



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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IN THE MATTER OF GRIEVANCE NO. K/E/486/572 OF 2010-2011 OF SHRI DEVIDAS G. TELI, HOTEL RAJA, KALYAN (WEST) REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT EXCESSIVE ENERGY BILL.

Shri Devidas G. Teli
Hotel Raja, Ahilyabai Chowk,
Near KDMC Office,
Kalyan (West) : 421 301

(Here in after
referred to
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its Dy. Executive
Engineer, Kalyan West Sub/Dn No. III

(Here in after
referred to
as Licensee)

- 1) Consumer Grievance Redressal Forum has been established under regulation of "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006" to redress the grievances of consumers. This regulation has been made by the Maharashtra Electricity Regulatory Commission (MERC) vide powers conferred on it by section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, 2003. (36 of 2003).

- 2) The consumer was a Three phase LT consumer of the Licensee. The Consumer was billed as per commercial tariff. The consumer registered grievance with the Forum on 10/02/2011 regarding the Excessive Energy Bill. The details are as follows :
Name of the consumer : Shri Devidas G. Teli (Hotel Raja)
Address: - As above
Consumer No : 020020716933
Reason for Dispute : - Regarding Excessive Energy Bill
- 3) The batch of papers containing above grievance was sent by Forum vide letter No. EE/CGRF/Kalyan/094, dt. 10/02/2011 to the Nodal Officer of the Licensee, and the Licensee through Dy. Executive Engineer MSEDCL Kalyan West Sub-Division No. III filed reply vide letter No. DYEE/Kalyan (W)/Sub.Dn.III/301, dt. 17/02/2011.
- 4) The Members of the forum heard both the parties at length on 08/03/2011 @ 14.30 Hrs. in the meeting hall of the Forum's office. Shri B. R. Mantry Consumer Representative, Shri D. B. Nitnaware, Nodal Officer, Shri K. M. Jadhav, Asstt. Engr., Shri Kadi, Dy. Ex. Engr., Mrs. Jogdeo, A.A. Shri Varghese Jacob, Asstt. Engr. Representatives of the licensee attended hearing. Minutes of the hearing including the submissions made by the parties are recorded and the same are kept in the record. Submissions made by the parties in respect of grievance since already recorded will be referred to avoid repetition.
- 5) The consumer has taken electricity connection from the Distribution Licensee (DL) to his premises at Hotel Raja, Ahilyabai Chowk, Kalyan (West) in the year 1996. According to the consumer inspection team of the licensee without any intimation visited the premises and checked

connected load and reported that they are using excess connected load than the sanctioned load 61 KW and based on the report of the inspection team issued supplementary bill for Rs. 03,18,460.33 without supplying calculation details in order to harass them. It is contended that as per the directions of the Hon. MERC the consumer shall be billed based on actual load demand and shall be levied penal charges for the unauthorized demand beyond the sanctioned load. According to consumer in case of load drawal exceeding sanctioned load to be measured through the M.D. meters and that tariff is based on sanctioned load and not on connected load and in this context supplementary bill for the amount as above raised by the licensee is incorrect and excessive and needs to be revised. Licensee by letters dated 29/11/2010, 04/01/2011 claimed the said amount failing which threatened to disconnect the supply therefore, by Advocate's notice dated 06/12/2010 consumer requested the licensee to withdraw the incorrect and excessive energy bill and not to disconnect supply based on the said incorrect bill, however, licensee falsely replied the notice through Advocate on 18/12/2010 and stick up to their incorrect bill and again threatened to disconnect supply hence consumer moved the I.G.R. Cell but in vain, hence lodged this grievance with prayer to direct the licensee to revise the supplementary bill and not to disconnect the electric supply illegally.

- 6) Licensee filed reply dt. 17/02/2011 contending that the inspection team of the licensee visited the premises and reported on 05/01/2010 that during inspection they found the consumer's sanctioned load was 40 KW whereas connected load was found 89 KW therefore as per the rules difference of tariff between sanctioned and connected load for the period

June 08 to Dec. 09, supplementary bill of Rs. 03,18,460.33 was raised and issued, however consumer did not pay the amount. It is contended that consuming more electricity than the sanctioned load consumer acted contrary to the provision under Section 126 of the I. E. Act 2003 is liable for punishment. Consumer was directed to get the sanctioned load extended to avoid the failure of transformer and damage of equipments, however remained silent. It is contended since consumer used electricity unauthorizedly than the sanctioned load is liable to pay tariff as mentioned in the bill issued, therefore question of harassment and illegal disconnection does not arise consequently requested to dismiss the grievance application.

- 7) During the pendency of the matter by order dated 10/02/2011 licensee was directed not to disconnect the supply till the decision of the grievance.
- 8) At the outset learned representative for the consumer inviting our attention to the order of Hon. MERC dt. 14/07/2005 in case No. 02 of 03 in the matter of non compliance of tariff submitted that tariff is based on sanctioned load and not on connected load and that connected load is to be measured by Maximum Demand Meter. December 2003 onwards if exceeding the sanctioned load has been measured by Maximum Demand recorded by the meter, then two times the tariff applicable for the exceeded portion of the load and that no penalty is to be imposed if exceeding of sanctioned load is claimed on the basis of connected load method. On the other hand the learned representative for the licensee urged that exceeding sanctioned load electricity was found to be used during the period from June 2008 to December 2009, therefore bill for the excess amount was raised and the consumer is liable to pay the same.

- 9) On perusal of the available record produced during the course of hearing it seems energy bills for the months June 2008 to December 2009 sanctioned demand is 40 KVA and that MD meter has been installed in the premises as MD KVA is recorded in some bills. As per the MERC order referred to above para 33 (e) (3) period from December 2003 onwards if exceeding the sanctioned load has been measured by maximum demand recorded by meter then two times the tariff applicable for the exceeded portion of the load is to be charged. In the disputed bill raised by the licensee nowhere pointed out the load exceeded than the sanctioned load. Licensee should have placed on record detail data of the material period showing consumer used electricity than the sanctioned load as per M. D. Meter reading in order to charge for excess demand.
- 10) It is significant to note here that on perusal the bills dated 19/07/2008, 14/08/2008, 02/07/2009, 01/08/2009, 03/11/2009, 07/12/2009 it is seen **MD reading was not taken at all.** Had the concerned meter reader recorded MD reading and found excess than the sanctioned load, point would have raised about the charging of penalty for excess demand. Non recording MD is a serious error thereby consumer who used electricity more than sanctioned load are benefited but do not fall in the category of charging of excess demand and thereby the company is put to loss. This negligence on the part of the meter reader is necessary to be viewed seriously. On this count licensee can very well be directed to initiate suitable action against such erring readers since the company is of public sector running with the funds of public and that interests of the public are necessary to be protected.

- 11) Letter of the Dy. Ex. Engr. dt. 29/11/2010 and the reply dated 17/02/2011 mention the bill Rs. 3,18,460.33 is for the period June 08 to December 09 towards the excess connected load penalty. However, as stated above in the bills noted supra MD is not recorded at all, therefore hardly connected load is measured by MD meter and this being in contravention to the directions of Hon. MERC disputed bill can safely said to be incorrect and excessive and needs to be revised.
- 12) As per the order of the Hon. MERC dated 14/07/2005 referred to supra exceeding the sanctioned load measured by Maximum Demand recorded by meter then two times the tariff applicable for the exceeded portion of the load. Since connected load is to be measured by M.D. meter, licensee can very well raise the bill exceeding the sanctioned load. From this point of view, bill under dispute will have to be quashed directing the licensee to revise the bill as per the order of Hon. MERC referred to supra and consequently Stay Order dated 10/02/2011 will have to be vacated. In view of this the grievance application will have to be allowed and hence the order :

ORDER

- 1) Grievance application is allowed.
- 2) Bill under dispute raised by the licensee for the amount of Rs. 03,18,460.33 is quashed and set aside and the Licensee is directed to revise the bill as per the order of Hon. MERC dated 14/07/2005 in Case No. 02 of 2003 within 30 days from the date of receipt of this order.
- 3) Licensee is directed to take appropriate action against the concerned erring Meter Readers.

- 4) The Stay Order issued by this Forum vide No. EE/CGRF/Kalyan/096, dt. 10/02/2011 is hereby vacated.
- 5) Compliance should be reported within 45 days from the date of receipt of this order.
- 6) The Consumer can file representation against this decision with the Hon. Electricity Ombudsman within 60 days from the date of this order at the following address :
“Office of the Electricity Ombudsman, Maharashtra Electricity Regulatory Commission, 606/608, Keshav Bldg, Bandra Kurla Complex, Mumbai 51”.
- 7) Consumer, as per section 142 of the Electricity Act, 2003, can approach Hon. Maharashtra Electricity Regulatory Commission for non-compliance, part compliance or delay in compliance of this decision issued under “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2003” at the following address :
“Maharashtra Electricity Regulatory Commission, 13th floor, World Trade Center, Cuffe Parade, Colaba, Mumbai 05”

Date : 28/03/2011

Mrs. S.A. Jamdar)
Member
CGRF Kalyan

(R.V.Shivdas)
Member Secretary
CGRF Kalyan

(S.N. Saundankar)
Chairperson
CGRF Kalyan