



**CONSUMER GRIEVANCE REDRESSAL FORUM  
M.S.E.D.C.L., PUNE ZONE, PUNE**

**Case No.15/2014**

**Date of Grievance : 04.07.2014  
Date of Order : 31.12.2014**

In the matter of Exorbitant Bills.

Shri. Abdullaish Shaikh,  
S.No.3/6/3, Yewalewadi,  
Near Chakan Oil Mill, Pune

**Complainant**  
(Herein after referred to as Consumer)

**Versus**

Executive Engineer,  
M.S.E.D.C.L.,  
Rastapeth Division,  
Pune.

**Respondent**  
(Herein after referred to as Licensee)

**Quorum**

**Chair person  
Member Secretary**

**Mr. S.N.Shelke  
Mr. Y. M.Kamble**

**Appearance**

**For Consumer**

**Shri. Abdullaish Shaikh  
Shri. Sameer Shaikh  
(Representative)**

**For Respondent**

**Mr. Vishwasrao Deshmukh,  
Addl. Exe. Engineer.  
Mr. R.J. Pillay, UDC**

- 1) The Consumer has filed present Grievance application under regulation no. 6.4 of the MERC (CGRF & E.O.) Regulations 2006, hereinafter referred to as the Regulations.
- 2) Being aggrieved and dissatisfied by the order dated 19.5.2014 passed by IGRC Rastapeth Urban Circle, Pune thereby denying to rectify bill for Jan.2014 and

that issuing of bills as per average consumption. The consumer above named files the grievance before Forum on the following amongst other grounds.

- 3) The papers containing the above grievance were sent by the Forum to the Executive Engineer, M.S.E.D.C.L., Rastapeth Division, Pune vide letter no. EE/CGRF/PZ/Notice/15 of 2014/130 dtd.7.07.2014. Accordingly the Distribution Licensee MSEDCL filed its reply on 07.08.2014.
- 4) We heard both the parties at length, gone through the contention of the consumer and reply of the licensee and documents placed on record by the parties on its basis following factual aspects were disposed :
  - (I) The consumer is having supply vide Consumer No.160250694462.
  - (II) The said consumer is billed under LT-VB tariff using for supari processing.
  - (III) Previously bills were issued to consumer as per meter reading.
  - (IV) In the month of Jan.2014 the bill was issued to said consumer for 11909 units amounting to Rs.139184/- vide bill dated 15.1.2014.
  - (V) The said meter was burnt on 30.1.2013.
  - (VI) The meter was verified through MRI & MRI data was asked for from meter reading agency.
  - (VII) MRI data was analysed and detailed verification report i.e. monthwise tampered report on the basis of MRI was collected and it was carried by Jr.Engineer, Kondhawa.
  - VIII) As per summary of tampered status there are total 133 tampered events of various types.
  - IX) As per consumers application new meter was installed in place of burnt meter.
- 5) Consumer is represented by Mr.Samir Shaikh. He submitted that consumer was paying bills regularly. On 30.1.2014 the said meter was burnt. Consumer immediately informed the said fact at the Section office of licensee. Thereafter new meter was installed. In the month of Jan.2013 bill of Rs.1,41,940/- was issued by the licensee. It was exorbitant. Therefore consumer met to the concerned officials of the licensee but they threatened to deposit the bill else, they

will file case against him, therefore consumer had to deposit the said bill by raising loan. He further submitted that average bill of Rs.2000/- be issued and amount deposited be adjusted in further bills.

- 6) On the otherhand, Mr.Vishwasrao Deshmukh, Addl. Executive Engineer, MSEDCL, St. Merry Sub-dn.,Pune submitted that in the month of Jan.2014 the bill was generated on 18.1.2014 and consumer might have received it on 25.1.2014. Thereafter the said meter was burnt on 30.1.2014. The said facts speak volume. The said bill was issued as per meter reading. It was verified through MRI data. The MRI data was analysed by Jr.Engr., Kondhawa. The detailed analysis of MRI data discloses that there are as many as 133 tampered events of various types as mentioned in the report. Tampered summary report is self-explanatory. In the month of Jan.2014 consumer consumed power of 11,909 units amounting to Rs.139184/-. The consumer has deposited the said bills, therefore his demand of average bills be rejected.
- 7) Main bone of contention of consumer relates to defective meter. According to him surprisingly heavy bill was issued erroneously-

MERC Regulation supply code 2005 Regulation No.15.4 reads as under:-

*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 result 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 of 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 a 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.*

- 8) In case of defective meter, recovery can be done maximum period of three months, prior to the month of dispute. In case of stopped meter, mode of calculation is maximum period of three months on average basis. In case of broken or damaged meter seal or any tampering etc. it will attract Section 126 or Section 135 of Electricity Act as per facts disclosed. In the present case it is not the case of stopped meter. But facts of the case clearly disclose that after issuance of bill the meter was burnt on 30.1.2013. MRI data analysis report placed on record discloses that there were as many as 133 tampered events consumer has deposited the bill of Rs.139184/- for 11909 units. Tampered events in the tamper summary of MRI report are as under :-

CT Open	28
High Neutral current	35
Magnet	34
Power failed	35
R ph missing pot	01

- 9) Section 135 of Electricity Act to the extent of relevance reads as under:

**135 Theft of Electricity :-**

- (1) Whoever, dishonestly -
- (a) - - - - -
- (b) tampers a meter, installs or uses a tampered meter, current reversing transformer, loop connection or any other device or method which interferes with accurate or proper registration, calibration or metering of electric current or otherwise results in a manner whereby electricity is stolen or wasted: or
- (c) damages or destroys an electric meter, apparatus, equipment, or wire or causes or allows any of them to be so damaged or destroyed as to interfere with the proper or accurate metering of electricity: or
- (d) use of electricity through a tampered meter:or
- (e) - - - - -

- 10) There were no arrears of bills nor the case of stopped meter. Meter was burnt after issuance of bill in Jan.2013. MRI data analysis discloses 133 tampered events. Therefore prima facie, facts of the case disclose the ingredient of Section 135 of the Act. The concerned officers of MSEDCL should have been proceeded u/s 135 of the Act. They should have dealt with the consumers in accordance with section 135 of the Act but they did not file any complaint against the consumer to Police Station. On the contrary they asked the consumers to deposit the bill amount immediately. Therefore the said consumer deposited the said amount of the bill. He did not get any opportunity to have his defense before competent forum. Offence under Section 135 of the act is compoundable vide section 152 of the act. But since the concerned officers of the Licensee without resorting to. Section 135 compelled consumers to deposit the bill amount and avoided to proceed as per Section 135 of the Act, the aggrieved consumer approached to the IGRC & then to this Forum. However since the grievance referred to above comes within the pervue section 135, the Forum has no jurisdiction to deal with such matter vide MERC regulations (CGRF & E.O.) 2006 as per regulation no.6.8. In view of said legal aspect grievance is liable to be dismissed.
- 11) The said grievance could not be disposed of within stipulated time since the Chairperson of this forum was retired on 28.7.2014 & present Chairperson joined on 8/12/2014.

Hence the order -

**ORDER**

Grievance of the consumer stands dismissed.  
No order as to cost.

Delivered on :- 31/12/2014

Y.M.Kamble  
Member/Secretary  
CGRF:PUNE ZONE:PUNE

S.N.Shelke  
Chairperson  
CGRF:PUNE ZONE:PUNE

Note :- The consumer if not satisfied may filed representation against this order before the Hon.'ble Ombudsman within 60 days from the date of this order at the following address.

Office of the Ombudsman,  
Maharashtra Electricity Regulatory Commission,  
606/608, Keshav Bldg.,  
Bandra Kurla Complex,  
Bandra(E), Mumbai-51.