MAHAVITARAN
Maharashtra State Electricity Distribution Co. Ltd.

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/086/0096 OF 07-08 OF THE SHRI PRADIP SARKAR REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT EXCESS BILLING

Shri Pradip Sarkar
A-183 MIDC, Phase I,
Dombivli (E) 421301.

(Here in after referred to as consumer)

Versus

Maharashtra State Electricity Distribution Company Limited through its Deputy Executive Engineer, Netiwali licensee)

(Here in after referred to as

Sub-Division- I Kalyan (E)

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. Consumer is billed as per industrial tariff. The consumer registered grievance with the forum on dated 18/04/2007.

   The details are as follows: -

   Name of the consumer: - Shri Pradip Sarkar

   Address on electricity bill: - As above

   Consumer No: - 021500826646

   Reason of dispute: - Excess bill charged in the billing month of June 2003 for consumption recorded during the period from 01/05/03 to 01/06/03.
3) The batch of papers containing above grievance was sent by Forum vide letter No 0930 dated 18/04/2007 to Nodal Officer of licensee. The letter was replied by Deputy Executive Engineer

vide letter Nos 1276, 1390 & 1422 dated 30/04/07, 15/5/07 & 17/5/07 respectively.

4) All three members of the forum heard both the parties on 03/05/2007 and 17/05/2007. Shri Pradip Sarkar representing consumer and Shri P. K. Taiwade Nodal Officer, Shri M. A. Atre Assistant Engineer, Shri P.M. Chauhan Deputy Executive Engineer and Shri S. W. Mehendale Divisional Accountant representing licensee attended hearing on 03/05/07. All persons except Shri S. W. Mehendale attended hearing on 17/05/07.
5) Shri Pardip Sarkar in his grievance application disputed the arrears of 18179 units charged by licensee for the consumption recorded on meters during the period from 16/05/03 to 30/05/03.
6) Licensee vide their letters mentioned in Para 4 above claimed that meter No. 02122669 was replaced on 15/05/03 by meter No. 02275666. This meter No. 02275666 was again replaced by meter No. 02275669 on 16/05/03. Licensee also claimed that meter No. 02275669 was again replaced by original meter No. 02122669 on 30/05/03.
7) Licensee submitted that meter No. 02275666 installed on 15/05/03 and replaced on 16/05/03 was not properly wired & connected & as such on testing it was found that potential to one PT was missing. The recorded consumption of 622 units was 2/3 consumption & hence 1/3 consumption of 311 units was added & total consumption of 933 units was charged to consumer. Licensee also submitted that the consumption of 17246 units (17374-128) was recorded on meter No. 02275669 during the

period from 16/05/03 to 30/05/03 & this consumption was charged to consumer. Thus the total consumption of 17246+933= 18179 units was charged to consumer for the period from 15/05/03 to 30/05/03.

8) Shri Sarkar disputed that meter No. 02275669 was not at all installed at his premises on 16/05/03 & the original meter No. 02122669 was only installed on 16/05/03. He also said that the consumption of 933 units claimed as recorded in one day from 15/05/03 to 16/05/03 on meter No. 02275666 is acceptable to him. He claimed that the consumption of 17246 units as billed by licensee as consumption recorded on meter No. 02275669 during the period from 16/05/03 to 30/05/03 is not acceptable to him as the meter No. 02275669 was not at all installed at his premises.

9) Shri Sarkar in support of his above claim submitted two copies of Meter Replacement Reports received from licensee under the "Right to Information Act". These reports are signed by Shri P. S. Khandekar of Netiwali Section. The details are given below

S.No:- 364, Meter Replacement Report, Duplicate, Date of Report:-08/01/05

Name: - Pardip Sarkar, Consumer No: - 021500826646

Date of Replacement: - 15/05/03

Details	Old meter	New meter
Make	ABB	ABB

S.No.	02122669	02275666
Reading	361136	130

S.No:-365, Meter Replacement Report, Duplicate, Date of Report:-08/01/05

Name: - Pardip Sarkar, Consumer No: - 021500826646

Date of Replacement: - 16/05/03

Details	Old meter	New meter
Make	ABB	ABB
S.No.	02275666	02122669
Reading	752	361136

10) During hearing on 03/05/07 licensee was asked to produce original copies of above report to decide the authenticity of above reports. Licensee produced Meter Replacement Booklet containing carbon copies (second copies) of reports. In the said booklet following two reports seen are reproduced below.

S.No:-978, Meter Replacement Report, Date of Report: -27/05/05

Name: - Pardip Sarkar, Consumer No: - 021500826646,

Date of Replacement: - 15/05/03

Details	Old meter	New meter
Make	ABB	ABB
S.No.	02122669	02275666
Reading	361136	130

S.No:-980, Meter Replacement Report, Date of Report: -27/05/05

Name: - Pardip Sarkar, Consumer No: - 021500826646

Date of Replacement: - 30/05/03

Details	Old meter	New meter
Make	ABB	ABB
S.No.	02275669	02122669
Reading	17374	361136

11) It is seen from above meter replacement reports that meter No. 02122669 was replaced by meter No. 02275666 on 15/05/03 as per report No. 978. **The carbon copy of report No 979 was missing from booklet.** The report No 980 indicates that meter No 02275669 was replaced by original meter No. 02122669 on 30/05/03. The meter No 02275666 was installed on 15/05/03 but the meter number replaced on 30/5/03 was 02275669. There is, therefore, reason to believe that meter No 02275669 was indeed installed at consumer's premises on 16/05/03. It is also observed from records that junior engineer Shri Parkash Sonerao Khandekar was relieved from Netiwali section on 7/01/05 while the reports signed as duplicates bears date 8/01/05. **It appears that attempts were made to fabricate and tamper records to suppress fact of chain of events of replacement of meters.** The reports mentioned in Para 9 above are thus under the shadow of doubt as its authenticity could not be established.

12) Licensee while replacing meters had not taken signature of consumer or his representative.

13) Licensee in order to substantiate their claim of replacement of meter No 02275669 on 16/05/03 submitted original Route

Reading Report (A report sheet used by meter reader at the time of taking meter readings) of 19/5/03 indicating that meter No 02275669 was at consumer's premises & the reading was 03779.

14) In order to compare the pattern of consumption of the period of billing month of June 2003, consumption of June in the preceding years 2002 to 2006 was studied.

Month	Consumption
June 2002	31289
June 2003	30485
June 2004	34521
June 2005	36205
June 2006	31022

The consumption of June 2003 of 30485 units (total consumption of June & July 2003 is 60969) includes 18179 units charged for the period from 15/05/03 to 30/05/03. Out of this 18179 units 933 units was the energy used through meter No 02275666 for one day during the period from 15/5/03 to 16/05/03 & 17246 units was the energy used through meter No 02275669 during the period from 16/05/03 to 30/05/03

15) Shri Sarkar is running an ice-manufacturing factory. The ice manufacturing activity in the year during the period of May, June is generally at the peak. During hearing on 3/5/07, he was asked to submit water bills of the months of May and June of above

years paid to MIDC for using water for manufacturing ice. The quantum of water utilized could have been used as basis for computing quantum of energy. He submitted that water bills stands in the name of Balkan Pvt. Ltd & his factory is getting water from said water connection. Both Balkan Pvt. Ltd & Pardip Sarkar use water received from MIDC from one connection only & hence it is difficult to give exact figure of use of water by Pardip Sarkar. He also could not give any evidence of closure of his factory during the period from 16/05/03 to 30/05/03.

16) The study of Meter Replacement Reports & Route Reading Reports mentioned in Para 10, 11 & 12 above reveals sufficient evidence that meter No. 02275669 was installed at consumer's premises on 16/5/03. The consumption of 30485 units of June 2003 (inclusive of consumption of 18179 units of the period of 16/05/03 to 30/05/03) is fairly consistent with consumption of the month of June in the year 2002, 2004,2005 & 2006 as can be seen from table in Para 14 above. Consumer's representative could not give us details of use of water or any evidence of closure or non-functioning of factory during the period from 16/05/03 to 30/05/03. This data could have been of some help to the advantage of consumer's claim of disowning responsibility of not using energy claimed by licensee.

17) We, therefore, decide that the action of licensee to charge 933 units as used energy through meter No 02275666 during the period from 15/05/03 to 16/05/03 & 17246 units as used energy through meter No. 02275669 during the period from 16/05/03 to

30/05/03 (Total 17246+933=18179) is correct. The licensee's staff had not obtained signature of consumer or his representative at the time of replacement of meters. Though this is a lapse on their part but has no bearing on the above mentioned decision.

18) The authenticity of Meter Replacement Reports mentioned in Para 9 above when compared with carbon copies of Meter Replacement Reports mentioned in Para 10 above & missing of one Meter Replacement Report of S.No. 979 mentioned in Para 11 above clearly indicate suppression of facts of chain of events of replacement of meters & needs serious attention to be paid. We feel this is a fit case for instituting departmental inquiry against person concerned who has signed Meter Replacement Report on 8/1/05. The forum, however, cannot interfere in the administration and executive function of the licensee. We leave this to the senior officers such as Chief Engineer & Superintending Engineer of the licensee to take suitable action to avoid such lapses in future.

19) After taking stock of entire situation, we are inclined to pass the following order.

O-R-D-E-R

1. The action of licensee to charge 17246 units for the period from 16/05/03 to 30/05/03 recorded through meter No 02275669 & 933 units recorded for one day from 15/05/03 to 16/05/03

through meter No. 02275666 (Total 17246+933=18179 units) is correct & upheld.

2. 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.

Date: - 31/05/2007

(Sau V. V. Kelkar)
Member
CGRF Kalyan

(I. Q. Najam)
Chair person
CGRF Kalyan

(D. B. Nitnaware)
Member Secretary
CGRF Kalyan