

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

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

Date :

Case No. 203

Hearing Dt. 01/08/2008

**In the matter of change in category of the consumer**

**Shri Dasharath Sakharam Kharmale** - Applicant

Vs.

**MSEDCL, Wagle Estate, Thane** - Opponent

**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 Dasharath Sakharam Kharmale, Consumer.

**C - On behalf of Opponent**

None

Applicant Shri D.S. Kharmale of Thane is a consumer having single phase residential connection. The utility had changed burnt energy meter instrument during June-2006 and according to him replaced meter was used old meter. The utility official took away his electric meter on 03/01/2008 for testing along with his meter the meter of other consumer were also taken up for testing. After testing his meter he was called at division office and he was told that his meter seal was tampered and as such he had played a mischief with meter circuit. He was sent a bill of Rs. 24355/- to be paid within 24 hours. He accordingly borrowed money and paid the amount. Again he was sent a bill of Rs. 8000/-, which he was compelled to pay, thereafter the utility given the connection with new meter.

He made the complaint to the utility on 11/02/2008. There was no response. Thereafter he filed an application in ICGRU Thane on 03/04/2008. uptill now there was no hearing held and hence he approached CGRF, Bhandup. Infact it was his submission to the utility that his meter is showing lesser consumption than his normal previous consumption. Instead of appreciating his honesty, the utility charged him of energy theft of tampering with the meter. His request is that the alleged theft amount bill and so called theft compound charging bill is highly excessive and recovered amount should be refunded with interest. Also the theft allegation should be withdrawn.

The executive Engineer, Wagle Estate submitted detailed copies of checking report with accucheck report dtd. 05/01/2008 which states as under :

- a) Meter found 74.41% slow.
- b) Meter testing at testing Lab. found 75.01% slow.
- c) Meter opened found that jumpers counter circuit opened at jumper T-21 connected.
- d) Total load connected 1.5 kW.
- e) Case is covered under section 135 and 138 of E.A.-2003.

This testing Lab. report had been done by showing him the opened meter and explaining to him the changed found in Internal wiring of the meter. He was given a bill for the theft amount for the period of two years based on the standard formula of the utility with respect to actual load connected. The consumer showed willingness for the compounding of the theft offence. Accordingly the bill for compounding with respect to load connected amounting Rs. 8000/- was given to the consumer. He paid both the bills and hence FIR was not launched.

### **OBSERVATIONS :**

From the evidence available on record this is clearly a case under section 135 & 136 of E.A. Act-2003 and as such not within the jurisdiction of CGRF.

It is however seen that the energy meter through which the alleged theft is committed has been installed at consumer's premises on 25/07/2006 while utility has calculated a theft assessment of 2 years prior to the date of alleged theft i.e. from Jan-2006. Thus the period of calculation is 6 months prior installation of the meter thus the consumer has been charged unnecessary extra. Now this is admitted by utility during discussion on 12/08/2008 the consumer needs to be refunded this extra recovered amount of theft assessed bill.

### **ORDER**

The utility should recalculate theft-assessed bill and the assessment should be restricted from the date of installation of the meter to date of detection of energy theft and the excess amount is recovered from consumer should be adjusted in subsequent bill.

The compliance of this order should be reported to the CGRF within a 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 14<sup>th</sup> of August 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**

