F.R. finalisation = 1290 units
 Average consumption/month = 107.5 unit say 108 units

Which is taken reference units to decide the F.R. of old meter. The old meter was in service from April-2003 to July-2006 for 40 months.

Hence assumed FR of old meter no. 407624 is $108 \times 40 = 4320$

Therefore, it advisable to scrap final reading taken as 15891 of old meter no. 407624 instead of 15891, final reading should be taken as 4320 with following directions.

- i) The bill issued considering final reading 15891 should be scrapped and final reading should be treated 4320.
- ii) The total unit consumed during April-2003 to July-2006 by considering final reading 4320 is 4320, which should be

billed by splitting for the whole period as per appropriate tariff.

- iii) From the amount arrived considering point no. 2, the amount paid by the consumer during the above period should be credited & final bill should be raised by withdrawing the DPC & interest.

2) It is true that non transparent working of MSEDCL officials & its employees, consumer suffered in many ways & forced to run from pillar to post & post to pillar. In case, if meter was read at regular interval in presence MERC Regulation 2005 vide its section no. 15.3, grievance would not had arisen.

3) MSEDCL officials & employees are mainly responsible for this grievance for no fault on consumer's side. Hence consumer is eligible for compensation of Rs. 1000/- for his harassment in several ways.

ORDER

1) The total unit consumed during April-2003 to July-2006 by considering final reading 4320 is 4320, which should be billed by splitting for the whole period as per appropriate tariff.

2) The amount paid by the consumer during the above period should be credited & final bill should be raised by withdrawing the DPC & interest.

3) Compliance should be reported to this Forum within one month from the date of receipt of this order.

The order is issued under the seal of consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 09th 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