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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/

Date

Case No. 90/2016

Hearing Dt. 28/09/2016

In the matter of exorbitant bill

Mrs. Fatimabai B. Shaikh

-

Applicant

Vs.

M.S.E.D.C.L. Vashi Sub Division

-

Respondent

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri. Anil P. Bhavthankar, Chairperson, CGRF, Bhandup.
- 2) Shri. Ravindra S. Avhad, Member Secretary, CGRF, Bhandup.

B - On behalf of Appellant

- 1) Shri. Suraj Chakraborty Consumer

C - On behalf of Respondent

- 1) Shri. S R. Tekade Add. Executive Engineer Vashi Sub division

Consumer No. 0000072219830

sanction load 3.3 KW

1. Above named consumer filed this complaint against the respondent utility for revised of average bill issued to the consumer. This consumer having service connection having consumer no 0000072219830 at Gala F-3 Plot 3 & & Sector 19 Fruit and vegetable market under LT sanction load below 20KW single phase tariff category 52 LT II commercial single phase sanction load 3.3KW date of supply 25.06.1995. It is contention of consumer in the month of April 2016 he received bill for alleged consumption of unit 7322 for amounting Rs. 93190/-.

After receiving the said bill along with demand made by the respondent utility. The consumer applied for meter checking as the consumption unit demanded and shown was found exorbitant. Consumer gave application to the respondent utility office on 03.06.2016. The meter was tested as per accu-check and report is submitted the meter was found working and consumer was directed if any problem found in future he should approach this officer. Thereafter intimation of the report was given to the consumer on 17.06.2016 respondent utility also requested consumer to demand arrears bill 93430/- bill not satisfied the report consumer against applied for laboratory meter testing. On 29.05.2016 the meter was tested and report is given meter is found working normal intimation was given to the consumer on 02.08.2016. Again the letter was send to the consumer for deposit the demand arrears bill. Being dissatisfied this demand consumer initial approach to IGRC Cell and filed complaint under Schedule 'X'. Consumer also filed all necessary and required document along with Form 'X' six month billing record consumer pray that provision 15.4 and Circular No. 254 dated 02.07.2015 should be followed by respondent utility. It appears form the record that IGRC cell not decided the dispute within stipulated time of 2 months therefore consumer approach to the forum and filed complaint in schedule 'A' consumer attach the demand bill the meter testing report copy of Schedule 'A' and six month record of billing of the consumer.

2. After filing the complaint notice was issued to respondent utility. Respondent utility appeared and filed reply para wise on 22.09.2016. It is contention of consumer the supply is given to the consumer on the give address in name of Mrs. Fatimabai b. Shaikh. In the month of April 2016 after complaint is received from consumer Assistant Engineer APMC visited premises and check the meter which was make of Rolex company serial no. 3217731 5-30A and reading was found on the meter dated 03.06.2016 unit recorded 17139 .After installment of series meter consumer found the meter was normal in working condition excess

consumption was recorded on the said premises due to earth leakage through the inverter circuit installed to the premises. For further confirmation the meter was checked on the accu-check method representative of consumer was present the meter was found within permissible limit and report prepared and informed on 29.07.2016. In the month of March 2016 the previous reading was recorded unit 6867 and current reading was recorded 14149 consumption recorded such as 7282 units the said consumption is recorded 4 times more than the normal consumption and the average consumption as per commercial consumer 254 dated 07.12.2015 which reads as under “ **presently consumer having consumption four times more than average consumption are considered as Excessive .As such the reason for the excessive billing shall be verified by the concerned sdo every month with required corrective action**”

According to respondent utility benefit and direction of Circular no.254 and report verified and accu-check meter testing report and as the meter was found working normal and bill revised issued to the consumer following regulation clause no 15.4 as per actual consumption on record. Respondent utility pray that necessary order may be passed by rejection order by case. Respondent utility filed copy of CPL, meter testing report accu-check report and circular no. 254 dated 07.12.2015 and photo copy of meter.

I have perused the document submitted by utility and I have also perused consumer complaint and document realized by consumer for settling the dispute.

After perusing the rival contentions of consumer and respondent utility, following points arose for our consideration:

1] Whether respondent utility entitled to recover accumulated arrears bill issued on 10.05.2016.

2] Whether the bill issued by respondent utility is legal valid and proper.

3) Whether consumer is entitled for any relief.

Reasons

I have given opportunity to the consumer to appear and raise the dispute the document filed by respondent utility photo record available on meter no .3217731 where as the meter reading disclose as shown on the photograph 14509 & 14149 as per the actual consumption and unit recorded on the meter the consumer was issued the bill.

I have perused copy of CPL the allegation made by consumer recording of the unit shown are exorbitant and four times higher. The serious dispute was raised by consumer about authenticity and calibration report of meter testing own report of respondent utility disclose four times higher reading due to earth leakage but in the laboratory testing and acu-check report the meter was found working normally .At the time of hearing respondent utility failed to analyze to give valid and proper reason why 4 time excess reading recorded on the meter as shown in the photograph. The said unit recorded on the meter was claim against the consumer 7232 where as six month graph of consumption patter recorded of the consumer is verified the maximum use recorded unit on the record in the may 1116 units , June 1194 units and minimum Jan 16 and Feb 16 125 &158 units. It means that the unit recorded on the meter was as per the own report of respondent utility 4 time higher as the normal consumption. In this case in case of normal and average unit should have been calculated by respondent utility claiming revised the assessment of unit recovery bill issued to the consumer. Normal consumption patter recorded per month use of unit is between 500-60.Even the consumption higher site recorded unit merely on their report and photograph disclosed it cannot be legal valid and correct recording of unit on the meter.

It is important to note that the meter make of Rolex received many complaint about it calibration and proper working it is well known fact within the knowledge of respondent utility. I found there is substance in the consumer complaint as actually recorded of unit on the meter as shown in photograph cannot be justified no proper reason is disclose by utility. In this case the commercial circular 254 dated 07.12.2015 as per guideline in regulation MERC 2005 clause 15.4 should have been followed. Contention raised by respondent utility merely the meter testing report was found meter is ok considering previous history of Rolex company meter and his calibration to my view utility cannot take advantage on meter testing report and claim entire unit recorded on the meter. The consumption higher site shown in month of April and May should have been access considering maximum recorded unit by the consumer actually use during one year and those unit are calculating at the time of hearing. It is important to note that consumer was given opportunity to check the meter by company laboratory but the rate of testing meter communicated to forum was about Rs. 8000/- .The consumer refused to send meter faulty laboratory testing in this circumstances the forum required to settle the dispute as per the record available. I have considered maximum unit recorded of this consumer 1200 in the month of June 2015 .In the similar way the consumption should be normally used during peak season by this consumer is considered. Hence I am in client to allow consumer complaint and proceed to pass following order.

ORDER

1. The consumer compliant No.90/2016 is allowed.
2. The respondent utility directed to revise the bill for the month April and May 2016 by calculating 1200 unit per month to 1500 unit and issue revised bill without charging any interest and DPC. The respondent utility shall follow guideline of 15.4 and circular no 254 average assessment units should be calculated accordingly. No order as to the cost.

Proceedings closed.

Both the parties be informed accordingly.

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

Note:

- 1) If Consumer is not satisfied with the decision, it may proceed within 60 days from 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

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

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