

<u>Consumer Grievance Redressal Forum, Kalyan Zone</u> Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301 Ph – 2210707 & 2328283 Ext - 122, Fax – 2210707, E-mail : cgrfkalyan@mahadiscom.in

IN THE MATTER OF GRIEVANCE NO. K/E/363/416 OF 2010-2011 OF SHRI G. G. TELI KALYAN (WEST) REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT EXCESSIVE ENERGY BILL.

Shri G. G. Teli Ahilyabai Chowk, Kalyan (West) : 421 301 (Here in after referred to as Consumer)

<u>Versus</u>

Maharashtra State Electricity Distribution	(Here in after
Company Limited through its Dy. Executive	referred to
Engineer, Kalyan West Sub/Dn No. III	as Licensee)

 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 is a single phase LT consumer of the Licensee. The Consumer is billed as per residential tariff. The consumer registered grievance with the Forum on 07/09/2010 regarding the Excessive Energy Bill. The details are as follows: -Name of the consumer : Shri G. G. Teli Address: - As above Consumer No : 020028921820 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/398, dt. 07/09/2010 to the Nodal Officer of the Licensee, and the Licensee through Dy. Executive Engineer MSEDCL Kalyan West Sub-Division No. 3 filed reply vide letter No. DYEE/Kalyan (W)/Sub.Dn.3/2227, dt. 24/09/2010.
- 4) The Members of the forum heard both the parties at length on 04/10/2010 @ 15.00 Hrs. in the meeting hall of the Forum's office. Shri J. A. Pardeshi Consumer Representative, Shri Taiwade, Nodal Officer, Shri K. M. Jadhav, Asstt. Engr., Shri C. S. Kadi Dy. Ex. Engr., Mrs. A. V. Jogdeo, A.A. 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) Consumer resides in the house in Ahilyabai Chowk consisting two rooms. Electricity connection is taken from the licensee to this house. According to consumer meter No. 1500463234 has been installed in the house. His use of electricity is minimum but inspite of this he received bill dated 25/03/2010 of the amount running in thousand i.e. Rs. 75,160/-. According to consumer this bill was issued without taking proper consumption reading and based on this bill licensee issued notice on 09/07/10 to discontinue his electricity for non payment of the bill amount. This bill being unreasonable, incorrect and excessive consumer is not liable to pay the same to the licensee. By letter dt. 03/04/2010 and 30/06/2010 consumer requested the Dy. Ex. Engr. Kalyan Sub-Dn. III to revise the bill as per the actual consumption of electricity and not to discontinue his supply, but not responded. Consumer moved the I.G.R. Cell but in vain, therefore lodged this grievance with prayer to direct the licensee to revise the bill as per the actual consumption and not to disconnect electric supply.
- 6) By reply dated 24/09/2010 licensee opposed the contentions as regards excessive bill. It is contended that earlier consumer was supplied electricity through meter No. 1500463234, lateron this meter was changed in the month April 2002 vide No. 9000714727. It is contended since the change of meter was not fed to the computer reading was recorded with old meter and consequently average electricity bills came to be issued. In the month of March 2010 vide meter No. 9000714727 photo meter reading agency recorded the consumption of units 23593 and as per the tariff slab 96 months bill i.e. from April 2002 to March 2010 for Rs. 75,157.97 was raised and issued to the consumer.

According to licensee as per the guidelines given in the SOP considering the first and last reading after deducting the amount deposited by the consumer including interest, delayed payment charges etc. as per B – 80 proposal the bill under dispute revised to Rs. 55,945.82 as against Rs. 75,160/- and proposal to that effect has been submitted for sanction to the higher authority. In short, according to licensee consumer is liable to pay Rs. 55,945.82 and as he did not pay the said amount notice for disconnection was issued. In this context licensee contended that the grievance being worthless be dismissed in limine.

7) On perusal of the record and hearing both the parties following points arise for the consideration of Forum and findings thereon for the reasons recorded below :

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<u>Reasons</u>

8) According to the consumer bill dt. 25/03/10 is not as per the actual consumption of electricity and therefore it needs to be revised. Licensee has pointed out that meter No. 1500463234 was installed in the house of the consumer from the period 1998 till March 2002 and thereafter as per the gate pass No. 2895, dt. 14/03/02 the meter was changed in April

2002 vide 9000714727. However this change of meter was not fed to the computer reading continued in the old meter 1500463234, therefore CPL indicates electricity consumption as per meter No. 1500463234. The main grievance of the consumer is that meter 1500463234 was not changed at all and had it changed, CPL would have indicated to that effect. On perusal the records produced by the licensee nothing to show that consumer was apprised on the change of meter No. 9000714727 in April 2002 and for what reason it was changed. Point remains about the correct recording of the consumption. As seen from the applications given by the consumer to the Dy. Ex. Engr. Kalyan Sub-Dn. No. III as per meter No. 1500463234 till March 2010 units 23593 were consumed. On the basis of this, consumer requested after deducting the amount of electricity paid so far, including interest and D.P. charges bill for remaining amount be issued. According to him his consumption was and is minimum therefore bill raised is absolutely unreasonable. He has filed receipt dt. 26/10/10 of Rs. 6500/- for purchase of electric appliance issued by Khandelwal Traders and receipt dt. 30/10/10 of Rs. 2750/- of Kalyan Lights to show that electric consumption as per the devices as above is recent and that earlier consumption was very minimum and on this count bill amount is high.

9) On perusal the CPL produced on record indicates meter No. 1500463234 installed since 1998 is continued till March 2010 and that for the first time vide bill under dispute dated 25/03/10 meter No. 9000714727 has seen the day of light. On plain reading of the letter dt. 30/10/10 written by Dy. Ex. Engr. Kalyan Sub-Dn. III to Executive Engineer Kalyan shows entry of the change meter 9000714727 was not taken to the computer therefore bill continued vide old meter 1500463234. As stated above according to consumer consumption of units since beginning till March 2010 is around 23593 and according to licensee as per the detail say dt. 30/10/10 consumption is 24267 from 2002 till March 2010.

- 10) On plain reading of bills produced by consumer dt. 16/01/10, 17/02/10, 18/03/10 mention "meter faulty". Earlier bills dt. 17/09/09, 16/11/09 show "MET CH". Consumption of units in all these bills is 02, 22. Admittedly consumer had received the bills and according to him he paid the bill amount regularly. This shows consumer was aware about meager consumption of electricity like 2 units and constant unchanged consumption of 22 units and the remark "meter changed". This vigilant consumer should have brought this to the notice of the officials of licensee, however did not take pains for the reason best known to him.
- 11) As mentioned supra, according to licensee as per letter dt. 24/09/2010 reading was not taken as meter was changed and that as per meter No. 9000714727 till March 2010 reading was 23593 and the same was distributed slab wise. Learned representative for the consumer inviting our attention to the applications placed on record submitted that unit consumption 23593 is from starting till March 2010 and after deducting the bill amount paid so far he is ready to pay the bill. Bills produced as above show date of supply is 01/05/1980. Computer system started in the year 1997 therefore it is difficult to find out the details from 1980 onwards, therefore hardly data as urged by the learned representative for the consumer can find in order to calculate the consumption units. It is

revealed from the documents till March 2010 consumption was 23593 units and from this point of view we can safely direct officials of the licensee to work out the amount deposited by the consumer towards electricity charges interest, D.P. charges etc. from the date of installation of meter No. 9000714727 till March 2010 and after deducting the same from the charges of consumed units 23593 to raise and issue bill revising the bill under dispute dated 25/03/2010 and the amount mentioned in the B-80 proposal. At this juncture learned representative for the licensee inviting our attention to the letters dated 24/09/10, and 04/11/10 submitted that as per calculation till March 2010 consumer is liable to pay Rs. 55,945.82 vide report dated 30/10/10. However, this calculation does not cover the entire period mentioned above therefore we find proper to direct the licensee to make calculation since April 2002 so as to redress the grievance in the light of the principles of natural justice. In this view of the matter bill under dispute and the calculation vide B-80 proposal mentioned in letter dated 30/10/10 will have to be set aside being incomplete, unreasonable and incorrect, and that bill will have to be revised in the light of the discussion supra.

12) While parting with the matter it is relevant to note that as per Maharashtra Commission Electricity Regulatory (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2005 officials of the licensee are required to take reading of the meter of the consumer regularly, however it is seen though meter changed in April 2002, till today entry to that effect is not taken in the record and that meter reading not taken at all, indicative of utter negligence and inaction on the part of licensee which amounts to deficiency of service for which it is apt to saddle the licensee with compensation. Considering the record as a whole and the peculiar circumstances on record and hearing both the parties at length to redress the grievance in the light of principles of natural justice we find proper to quantify the quantum of compensation to the tune of Rs. 3000/- to be paid by the licensee to the consumer within the stipulated period.

- 13) Since large number of cases filed by the consumers from Vasai Circle this Forum was busy with those cases and at that members of the Forum had to hold sittings at Vasai also therefore delay is caused in deciding this case.
- 14) Resultantly grievance application will have to be allowed, points are answered according and hence the order :

- 1) Grievance application is allowed.
- Electricity bill under dispute raised and issued by the licensee dated 25/03/2010 and the B-80 proposal vide letter dated 30/10/2010 is quashed and set aside.
- 3) Licensee is directed to calculate the amount paid by consumer towards electricity bill, interest, delayed payment charges etc. from April 2002 till March 2010 and deduct the same from the cost of 23593 units and there after issue revised bill within 30 days from the date of receipt of this decision.

- Licensee is further directed to pay compensation of Rs. 3000/- (Rs. Three Thousand only) to the consumer within 90 days from the date of receipt of this decision.
- 5) Compliance should be reported within 100 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, Maharastra Electricity Regulatory Commission, 606/608, Keshav Bldg, Bandra Kurla Complex, Mumbai 51".

7) 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 : 09/12/2010

(Mrs. S.A. Jamdar) Member CGRF Kalyan (R.V.Shivdas) Member Secretary CGRF Kalyan

(S.N. Saundankar) Chairperson CGRF Kalyan