

CONSUMER GRIEVANCE REDRESAL FOURM

Maharashtra State Electricity Board

In the Consumer Grievance Redressal Forum at M.S.E.B., Bhandup U
Zone,

Vidyut, Gr. Floor, L.B.S. Marg, Bhandup (W), Mumbai - 78

Case No. 10 Date of hearing
14/02/2005

Grievancee (Not present) Utility : **Executive
Engineer**
Kukreja Complex O & M Divn.,
Bhandup.
Consumer No.

All members of the Forum were present. Grievancee M/s. Kukreja Complex - No body represented. Utility was represented by Executive Engineer, O&M Divn., M.S.E.B., Bhandup. In his say Executive Engineer stated as under:

In November 2003 the bill was raised for an amount of Rs. 278318.86 as per the meter reading in the route chart of meter reader. Prior to this for 5 to 6 months the meter reading for the meter of swimming pool in the complex was not taken. Accordingly C.P.L. is showing status RNT & RNA. When bill was issued consumer did not agree with the reading and wrote to M.S.E.B. to issue correct bill on 23/12/2003 which was received by utility on 28/01/2004. After about 40 days latter on March 2004 Jr. Engineer carried out inspection on instruction of Asstt.Engineer. His report pointed out reading, which was very less as compared to reading shown in bill of "Nov.'2003". In accordance to this report B-80 was prepared and sent for approval and correction of bill by competent authority but it was not done till October 2004.

Mean while Executive Engineer, on visit to consumer's complex, learnt that there is some thing fishy in swimming pool meter's matter. Hence he ordered reinspection in which he found meter seals tampered. At this time accucheck was not done (as in March 2004 where result were 42% slow). Hence B-80 was cancelled. But during this period Nov.03 to Oct. 04 whenever bill was raised and consumer wanted to pay the bills he used to approach our office and staff used to write "bill sent for approval and correction" and consumer use to pay current bill sparing the disputed amount.

But after the inspection carried out in Oct.2004 and checking with billing section why correction of bill is delayed? Billing section incharge pointed out average monthly consumption and the reading after 6 months matches. Therefore check the seals of the meter and old reports. When A.E. did so E.E. reached to conclusion that information he received might be correct. Hence he checked the March 04 report and felt that meter seal conditions mentioned in the report written latter.

Therefore he served the notice of disconnection giving consumer 24 hrs. time to pay the disputed amount, which has again raised hue & cry of consumer. He has written to Ex.Engr. that utility should not disconnect the connections as he personally was convinced and has raised the bill for approval and correction.

Forum Q : Your parawise comments gives that utility's concerned staff is dishonest and care less, is it so?

Answer : Silence

Forum Q : Meter reader has taken reading of all near about meter is in the complex but not of this meter - for five months. Giving status RNT & RNA - Did you ask him why?

Answer : Silence - No reply.

Forum Q : Who do you think can make mistake a Jr. Engr. - who is qualified or meter reader who is less qualified?

Answer : Possibility of Jr.Engr. making mistake is less.

Forum Q : But you have questioned Jr.Engr. and not the Meter Reader?

Answer : Meter readers name till today I am not knowing despite of me asking it to Billing Section. So I could not question him.

Forum Q : You have given only 24 hrs. prior notice of disconnection is that correct?

Answer : The notice should have been at least 7 days prior to disconnection if not 15 days prior.

As the consumer was not represented by Chairman or Secretary of consumer organisation or Representative, Forum members decided to postpone discussion till Monday 21st February considering postal delays. And if no

representation is experienced Exparte decision to be taken on the merits of the papers submitted by both party and the say of utility representative.

Disconnection Report or log book :

Consumer's secretary approached Secretary on 19th Feb.04 stating that due to unavoidable circumstances he could not attain the hearing hence he should be given hearing. Again on 21st Feb. 2004 consumer with Chairman remained present in presence of all members of the Forum and requested of hearing opportunity. Forum agreed to hear him on 4th March at 11.30 a.m. at Chairman's cabin and informed him so. Consumer also signed "his request letter for opportunity to hear him" in acceptance of date and time. Consumer told that his connection is disconnected by M.S.E.B. Executive Engineer, Bhandup Division was asked about the disconnection on phone. He told that disconnection is done by his sub-ordinates & he will instruct for reconnection. Meanwhile consumer was asked whether he had paid any amount against disputed bill of Nov.'03. He replied not. Hence he was asked to pay 20% amount against disputed bill under protest for reconnection as during previous hearing M.S.E.B. has shown the check report having meter tempered. Executive Engineer was instructed accordingly to issue bill of 20% disputed accordingly. Consumer shown his inability & requested to final the bill by taking the hearing.

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Case No. 10

Date of hearing

04/03/2005

Time 11.30

**Grievancee
Engineer**

Utility : **Executive**

Kukreja Complex

O & M Divn., Bhandup.

Consumer No. 000056169504

Mr. Balkrishna, Ex. Secretary, Mangesh Joshi, Chairman & Deepak Mishra represented the hearing of Kukreja Complex, Secretary in his say Mr. Balkrishna stated, this consumer is an association and we are the honorary members of this association. We received an excess amount of bill in the month Nov.'2003 & we did lot of communication with the utility. Our grievance pertains to the bill received in the month of Nov.'2003 for our swimming pool meter. The swimming pool was closed for the month of Oct.'03

to Nov.'03 the bill received by us was in excess. We informed MSEB's Executive Engineer on 23/12/2003, in the letter we have shown the reading, which was on our meter on 23/12/2003 as 107862 while the bill sent to us was showing 15339.

Forum Asked : Do you maintain the record of meter readings & further say if you maintained the record please submit the copy of the same for the 9 months prior to Nov.'03.

Ans : Mr. Sanghavi came in presence of Mr. Mishra on 08/03/2004 for inspection, he checked the meter for inspection of accucheck, he checked seal & the load. When Mishra asked the copy of report, he was told to collect it from the office, but when the Management Committee member went to office they did not get the copy of report from the MSEB office we wanted revised bill because as per our record the bill was wrong & we never had capacity to pay. Today also our connection is disconnected & the swimming pool is closed & this disconnection was done without intimation & revised bill is yet to be issue to us.

Forum asked : Do you maintained the record of swimming pool pumps daily running whether the record for the period of 9 months prior to Nov.03 can be produced on today.

Ans : Yes, the swimming pool was under repair for 9 months prior to Nov.03.

Forum asked : Whether notice of disconnection was served.

Ans : Yes, in Oct. 2004.

Say of the Executive Engineer

We received the complaint on dtd. 23/12/2003 & our man went for the inspection on 8th March 2004 almost after 17 days but this was done on the letter of 26/02/2004. When I studied CPL & route chart I found for 9 month reading was not available I have called for explanation of Meter Reader. In the month of March, depending upon the report of Jr.Engr. Mr. Sanghavi I have given the order on the papers to revise the bill. In October once against I enquire why the bill was not revised when I have send the order on papers. I found the papers were lying in accounts department & the revise bill was not sent. I called explanation from the Accounts & reply is still awaited. Executive Engineer was asked to submit the R.R. chart to the Forum for the disputed period he found bills send by the utility is correct.

Forum Asked : When the amount is disputed then why the disconnection is carried out?

Ans : No reply

Observation & findings of the members

Till dtd. 07/03/2005 consumer did not submit the record of swimming pool such as meter reading & operation as promised on 04/03/2005. Executive Engineer, MSEB, O&M Divn., Bhandup submitted the reply of Jr.Engr. Shri Sanghavi, the route chart for the same period on 05/03/2005. On studying the reply of Mr. Sanghavi it helps to conclude from his reply & statement of the Executive Engineer & also the parawise comments of the Executive Engineer that the Mr. Sanghavi need not be a person to be doubted, but the person who appears to be non sincere person is a Meter Reader or the person who enters the R.R. chart data into the billing section or Executive Engineer & his lower staff can be doubted. The reason being Executive Engineer's parawise comments says when the other meter readings were taken the Meter Reader has not taken the reading of perticular meter No. because the route chart shows the reading taken every month but the previous reading in every chart is shown 104140 while the entire route chart reading for this meter shown different current readings. This creates a doubt that current reading for this meter might have written afterward, this has happen from March 2003 to November 2003 as per the route chart.

Previous reading and current reading for every month are shown below

March 2003	P r e v i o u s reading C u r r e n t reading	104140 1131138
Apr - May 2003	P r e v i o u s reading C u r r e n t reading	104140 125365
June-July 2003	P r e v i o u s reading C u r r e n t reading	104140 135593
Sept. 2003	P r e v i o u s reading C u r r e n t reading	104140 145157
Oct.-Nov. 2003	P r e v i o u s reading	104140 153395

C u r r e n t reading

These readings are for the meter No. 84000192828 when these readings are compared with CPL, current reading and previous reading shown are as under.

March 2003	Previous reading Current reading	104140 104140	Consumption shown units 90
Apr - May 2003	Previous reading Current reading	104140 104140	Consumption shown units 90
July 2003	Previous reading Current reading	104140 104140	Consumption shown units 90
Sept. 2003	Previous reading Current reading	104140 104140	Consumption shown units 90
Oct. 2003	Previous reading Current reading	104140 104140	Meter Status RNA, RNA, RNA, RNT
Jan.04		104140	RNA
March 04	Previous reading Current reading	103395 109346	

Now these two dates given enough chance to conclude as under:

1. The route chart readings are written after words.
2. Or the data entry computer operator has not entered the reading into the computer
3. Due to the statement of Executive Engineer in parawise comments letter, on studying the R.R. chart & CPL he says the billing section Incharge has pointed out the average monthly consumption & the reading after 6 matches.

Therefore to carry out inspection this is as per his statement made by him in his say while in his parawise comments in para No. 3, he states it is true that our Meter reader has not taken reading inspite of continuous use of consumer. The reason for not taking the reading by the Meter reader is not cleared; hence during this period the consumer was billed on average basis & on lower side. When consumer got the bill for less amount, the consumer has never contacted to this office. It seen that previous consumption pattern is

5000 to 7000 units; hence the registered consumption was 153395 units in the month of Oct.03 seems to be correct. He also says in para No. 5, as per the report and subsequent B-80 he send the bill & latter for correcting the bill to the Chief Engineer at Zone level. This above mentioned records indicate that there is some thing fishy going on in the office of Bhandup Division. First of all when the revenue is concerned & the revenue is concerned & the consumer has given a written complaint in Dec.03 indicating the meter reading on 23/12/2003 as 107862 & also mentioned in same letter dtd. 23/12/2003, the bill shows current reading as 153395, hence consumer says it is excessive billing infact Executive Engineer should have sent his concerned staff to check the meter reading, as the consumer has mentioned in this same letter that our swimming pool is very rarely used, once or twice in a week. The concerned Asstt. Engr. delayed noting of the reading for 17 days till 8th March. This is a shocking step indicating no care master attitude of the utility staff of Bhandup Division. More over the letter of the consumer dtd. 25/10/2004 has reminded the Executive Engineer that he should not go for disconnection of power as the consumer has not received the corrected bill & disputed bill Oct.-Nov.'03 for excess amount has been sent for corrections & approval by the Chief Engineer's office & 6 to 8 months are over & the consumer was waiting for the correct bill. Therefore the payment of disputed amount does not arise as Executive Engineer himself has accepted & is convinced of excess billing, secondly on 14th Nov.04's letter of consumer also indicates that various attempts to get correct bill was fruitless. In the 3rd para of this letter the consumer's comments on the broken seal and utility staff that Mr. Borkar & Sanghavi on 04/10/04 was leaving their premises, leaving the meter cabin open & on intervening of society committee members. They called for seal & lock & seal the meter cabin & apologize & left the premises. It is very shocked that the staff is not aware of the provision of electricity act 2003 & still working with the attitude the east is here ever we shown. The wrongful attempts to give wrongful disconnection by giving only 24 hrs. notice & harassing the consumer. Calls for heavy punishment for beaching position of electricity act 2003 to bring a sincere, honest approach towards consumer & benefit of utility, hence the penalty of not less than 50,000/- should be levied on the concerned staff i.e. Meter Readers & Assistant Engineer as well as billing section Incharge combined together. The bill of Oct.-Nov.'03 should be squashed totally & if any amount is paid against this should be credited to the consumer. A fresh bill should be issued for the period of March 03 to Nov.03 at a rate only for units 108241-104140 = 4101 units accordingly to the CPL & route chart & if route chart is correct the concerned employee should own the difference by making them to pay the excess units if any occurs. I feel that the justice will be made to the consumer & utility both. The utility will not loose money due it, as the consumer will not pay excess amount.

Observations findings of Member Secretary : -

Disputed bill is for the month of Nov.03. After dispute consumer has not taken up the dispute to the Electrical Inspector. Also consumer has not tendered the disputed amount of energy bill.

Notice of disconnection was served to the consumer on 6th Nov.04 :

Consumers approached to Forum vide his letter received on 09/11/2004. Consumer was requested to submit the grievance in schedule 'A' vide letter No.9727 dated 16/11/2004. Again he was reminded vide letter No. 10589 dated 16/12/2004.

Grievance in schedule 'A', received on 10/01/2005 & hearing was kept on 15/02/2005. Though the consumer received summons, he has not attended the hearing. Hearing was taken in absence of consumer. Thus consumer has not co-operated to resolve the grievance. Meanwhile MSEB has disconnected the connection. Hence Association members approached to Forum on dated 21/02/2005. During the hearing on date 15/02/2005 Executive Engineer told that meter found tampered during second inspection. Hence consumer was asked to pay 20% of disputed amount under protest. Association members shown inability. The Secretary has put up the application that due to unavoidable circumstances he cannot attend the hearing. Association members have requested to resolve the grievance in next hearing and hence next hearing date was fixed as

Accordingly hearing was taken on date . During the hearing Executive Engineer, Bhandup has not proved the reversal of meter reading. During the hearing consumer was asked to submit the documents that will prove the non use of electricity during disputed period. Consumer failed to submit the same.

On date 21/02/2005, two office bearer of Association attended the Forum and on 04/03/2005 three members. It shows that, it was possible for some members to attend the hearing on date 15/02/2005 & respect the summons of Forum.

MERC has published Electric Supply Code and other conditions of supply on 20th Jan. 2005 section 19.2 therein says that - "Every Licensee shall, within a period of four months from the notification of these Regulations, modify & up date the terms and conditions of supply. If not modified, it shall be deemed to be invalid".

Karnataka High Court in case of Karnataka Electricity Board Vs. B.P. Vasudeo Murthy case, given decision as below :

Conditions printed on the reverse side of the Electricity bill that, if bill is not paid by the consumer within the time fixed the Board shall be competent to disconnect the supply of electricity will be substantial compliance of section 25. Insurance of separate notice is not necessary being impracticable.

Hence

1. Disconnection is legal.
2. Bill to be revised as per check report dated 08/03/2004.