



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
Ph- 2210707, Fax – 2210707, E-mail : cgrfkalyan@mahadiscom.in

Date of Grievance : 04/07/2012
Date of Order : 22/10/2012
Period Taken : 108 days

IN THE MATTER OF GRIEVANCE NO. K/E/627/745 OF 2012-2013 OF
SHRI GHANSHYAM G. GOKLANI, ULHASNAGAR REGISTERED WITH
CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN
ABOUT EXCESSIVE ENERGY BILL.

Shri Ghanshyam G. Goklani,
Prop. No. 31/200, Gymkhana
Behind Neelam Hotel,
Section 17, Ulhasnagar – 421 003

(Here-in-after
referred
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its
Dy. Executive Engineer,
Ulhasnagar Sub-Division No. 3

(Here-in-after
referred
as licensee)

(Per Shri. Sadashiv S. Deshmukh, Chairperson)

- 1) This Consumer Grievance Redressal Forum has been established under “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006” to redress the grievances of consumers. The 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. - V consumer of the licensee. The Consumer is billed as per industrial tariff. Consumer registered grievance with the Forum on 04/07/2012, for excessive energy bill.
The details are as follows :
Name of the consumer :- Shri Ghanshyam G. Goklani
Address: - As given in the title
Consumer No : - 021513035079
Reason of dispute : Excessive Energy Bill.
- 3) The set of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/0542 dated 04/07/2012 to Nodal Officer of licensee. The licensee filed reply vide letter No. DYEE/Ulh-Sub-III/CGRF/1435, dated 04/09/12 and DYEE/Ulh-Sub-III/CGRF/1621 dated 03/10/12 through Dy. Executive Engineer, Ulhasnagar Sub-Division No. 3.
- 4) We heard both the sides on 23/07/12, 06/08/12, 21/08/12. 04/09/12 & 03/10/12. Consumer in person and on behalf of licensee Nodal Officer, Mr. Giradkar, Deputy Executive Engineer, Mr. Shendge, and Assistant Engineer, Mr. Kasal attended and made submissions.
- 5) In this matter on receiving the grievance application notices were issued to both sides and hearing was fixed on 23/07/12. On behalf of Licensee from

time to time adjournment was sought contending that meter is to be tested. Ultimately on 03/10/12 letter is submitted alongwith meter testing report and clarification of staff of Licensee. Accordingly Licensee placed on record say on 04/09/12 and 03/10/12.

Consumer in person, Nodal Officer & Dy. Executive Engineer for Licensee attended the hearings and they made submissions. On the basis of submissions made following aspects are disclosed.

Consumer in his grievance application raised three aspects, those are as under :

- (i) In the bill issued on 23/01/2012 for 15/12/2011 to 15/01/2012 KVA (MD) consumption is shown as 138.120 which is not correct.
- (ii) For the same bill units consumed is shown to the extent of 2085 which is exorbitant and it is a case of meter running speedily (jumping).
- (iii) In the bill issued on 28/02/2012 for 15/01/12 to 15/02/12 units consumed is shown as 6197, in this respect consumer claims that meter was running speedily and it is exorbitant reading (jumping).

Towards the first aspect about 138.120 KVA, Licensee clarified the aspect vide letter dated 03/10/12, precise contention is as under :

“Observing the fact being meter & C.T. of capacity 50/5 A, Maximum Demand in the month of Jan - 12 recorded as 138.12 KVA is absurd one. Considering the fact & investigation report from manufacturer the amount due to excess demand will be deducted from the consumer bill as Rs. 26,550/-, other charges as per reading.”

Accordingly his first grievance is appreciated by the officers of Licensee and agreed to redress it, hence we are not required to deal it separately.

In respect of second and third aspect, it is a case of excess units recorded. Consumer claims it as jumping but officers of Licensee maintained the stand that it is as per regular reading.

Basically it is seen that consumer, right from 10/12/2011 bringing it to the notice of Licensee about the over billing etc. His further letters dated 30/01/12 are clear in this regard. Even it is seen he has sought testing of meter and deposited the charges on 22/02/2012. Said meter as stated above was to be tested & concerned Engineer made submission before this Forum sought time for said testing and ultimately meter was sent for testing on 07/08/2012 which was replaced from consumer's site on 24/07/12 and report is received from the manufacturer of the meter to whom it was sent. It is placed on record on our 03/10/12. In this said report remarks are given by said manufacturer i.e. Secure Meters Limited, those are as under :

| MSEDCL Observations | Our Remarks |
|---|--|
| (1) Meter Hardware Analysis and Suspected Tamper Analysis Required. | During Meter Analysis at our end, Internal Component Failure in circuit had recorded magnetic tamper. No External tamper symptoms found. Please note that the warrantee of subject meter is over on 07-FEB-2012. |

Accordingly it is seen that meter was tested and Internal Component Failure in circuit had recorded magnetic tamper, however no any external tamper symptoms was found. Accordingly in this testing report precisely it was not sought whether the exorbitant units are recorded and reasons thereof i.e. jumping. We find no such question put to the said manufacturer

but aspect disclosed is Internal Component Failure in circuit, this needs to be just borne in the mind. All the while consumer was seeking testing of meter, he has paid the charges. He has demonstrated that at no point of time average consumption exceeded 600 units but for the disputed period it exceeded 2000 to 6000 units respectively. In respect of 6000 and odd units he submitted such consumption is not at all possible by applying any mode of calculation for the concerned period.

In this regard there is no any satisfactory reply from Licensee except the contention that recording of meter is correct.

Accordingly we find contention of consumer that the reading is exorbitant more than thrice of average and in respect of third aspect it is impossible as per his calculation. In spite of it, on behalf of Licensee it is contended that it is as per recording. No doubt, on behalf of Licensee an attempt is done to contend that last reading prior to replacement is accepted by the consumer and hence he cannot deny it. But we find right from 10/12/2011 to 30/01/2012 consumer is raising the dispute about it and even he had maintained it before us, hence aspect of consumer conceding is not correct. In the light of aforesaid factual aspect we find when meter is found showing Internal Component Failure in circuit, it is a aspect pertaining to the meter. No doubt manufacturer in his report noted that there was a magnetic tamper which was internal, no external tamper symptoms were found. But in this regard no any material is available involving consumer towards it and hence we find it can be held that responsibility of tampering is on the consumer or without it's demonstration that he is responsible for it, it is not possible to hold the consume responsible for it but it leads to clear cut conclusion that there was a defect

in the meter which caused the reading totally on a higher side for two months than the average one. Even we find if there would have been any such attempt by consumer, it would not have lead to disproportionate reading on higher side as intention would have been to have a lower reading but in this matter said aspect is also not forth coming. In the light of these aspects we are satisfied that for two months units reflected as contended by consumer are totally at a higher side. It is a aspect of jumping of meter, rather it comes within the four corners of defective meter and hence the billing done by the Licensee requires re-working and we find as per Clause 15.4 of MERC Supply Code and Conditions of Supply calculation for those months is to be done. Consumer claims that it should be as per the average but we find it is to be done treating it as 708 units per month which is reading reflected for the month of April 2012. Accordingly this grievance application is to be allowed.

This matter could not be decided within prescribed time since on behalf of Licensee from time to time adjournment was sought contending that meter is to be tested. Ultimately on 03/10/12 letter is submitted alongwith meter testing report and clarification by officer of Licensee.

I agree

(Sadashiv S. Deshmukh)
Chairperson, CGRF Kalyan

(Mrs. S. A. Jamdar)
Member, CGRF Kalyan

View of Member Secretary (Shri R. V. Shivdas) :

I have gone through the above reasoning. I am not agreeing to it. The action of Licensee as per letter No. DYEE/Uih-3/1621, dt. 03/10/2012 is correct. Hence Grievance application of consumer to that extent is to be dismissed.

(R. V. Shivdas)
Member Secretary
CGRF Kalyan

Hence the order by majority :

ORDER

- 1) Application of consumer seeking redressal of grievance is hereby allowed. Licensee as submitted and noted above in Para (5) to give necessary relief towards the reading shown in the bill dated 23/01/2012 as 138.120 KVA MD.
- 2) Licensee is directed to revise the bills issued on 23/01/2012 and 28/02/2012 towards units shown as consumed 2085 and 6197 respectively, replacing it by 708 units each and the amount be re-worked out.
- 3) Licensee to recover the amount so re-worked out as directed above for these reliefs. If any amount is deposited in pursuance of demand involved in the aforesaid bills is excess, it be refunded, or adjusted or if it is yet due, it be recovered.

- 4) Compliance be submitted by Licensee within 45 days from the date of receipt of this order.
- 5) The Consumer if not satisfied 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”.

- 6) Consumer, as per section 142 of the Electricity Act, 003, 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 : 22/10/2012

(Mrs. S.A. Jamdar)
Member
CGRF Kalyan

(Sadashiv S. Deshmukh)
Chairperson
CGRF Kalyan