



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
Ph: – 2210707 & 2328283 Ext: - 122

IN THE MATTER OF GRIEVANCE NO. K/E/0140/0161 OF
08-09 OF SMT. MEENA K. TANYA REGISTERED WITH
CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN
ZONE, KALYAN ABOUT EXCESSIVE BILLING.

Smt. Meena Kishinchand Tanya (Here in
after
Near Regency Hall, referred to
Hardwar Apartment, Link Road as consumer)
Ulhasnagar : 421 003

Versus

Maharashtra State Electricity Distribution (Here in after
Company Limited through its Deputy referred to
Executive Engineer, Sub Dn. III, as licensee)
Ulhasnager - 1

- 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 vide powers conformed 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 is a L.T. consumer of the licensee connected to their 415-volt network. The Consumer is billed as per commercial tariff. Consumer registered grievance with the Forum on dated 23/10/2008 for excessive billing.

The details are as follows: -

Name of the consumer: :- Smt. Meena K. Tanya

Address: - As above

Consumer No : - 021513001328

Reason of dispute: Excessive energy bill & stop meter.

- 3) The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/304 dated 23/10/2008 to Nodal Officer of licensee. They replied vide letter No. Dy.EE/S. Dn. 3/PC-2/CGRF/1614 dated 14/11/2008.
- 4) The Member Secretary & Member of the Forum heard both the parties on 17/11/2008 @ 15 Hrs. in the meeting hall of the Forum’s office. Shri Naresh P. Tunya, Shri D. C. Ledwani Consumer’s representatives & Shri N. D. Narvekar, Junour Engineer, Shri B. H. Parvatikar, Junour Engineer, Shri R. D. Ghumare U.D.Clerk & Shri V. H. Gharat L.D.Clerk representatives of the licensee attended hearing.

- 5) The consumer stated that the consumer is having a shop which is open on all the days in a week. Consumer is having Three Phase supply. From January 2008 he was not getting the electricity bills. As per letter dated 26/03/08 consumer requested licensee to issue the bills regularly as he was not getting bills regularly. Again he sent reminders dated 27/08/08, 23/09/08 & 21/10/08. But no response was given to him by Licensee. After six months i.e. in the month of June 2008 the consumer received his electricity bill amounting to Rs. 73,350/- which is not agreed by the consumer. After getting this bill consumer submitted his application to Licensee. The consumer was asked to give application for accuchecking of his meter since he complained that his meter is running fast & he is getting excessive bill. His meter was inspected & after that the said meter was replaced on 05/09/2008. The old meter was taken by licensee for testing at meter testing lab.
- 6) Licensee stated that on 15/10/08 the consumer was issued first seven days notice but on 24/10/08 the consumer was issued second fifteen days notice. As on Aug. 08 the meter is not defective. After Aug. 08 the meter is stopped.
- 7) Licensee stated that the bill issued to consumer in Oct. 08 is bifurcated of Aug. 08 consumption with DPC. The bill for new meter is not issued to the consumer in Oct. 08.
- 8) Forum stated that Licensee has not paid attention to the consumer complaint & not taken action in time, so the consumer had no alternative to approach to the forum.

Otherwise the problem should have been solved at the primary stage only. It is the duty of the Licensee to take immediate action & the solve the consumer's complaints at their end.

- 9) During the hearing Forum further asked Licensee to give bifurcation of the bill i. e. DPC, Interest etc. charged to the consumer.

10) Forum Findings :

(i) Forum observed that even after repeated complaints from the consumer regarding his meter, non receipt of bills in time, the action was not taken by the Licensee in time. Consumer himself had informed that he is using the electricity but he is not getting the bills. Consumer has submitted his letter to the Licensee & the acknowledgement for the same is received by consumer. From the beginning the meter reading is not taken regularly, bill is issued to the consumer of average units mentioning " Lock / RNT ". Upto August 2007 the average bill is issued to the consumer. Forum noted that average bill should be issued for a particular period only. When the consumer has disputed the bill & has not paid the bills, as per latest procedure 15 days notice should be issued to the consumer instead of 07 days.

(ii) Licensee did not submitted information as required by forum as per para No. (9) till today no information is received by forum, hence being consumer personal ledger (CPL) is an authentic document, following observations are based on CPL only.

a) From August 2007 to January 2008 bills are not issued by licensee. In the month of August 2008 the meter reading is available i.e. 30,641 & bill of 12,691 units issued to consumer which is disputed by consumer. The meter No. 34421 is tested in Lab. & found stop at the reading 30,660. The average consumption of 12 months is found 389 unit per month. The 12 months are counted before meter is stopped. Hence the units per month 389 to be charged only for three months i. e. $389 \times 3 = 1167$ units (as per MERC Supply Code and other Conditions of Supply Regulations, 2005)

Clause No. 15.4 : **Billing in the Event of Defective Meters :**

Clause No. 15.4.1 : read as follows :

“Subject to the provisions of Part XII and Part XIV of the Act, in case of a defective meter, the amount of the consumer’s bill shall be adjusted, for a maximum period of three months prior to the month in which the dispute has arisen, in accordance with the results of the test taken subject to furnishing the test report of the meter alongwith the assessed bill.”

Provided that, in case of broken or damaged meter seal, the meter shall be tested for defectiveness or tampering. In case

of defective meter, the assessment shall be carried out as per

clause 15.4.1 above and, in case of tampering as per Section 126 or Section 135 of the Act, depending on the circumstances of each case.

Provided further that, in case the meter has stopped recording, the consumer will be billed for the period for which the meter has stopped recording, upto a maximum period of three months, based on the average metered consumption for twelve months immediately preceding the three months prior to the month in which the billing is contemplated.

b)The new meter reading taken on 10/09/08 is found to be 68 & this consumption is consumed by the consumer in five days i. e. 13.6 units per day that works out to be 408 units per month. Here it is observed that old meter consumption calculated for average 12 months i.e. 389 units per months matches with the new meter consumption i.e. 408 units per month.

(iii) Further consumer paid Meter Testing Charges Rs. 300/- vide receipt No. 1322937, dated 06/09/2008 should be refunded *to the consumer* (as per MERC Supply Code and other Conditions of Supply Regulations, 2005)

Clause No. 14.4 : **Testing and Maintenance of Meter**

Clause No. 14.4.4 : In the event of the meter being tested and found to be beyond the limits of accuracy prescribed

in the Indian Electricity Rules, 1956, till the regulations are specified by the Authority under Section 55 of the Act, the Distribution Licensee shall refund the testing charges paid by the consumer and adjust the amount of the bill in accordance with the results of the test as specified in Regulation 15.4.

- 11) After hearing & carefully studying all papers submitted by both the parties, the forum unanimously decided following order :

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O-R-D-E-R

- (1)The licensee issued energy bill for Rs. 01,01,350/- dated 31/10/2008 is hereby quashed & set a side. If any payment made by consumer against this bill, should be adjusted in future bills.
- (2)The licensee should charge only 1167 units without D.P.C. & Interest (Refer Para No. 10-ii-a)
- (3)Meter Testing Fees paid by consumer vide receipt No 1322937, dt. 6/09/08 of Rs. 300/- should be refunded to the consumer within 90 days. (Refer Para 10-iii)
- (4)Action should be initiated against concerned employee who has not taken meter readings regularly.

(5) Stay Order for disconnection vide Letter No.

EE/CGRF/Kalyan/307, dated 24/10/2008 is hereby vacated

(6) Compliance should be intimated to the forum within stipulated

time.

(7) Consumer can file appeal against this decision with the Ombudsman at the following address.

*“Maharashtra Electricity Regulatory Commission,
606/608, Keshav Building, Bandra - Kurla Complex,*

Mumbai 51”

Appeal can be filed within 60 days from the date of this order.

(8) Consumer, as per section 142 of the Electricity Act, 2003, can approach Maharashtra Electricity Regulatory Commission the following address:-

*“Maharashtra Electricity Regulatory Commission,
13th floor, World Trade Center, Cuffe Parade, Colaba, Mumbai 05”*

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”.

Date :- 19/12/2008

(Sau V. V. Kelkar)

(R.V.Shivdas)

Member

Member Secretary

CGRF Kalyan

CGRF

Kalyan