

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

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

Date :

Case No. 381

Hearing Dt. 04/06/2011
& 28/07/2011

Shri Feroz Akhtar Ansari

- Appellant

Vs.

M/s. T.P.L., Bhiwandi

- Respondent

Present during the hearing

A - On behalf of CGRF, Bhandup

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

B - On behalf of Appellant

- 1) Shri Sajid Ansari –Consumer Representative

C - On behalf of Respondent

- 1) Shri Jeeval Clark, Dy. Manager, M/s. TPL, Bhiwandi.

Preamble :

Shri Feroz Akhtar Ansari is having 3 phase power loom connection under sr.no. 13012288349, at H. No. 1885, S.No. 97/1, Nagaon-II, Bhiwandi. The Appellant consumer is suspecting the working of meter for its accuracy and hence want to confirm whether working fast and to confirm his prayer was to allow him to get this meter no. B45218912 tested in the Govt. authorized laboratory NABL

Consumer Say :

Shri Sajid Ansari was present to represent on behalf of consumer, he explained as under :

The Appellant was not satisfied with the performance of the meter no. B-45218912 installed by M/s. Torrent Power Ltd. and was completely convinced that the said meter was running very fast; and the Appellant requested M/s. TPL on 14/12/2009 to permit him to get the meter tested in NABL approved Government Testing Laboratory, but M/s. TPL has not given him any answer or commitment to this request of Appellant till date.

As he did not get any response at all from M/s. Torrent Power Ltd., he approached the Nodal Officer, IGRC, MSEDCL, Bhiwandi on 27/12/2010. The Nodal office replied him on 28/02/2011 to register his grievance with M/s. TPL, which he did through his letter addressed to the Chairman, IGRC, M/s. TPL, Bhiwandi on 02/03/2011.

The Appellant further stated that, M/s. TPL, IGRC, passes an order on 05/04/2011 but forwarded to him on 07/04/ 2011, which please note.

He further stated that it is highly regretted that his basic grievance for getting the accuracy and compatibility of this meter to be tested in a NABL approved government testing laboratory; has been conveniently been by-passed, which please note.

Prayer of the Appellant :

1) Permission should be given for the testing of meter in a NABL approved government laboratory at the very earliest. The Hon'ble Forum requested to direct M/s. TPL to co-operate with Appellant in arranging for the testing of the meter in government testing laboratory.

2) It is further requested that until such time that the testing report from NABL approved meter testing government laboratory is provided; the order should be kept in abeyance and, thereafter, the wrongly collected billing amounts be refunded to Appellant.

Utility say :

On behalf of utility Shri Jeevan Clark, Dy. Manager, M/s. T.P.L. has present to represent the case, he stated that The Company totally relies upon the order passed by Hon'ble IGRC, TPL, on 05/04/2011. The Company crave leave of the Hon'ble Forum to refer to the above mentioned order as and when required.

Further he stated that consumer has approached to IGRC on 02/03/2011 and was called for personal hearing on 15/03/2011. The consumer has complaint for the meter (no. B45218912) running fast and refund of excess amount collected thereof from the date of installation.

The Company would further like to state that on receipt of such complaint from consumer and on perusing the papers it was observed that consumer has complaint for meter burnt (for meter no. B45205912) on 10/06/2009, and new meter no. B45218912 was immediately replaced on 11/06/2009 at consumers premises. Further it was also observed that the consumer had complaint for "meter running fast" for new installed meter. During the hearing held on 15/03/2011 it was explained to the consumer's representative that all bills issued to consumer were as per meter reading only.

Further he stated that on request of consumer on receipt of the meter testing fees on 15/10/2009 consumer's new meter no. B45218912 was tested in the presence of the consumer with the help of reference standard and meter accuracy was found within permissible limits. During the hearing the consumer representative was also explained that since the meter was tested with the help of reference standard accuracy of the meter is not questionable. It was explained with the help of MRI report of meter no. B45218912 that reading recorded in the energy meter depend on the actual usage of the consumer. Hence all the bills issued to him were correct and as per meter reading only. Further, it was also observed while going through the MRI report, that service was in continuous use and consumption recorded in the meter is as per the load connected and in use.

The company would further like to mention that it was informed to consumer's representative that if he wishes to test his meter with any other meter testing laboratory then he is free to test his meter with any NABL approved laboratories. Detail information regarding nearby addresses of NABL approved laboratories were also provided to the consumer representative.

Further the companies requested to the Hon'ble Forum that as the relief and compensation as claimed in the appeal ought not be entertain and dismiss the said appeal with cost.

Observation :

Shri Feroz Akhtar Ansari is consumer of Opponent i.e. M/s. TPL vide consumer no. 13012288349. The consumer is running power loom. The main grievance of the consumer is meter runs fast, excess bill due to fast and faulty meter and requested for testing of meter at NABL approved government testing laboratory.

The consumer initially filed application for redressal of the grievance before electricity authorities and subsequently before IGRC,

MSEDCL, Bhiwandi on 27/12/2010. On request of MSEB officials the grievance was filed before IGRC M/s. TPL, Bhiwandi on 02/03/2011. The matter was heard before IGRC and the prayer was not considered and no further relief was granted.

The consumer filed the grievance before this Forum. On perusal of the complaint, main grievance is for getting the accuracy and compatibility of the meter tested. It is utmost important to get tested in a NABL approved government testing laboratory. The main prayer is only to direct M/s. TPL to cop-operate in arranging for the testing of the meter in Govt. testing laboratory.

Forum has gone through the submission of M/s.TPL filed on 14/06/2011 and in para no. 5 of the reply it is specifically said that it was informed to consumer's representative, if he wishes to test his meter with any other meter testing laboratory then he is free to test his meter with any NABL approved laboratories.

In view of the facts of the case, it is observed that as agreed in the pleadings, complainant may apply accordingly and company should refer the meter immediately after receipt of application for getting tested in a NABL approved Govt. testing laboratory. Provided the testing charges should be born by consumer Applicant

The documents on record shows that on the basis of the complaint dtd. 18/05/2011, consumer is required to be allowed for testing of meter to be tested in a NABL approved government testing laboratory within 7 days from the date of his application. If the utility want to test the meter before sending to NABL. They have that liberty.

The consumer has not proved that, bills were wrongly issued so that prayer cannot be considered.

In case the result of NABL is fifer then the result of utility testing out of tolerance allowed in IS the testing fees of consumer Applicant should be refunded by utility.

In the result, we pass the following order.

ORDER

The M/s. TPL is directed to co-operate consumer for referring the meter for testing in a NABL approved government testing laboratory within 7 days from the receipt of application from the consumer and payment of fees will be born by consumer and if any discrepancy in the meter testing result observed as mentioned above, the fees will have to be refunded to the consumer by the utility and accordingly the bill will be corrected for the disputed period of high billing, if meter is found running fast beyond permissible limit of tolerance..

No order as 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 28th of Nov. 2011.

Note :

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.

- 3) If utility is not satisfied with order, it may go in appeal before the Hon. High Court within 60 days from receipt of the order.

DR. ARCHANA SABNIS
MEMBER
CGRF, BHANDUP

S. D. Madake
CHAIRMAN
CGRF, BHANDUP

R.M. CHAVAN
MEMBER SECRETARY
CGRF, BHANDUP