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Consumer Grievance Redressal Forum

“Vidyut Bhavan”, Gr. Floor,

L.B.S.Marg,Bhandup (W),

Mumbai – 400078.

REF.NO. Member Secretary/CGRF/MSEDCL/BNDUZ/133/77

Date: 13.06.2017

Case No. 133/2017

Hearing DT: 09.05.2017

In the matter of exorbitant accumulated reading bill since Feb 2015 & Nov.2015

Mr. Subhash Thakkar

- Applicant

Vs.

M.S.E.D.C.Ltd., Pachrasta Sub Division

- Respondent

Present during the hearing

A - On behalf of CGRF, Bhandup

1) Shri. Anil P. Bhavthankar, Chairperson, CGRF, Bhandup.

2) Shri. R.S.Avhad, Member Secretary, CGRF, Bhandup.

3) Dr. Smt. Sabnis, Member, CGRF, Bhandup.

B - On behalf of Appellant

Mr. Jaganath Kamath - Consumer Representative

C - On behalf of Respondent

Shri. S.S.kuril Addl. Executive Engineer, Pachrasta Sub Division,

Consumer No. 000092032124 category LT I residential single phase date of connection 01.10.87

1. Above named consumer received bill in the month of Feb. 2015 for amounting Rs.1,10,360/-. After receiving the said bill consumer raised the dispute that the bill is exorbitant and excessive. However, under the threat of disconnection consumer paid the said bill again thereafter the dispute was not solved in spite of complaint is made. Therefore consumer after receiving the bill in the month November 2015 amount 4,13,215/- on 10.12.2015 for units 25367. Consumer raised the dispute initially in Schedule 'X' to IGRC and challenge the bill. Consumer

also prays for replacement of meter and checking of meter and correction and revise bill and refund of amount which is already paid by him. Consumer filed copy of the said bill Feb.2015 and Nov. 2015, letter issued by respondent utility, spot inspection report dated 19.11.2015 ,meter testing report 14.12.2015 and all other relevant document. Consumer challenge the bill issued in the month of Feb.15 and Nov. 2015 was exorbitant incorrect and excessive. Consumer prays for appropriate relief for refund of the said amount against the respondent utility.

2. After filing the initially dispute in Schedule 'X' before IGRC it appears from the record IGRC not decided the dispute within stipulated period of 2 month. Therefore consumer approach to the Forum and filed complaint in Schedule 'A' and pray for granting relief of revise bill of 2015 and November 2015 as there is suspicious in meter reading report which is seriously challenge by the consumer . After filing the said complaint before the Forum on 07.02.2017 notice was issued to the respondent utility by this office. After receiving the notice respondent utility appeared and filed reply on 07.03.2017. Respondent utility submitted that demand of the consumer for revision of the bill Feb. 2015 cannot be revise as the consumer no 000092032124 meter no. 0122822 make of vam, capacity 5-30A, is involved in photo edit case accumulated bill was issued against the said meter for claiming unit 8216 which was paid by consumer on 02.03.2015 for amounting RS. 109400/-. Thereafter the meter was check on accu-check on other method the meter was found 'OK'. Thereafter in the month of Nov. 2015 consumer again requested for testing of meter no.0122822 and it was found the meter reading jump of high reading hence the bill was adjusted and refund of amount 4,12,431.49/- benefit was given to the consumer as shown in the bill Jan. 2016. The testing report of laboratory was send to the consumer. Thereafter the said meter was check in laboratory in Thane II division on 23/6/2016 the report of meter was found 'OK' it appears that consumer wanted to take benefit of circumstances incident of 123 claiming revision of the bill Nov.2015 which was given on the same cause consumer wanted to revise the bill Feb. 2015. Respondent utility submitted that there is possibility of meter reading was jump due to trying of some outside method manipulated which cannot be record of this case and single phase meter is in existence MRI cannot be retrieve. Respondent utility submitted that as the report was found 'OK' as similar incident happened once the bill was revoke in the month of Nov.

2015 and benefit was given on the same background the revision of the bill Feb.2015 cannot be refunded or pay as no assumption of wrong recovery as claim by the consumer stands against the respondent utility. Respondent utility further pray for dismissal of the complaint with cost. Respondent utility attached copy of CPL since March 2011. respondent utility additional reply given 23.03.2017 informing that the meter testing fee 11,500/- required to test the meter in central laboratory IDEMI required to be deposited by the consumer if consumer challenge the meter testing report. Respondent utility also given detail of requirement of fees for central laboratory testing meter in the laboratory as consumer desire.

After perusing the rival contention of consumer and respondent utility following point arose to our consideration to which I have recorded my finding to the point further reason given below

- A. Whether consumer is entitled for refund said bill amount Feb. 2015 Rs 1, 10,360/-.
- B. Whether consumers prove that the meter testing meter of the laboratory reported as OK is incorrect.
- C. Whether consumer was entitled for any relief.

Reasoning

3. I have given opportunity to consumer and his representative who appears before this Forum for hearing. I also gave opportunity to respondent utility office Additional Executive Engineer as representative Nodal officer appeared before this Forum. I have verified the nature of grievance raised by the consumer it appears from the record that the previous installed meter in the premises was involved in photo scan case. The bill was generated accumulated reading in Feb.2015 for amounting Rs. 1, 10,360/- which was already paid by the consumer.
4. The consumer raised the dispute of accumulated reading bill issued in the month of Feb. 2015 as it is replied that in the month of Jan. 2016 the consumer was given which benefit which adjustment and refund of amount 4,12,431/- as there was error found. The said meter was replace and sent to laboratory however the meter testing report was found 'OK' which was communicated to the consumer on date 23.06.2016. once

the benefit already received to the consumer refund and adjustment of the amount this consumer wanted to take benefit and alleged that accumulated reading bill involved photo edited scam case 82/16 which was already paid was exorbitant and incorrect to support this contention the consumer not filed any document regarding the report of the said meter was not 'OK'. On the contrary respondent utility filed report of spot inspection on 19.11.2015 which reflects that the meter was removed and taken custody and it was tested in laboratory. The report dated 30.06.2016 as laboratory testing meter report by adopting scientific method the report was found 'OK'. The spot inspection report after inspection on dated 19.11.2015 the meter was change and old meter replace by new meter on date 14.12.2015. The said meter also check in laboratory and the report was 'OK'. During the hearing consumer seriously challenge the meter testing report and raised objection therefore this Forum gave opportunity to the consumer to get tested the said meter in central laboratory. After inquiry the meter testing fees Rs 11,500/- was required to be deposited by consumer for getting the said meter tested in third party as central laboratory authorized but consumer refuse to availed this opportunity and not deposited or shown any ready and willingness and continue to raised the dispute of challenging the meter testing report.

I have gone through the Rules and Regulation of meter testing Regulation under this statue which reads under *this 15.4.1 of MERC (Electricity Supply code and other Condition of Supply) Regulations 2005. "Billing in the Event of Defective Meters."* which speaks that "in case of defective meter, the amount of the consumer bill shall be adjusted for a maximum period of 3 months prior to the month in which the dispute has arise, in accordance with the results of the test taken Subject to furnishing the test report of the meter along with the assessed bill." in view of the meter testing report laboratory scientific method place before this Forum. I have gone through the details of the said report as the report indicate the meter is working and not found any major default. The letter dated 14.12.2015 informing to the consumer that the meter is removed from the place and send for laboratory of VAM company and spot inspection report indicate the connecting load use by this consumer. The comparative reading of old meter and new meter place before this Forum in view of the said document allegation raised by the consumer that the meter involved in photo edit scam Feb. 2015 accumulated unit 8216 was exorbitant wrong and incorrect is not proved by the consumer. Therefore I found no substance in the grievance made by the consumer could

be supported by any document enabling this Forum to come to conclusion that bill issued in Feb. 2015 was an incorrect on contrary meter testing report scientific method disclose the reason against the consumer as the report was found 'OK'. Hence I have not found any substance to grant any relief to the consumer. Hence consumer complaint deserved to be dismiss. As consumer already deposited amount should not be heavily burden. Hence I am not inclined to impose any cost. Hence I proceed to pass following order.

ORDER

The consumer complaint 133/2017 is stands dismissed.

No order is the cost.

Both the parties should be informed accordingly.

Proceeding close.

The compliance should be reported within 45 days.

The order is issued under the seal of Consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup.

Note:

- 1) If Consumer is not satisfied with the decision, he may file representation within 60 days from the date of receipt of this order to the Electricity Ombudsman in attached "Form B".

Address of the Ombudsman

**The Electricity Ombudsman,
Maharashtra Electricity Regulatory Commission,
606, Keshav Building,
Bandra - Kurla Complex, Bandra (E),
Mumbai - 400 051**

- 2) If utility is not satisfied with order, it may file representation before the Hon. High Court within 60 days from receipt of the order.

(I Agree/Disagree)

(I Agree/Disagree)

**DR. ARCHANA SABNIS
MEMBER
CGRF, BHANDUP**

**ANIL P. BHAVTHANKAR
CHAIRPERSON
CGRF, BHANDUP**

**RAVINDRA S. AVHAD
MEMBER SECRETARY
CGRF, BHANDUP**