

**Consumer Grievance Redressal Forum  
Maharashtra State Electricity Distribution Co. Ltd.  
Bhandup Urban Zone, Bhandup**

Ref. No. Member Secretary/MSEDCL/CGRF/BNDUZ/

Date :

Case no. 479

Hearing Dt. 04/02/2013

M/s. Unity Generators Pvt. Ltd. - Applicant

Vs.

MSEDCL Vashi Division - Respondent

Present during the hearing

A] - On behalf of CGRF, Bhandup

- 1) Shri S.K. Chaudhary, Chairman, CGRF Bhandup.
- 2) Shri R.M Chavan, Member Secretary, CGRF, Bhandup.
- 2) Dr. Smt. Sabnis, Member, CGRF, Bhandup.

B] - On behalf of Applicant

- 1) Mr. Manish Turakhiya – Consumer Representative.

C] - On behalf of Respondent

- 1) Shri V.K. Talwalkar, Dy. Ex. Engr., Flying Squad Unit, MSEDCL.
- 2) Shri D.M. Jadhav, Jr. Law Officer.
- 3) Shri S.L. Tupe, U.D.C., Koparkhirne S/divn

**ORDER**

M/s. Unity Generators Pvt. Ltd. is a L.T. consumer under sr. no.000431361442 at A-193 MIDC, TTC Industrial Area, behind Reliance Silicon, Thane- Belapur Road, Khairne, Navi Mumbai.

The electric supply was released on 17/09/1993 on the industrial tariff as demanded by the consumer.

The flying squad unit of utility inspected the premises on 14/12/2011 and noted some irregularities in their inspection report as below :-

- i) Wrong meter connection to meter terminal at B phase, therefore B phase P.T. found missing in meter.
- ii) Meter working slow by – 26.55%.
- iii) Consumer using LT-V supply for commercial purpose (LT-II) Godown use.
- iv) Low power factor.

The concerned officers of utility immediately replaced the meter with new one and issued first supplementary bill of ₹ 1,57,884/- towards tariff difference under section 126 of E.A. 2003.

The Applicant consumer had paid the bill issued under section 126 of E.A. 2003.

According to the inspection report the meter was found running 26.55% slow, hence utility raised supplementary bill for the period of Jan-2010 to Dec-2011 for 24 months for this under billing for an amount of ₹ 2,14,307/-.

Aggrieved of this supplementary bill, the consumer approached to the Internal Grievance Cell but got no relief other than payment to be made in installments.

The consumer therefore approached to this Forum and filed his grievance vide case no. 479 and according hearing was fixed.

Shri Manish Turakiya was present on behalf of consumer Applicant and Shri Talwalkar, Dy. Ex. Engr., Flying Squad Unit and Shri D.M. Jadhav. A.L.O. were representing on behalf of utility.

As stated by the Applicant the supplementary bill raised of an amount ₹ 2,14,307/- is totally illegal; he insisted that as per the inspection report the meter seals were found intact and the reason for slowness of meter is due to the wrong connection which are made by utility's employee, so loss to be recovered from irresponsible working employee and should not imposed on him. He demanded to squash the supplementary bill and interest thereon.

The Respondent utility conceded that the wiring connection may wrongly done by their own staff from the day when the meter is replaced in Feb-2007, but the recover for slowness is limited to 24 months observing the limitation imposed by Section 56 (2) of E.A. 2003. He also added that it is clearly established fact that consumption recorded is less by 26.55% from Feb-2007 and recovery charged is only for 24 months.

The Respondent reiterated that, the supplementary bill is towards actual consumption of electricity and includes no any penal charges.

During the proceeding, the Applicant representative shows his willingness for payment of last three months charges considering the faulty meter as prescribed in MERC Regulations 2005 therein 15.4.1.

The matter was heard on 04/02/2013, both the parties were present, the documents on record and arguments during the hearing reveals that, the meter of sr. no. MSE58926 of Secure Make is found working slow by 26.55% and accordingly utility has raised the bill for under billing for 24 months back from the date of detection.

As stated by the consumer Applicant that the meter is slow because of wrong connection which is not at his faulty and is due to irresponsibility of the concerned utility's employee and is should be recovered from the erring employee, Forum feels that irresponsible working of any employee cannot attribute the loss of revenue to the Govt. organization.

Forum also observed that the meter under dispute is provided in the month of Feb-2007 and the day this meter provided to consumer's premise is working slowly. It means that from last 58 months the consumption recorded is only 73.45%; this shows that utility has bared loss of revenue at high; hence Forum does not found any unwarranted demand against slowness for 24 months as per section 56 (2) of E.A. 2003.

Forum is therefore of an opinion that consumer should pay the supplementary bill raised for under billing.

Forum also direct the utility to take stringent action against the employee who has made grave mistake while replacing meter in Jan-Feb-2007 and kept one B phase CT-PT connection open leads to unaccounted one phase consumption.

## ORDER

- 1) The prayer of consumer Applicant to squash the supplementary bill raised for under billing due to slowness of meter is hereby rejected.
- 2) The prayer of consumer Applicant for reduction of period of recovery from 24 months to 3 months observing 15.4.1 of MERC Regulation 2005 could not implied in such circumstances and hence rejected.
- 3) Utility can recovered the supplementary bill from the consumer raised for under billing due to slowness observing its correctness.

No order as to the cost

Both the parties be informed accordingly.

The order is issued under the seal of consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 06<sup>th</sup> of February 2013.

Note : 1) If Consumer is not satisfied with the decision, he may go in appeal 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 proceed before the Hon. High Court within 60 days from receipt of the order.

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

**S. K. CHOUDHARY**  
CHAIRMAN  
CGRF, BHANDUP

**R.M. CHAVAN**  
MEMBER SECRETARY  
CGRF, BHANDUP