



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/185/209 OF 2009-2010
OF SHRI LAXMAN BHIMANNA DHYAGONDE REGISTERED WITH
CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE,
KALYAN ABOUT EXCESSIVE ENERGY BILL

Shri Laxman Bhimanna Dhayagaonde,
Flat No.106, Indraprastha
Co-op.Hsg.Society Limited
Murbad Road, Kalyan(W), Dist.Thane

} (Here-in-after
referred
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its
Dy.Executive Engineer, Sub/Dn.1
Kalyan.

} (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 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 is a L.T. consumer of the licensee connected to their 415-volt network. The Consumer is billed as per residential tariff. The consumer registered the grievances with the forum on dated 24/02/2009 regarding excessive billing. The details are as follows: -

Name of the consumer : Laxman Bhimanna Dhayagonde

Address: - As above

Consumer No. :-020020462125

Reason of dispute:- Excessive energy bill

- 3) The batch of papers containing above grievance was sent by Forum vide letter No. EE/CGRF/Kalyan/152 dt. 24/02/2009 to Nodal Officer of licensee. The licensee replied vide its letter No.Dy.EE/Sub Dn.1/billing/583 dt.14/04/09.

- 4). The forum heard both the parties on 06/04/09 @ 15 Hrs. In the meeting hall of the Forum’s office. Shri Shankar B.Dhayagonde, consumer and Shri Niranjan Das consumer’s representative and Shri Bhojane, Asstt.Engr., Shri Pachpohe, Dy.EE, and Shri C.S.Sapkal, LDC Licensee’s representatives attended the hearing.

- 5). The consumer submits that his meter was faulty from Dec.06. He paid Rs.100/- for meter testing and asked to test the

meter. During the testing, the meter was found faulty. He requested the licensee to revise the bills from Dec.06 to Aug.07. However, the licensee revised bills for 5 months only i.e. from April 07 to Aug.07. He does not agree with it. When the officers of licensee demanded payment of bill, he told them to replace the faulty meter and then revise the earlier bills on the basis of consumption as per the new meter and then he will pay the bills. The licensee informed him to make the payment of bill first and then further action will be taken. He paid the meter testing charges on 22.8.07, the meter was accuchecked on 30.8.07 when it was found 100% faulty. He received bills for exorbitant units such as 620 units per month. Bills should be revised as per new meter consumption from Dec.06 upto date instead of 5 months from April 07 to Aug.07. He submits that he has given his first application on 16.8.07 and second application on 4.10.07.

- 6). The licensee's representative (LR) submitted that as per consumer's letter dt.16.08.07, the consumer complained about last six months abnormal bills. On the basis of the said letter, the meter was accuchecked on 30.8.07 and tested in testing lab on 5.9.07 testing lab and the meter was found 100% faulty. As per the testing report, the bills from April 07 to Aug.07 have been revised as per consumer's average consumption and a credit of Rs.3798.32 is given in the bill of Oct.07. The consumer paid testing charge Rs.100/- on 22.8.07, the meter was accuchecked on 30.8.07 and tested in lab on 5.9.07. The consumer gave first written application on 16.8.07 and another on 4/10/07, meter was

found 100% faulty and therefore the same was replaced. The consumer's consumption upto Nov.06 was in the range of 80 to 145 units. In December 06, the consumption was 630 units, in Jan.07 366 unit and in Feb. 07 – 270 units, but it came down in March 07 to 141 units i.e. to normal consumption. Therefore in December 06, he has actually consumed that much units. From April 07 to Aug.07, the consumption was found on higher side i.e. 339, 240, 443, 296 and 309 units respectively. Again from Sept.07 onwards the consumption has come down between 47 to 48 units per months. From this type of consumption, it can be confirmed that this is as per usage of electricity. When he consume more, reading shows more units otherwise less. If there is any abnormality in meter, the consumption trend should have been in the increasing trend or should have stood at constant range.

- 7). The L.R. submitted that the consumer's consumption upto Nov.06 was in the range of 80 to 145. In December 06, the consumption rose abnormally to 630 units, in Jan.07 366 units and in Feb. 270 units, but it came down in March 07 to 141 i.e. normal consumption. Therefore in December he has actually consumed more units. From April 07 to Aug.07 reading found higher constantly i.e. 339, 240, 443, 296 and 309 units respectively. Again from Sept.07 onwards, the consumption range was between 37 to 48 units per months. Since the meter was confirmed to be faulty, consumer under the impression that the revision of bills will be carried out on the basis of consumption of the new meter, he controlled consumption after replacement of the meter to get

maximum benefit in the revision. to see that it should not go beyond 50 units per month.(consumption from Sept.07 and onwards found to be between 37 to 48 which is impossible considering the electric apparatus in his house, average consumption should come upto 150 per months.) As per CPL his consumption upto Nov.06 was upto the range of 130 to 150. So average consumption is considered as 150 units per month and revised 5 months bills from April 07 to Aug.07 where abnormalities were found.

- 8). The forum asked the licensee to refund the meter testing paid by the consumer as the meter is found faulty. The licensee agreed to adjust it in the next electric bill. The same is also explained to the consumer.
- 9). When the consumer was asked as to whether he agrees with the revision of bills done by the licensee? He said he is not agreeing because the revision was required to be done from Dec.06 to March 09.
- 10). Forum's observations:-
 - a). The consumer has for the first time made application to the Dy.Ex.Engr. MSEDCL Kalyan on 16.08.07, alleging that he receiving electric bills for excessive amounts since last six months and requested for testing of and change of meter with allegation that it has become faulty.
 - b). It is clear from the test report dtd.5.9.07 that the consumer has paid testing charges of Rs.100/- vide receipt No.7375462 dt.22.8.07.

- c). The meter was accuchecked on 30.8.07 at which time it was found 100% faulty.
 - d). The meter was thereafter tested in the laboratory on 5.9.07, in which it was found 100% defective.
 - e). Thereafter the consumer made application dtd.4.10.07 to the Dy.Ex.Engr. MSEDCL Kalyan with a request to issue average bills with allegations that he was receiving bills for excessive amount.
 - f). Thereafter the Ex.Engr. (Adm) Kalyan, as a Chairman of IGRC vide letter dtd.2.2.08 informed the consumer that necessary corrections, in view of the meter being found faulty, have been made in the bill for the month of Oct.07.
 - g). The licensee revised the bills for 5 months i.e. from April 07 to Aug.07 and given credit of Rs.3798.32 (recovered in excess earlier on the basis bills for more consumption) to the consumer in the bill for the month of Oct.07.
- 11). Clause 15.4 of MERC (Electricity supply code and other conditions of supply) Regulations 2005 reads as under: “15.4 – Billing in the event of defective meters.
- 15.4.1- 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 arise, 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.”

12). It is clear from the above provisions of clause 15.4.1 that in case of defective meter the amount of consumer’s bill has to be adjusted, for a maximum period of three months prior to the month in which the dispute has arisen, in accordance with the results taken. In the instant case the meter has been found faulty. The consumer has for the first time made application on 16.8.07 alleging that the meter has become faulty. Thus the consumer has raised the dispute regarding the correctness of the meter in the month of Aug.07 and therefore as per the above clause, the bills for the earlier three months i.e. May, June and July 07, and naturally for Aug. 07 could only be revised. As against this, the licensee has revised the bills from the Month of April 07 and therefore its such act has not cause any prejudice to the consumer but has only given some benefit to the consumer as a bill for one more earlier month came to be revised by the licensee.

13). Moreover as explained by LR in his submission at the time of hearing as mentioned above in detail that considering the consumption of units by consumer during the earlier period since Dc.06, the consumption shown by the meter during the

months from April 07 to Aug.07 could only be said as excessive and therefore the licensee has rightly revised the same.

- 14). In view of above discussion, it is clear that the act of licensee in revising the bills from the Month of April 07 to Aug.07 and giving credit of Rs.3798.32 to the consumer in the bill for the month of Aug.07 is perfectly legal and therefore there is no substance in the grievance made about it by the consumer, and hence the same liable to be rejected.
- 15). It is however clear from the above facts that the consumer has deposited Rs.100/- towards meter testing charges and the meter was found defective and therefore the licensee has to refund the said amount of meter testing to the consume.
- 16). Considering the facts and circumstances and also the record of this case, as discussed above, the forum unanimously pass the following order.

O-R-D-E-R

- 1). The grievance of the consumer is rejected.
- 2). The licensee to refund Rs.100/- recovered as meter testing charges, by giving its credit to the consumer in the ensuing bill, if not yet refunded
- 3). The compliance should be reported to the forum within 90 days from date of this decision.

- 4). 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.

- 5) 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 : 22/04/2009

(V.V.Kelkar)
Member
CGRF Kalyan

(R.V.Shivdas)
Member Secretary
CGRF Kalyan

(M. N. Patale)
Chairperson
CGRF Kalyan