

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

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

Date:

Case No. 505

Hearing Dt. 27/08/2013

In the matter of fast meter and excessive billing.

M/s. Datta Ganesh Apartment - Applicant

Vs.

M.S.E.D.C.L. Vashi - Respondent

Present during the hearing

A - On behalf of CGRF, Bhandup

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

B - On behalf of Applicant

- 1) Shri. Kailas Patil - Consumer Representative.
- 2) Shri. R.S. Shanbhag

C - On behalf of Respondent No. 1

- 1) Shri. S.S. Pawar, Dy. Executive Engineer, Palmbeach Sub Division.

M/s. Datta Ganesh Apartment is a co-operative Housing Society having three phase electric connection for the lift and water pump under Sr. No. 000296466301.

The electric connection was released for common use on 31.03.2005 with the sanctioned load of 10 kw.

Shri Kailas Patil, the chairman of Datta Ganesh Co-Op. Housing Society filed a complaint regarding fast meter with the Respondent. The meter Sr. No. 900002478 was replaced in March 2012 by a new meter Sr. No. 5405460282. The Respondent should have tested the old meter for its preciseness, so that the consumers doubt about working of meter could have been cleared. But Respondent did not take any such step.

The consumer was continuously following up with the Respondent for rectification of excess bill. But his attempts were futile. The consumer had approached to Internal Grievance Cell, Vashi Circle but his Grievance to this Forum.

M/s Datta Ganesh Apartment (herein after referred as to the 'consumer') has filed this grievance before Forum as the utility failed to solve their problem despite repeated requests.

The consumer was supplied electricity through meter no. 900000247 till March 2012, which was replaced by the utility in March 2012 with a new meter, of Sr. No. 540460282 because the meter was running fast.

Now the consumer has filed this grievance before this Forum for the refund of excess bill which the utility had collected due to fast meter during the period October 2010 till March 2012.

The utility submitted its say as below:-

The said connection was released on 31/03/2005 with a sanctioned load of 10 kw. The meter was in service till September 2012. Since during this period the consumer was billed on normal reading basis (where average was less than present reading average) the consumer was charged for less units; which has to be recovered from him.

Now the question before this Forum is whether the prayer of the consumer can be granted.

We answer this question affirmatively for the following reasons:

At the time of an oral submission, we had asked the utility to produce any evidence as regards the faulty meter. But the utility failed to produce any evidence to substantiate their claim. Though the utility was given further one week time to produce the evidence, they failed to produce the same.

We do not have any evidence before us to substantiate the claim of the utility, that the consumer was billed for less units. And even if that was the case, since this alleged less billing was for the period from 31/03/2005 till September 2010; i.e. the period well beyond 2 years, now we cannot allow the utility to collect the same.

The matter was heard on 27/08/2013. Shri. Kailas Patil, the chairman of Society was present to Represent the consumer whereas Shri. S.S.Pawar, Dy. Executive Engineer, Palmbeach Sub division was representing the utility.

Perusal of record and arguments during the hearing reveals that the average Consumption, between October 2010 to February 2012 was around 1089 units per month, However after replacement of this disputed meter the record of consumption from March 2012 to April 2013 was around 475 units in the month of Forum feels that utility should have tested the meter and should have cleared the doubt of consumer so that this dispute would not have arose. Now in the absence of test report the Forum has to rely on the new meter's consumption which shows the monthly consumption of 475 units. It will be fair to revise the bill for the disputed period of October 2010 to February 2012 with the established average of 475 units

ORDER

The Respondent should revise the excessive bill from October 2010 to February 2012 with the average consumption of new meter i.e. 475 units.

No order as to cost.

Both the parties should be informed accordingly.

On request of complainant the date of hearing was postponed twice and hence time limit of sixty day could not be observed.

Compliance should be reported within 60 days.

The order is issued under the seal of Consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 14th October 2013.

Note:

- 1) If Consumer is not satisfied with the decision, he may file representative 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.

DR. ARCHANA SABNIS
MEMBER
CGRF, BHANDUP

S. K. CHOUDHARY
CHAIRMAN
CGRF, BHANDUP

R.M. CHAVAN
MEMBER SECRETARY
CGRF, BHANDUP