

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

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

Case No. 351

Hearing Dt. 15/12/2010

In the matter of bill revision

Trushna Co.Op. Housing Society Ltd. - Appellant

V/s.

MSEDCL Thane - Respondent
Gadkari Sub division

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri S.L. KulKarni, Chairman, CGRF, Bhandup.
- 2) Shri R.M Chavan, Member Secretary, CGRF, Bhandup.
- 3) Mrs. Manik P. Datar, Member, CGRF, Bhandup.

B - On behalf of Appellant

- 1) Shri Gopal Yashwant Patil -Consumer representative
- 2) Shri Arvind D. Jathar- Chairman of Society

C - On behalf of Respondent

- 1) Shri Satish Mane- Dy. E.E. Gadkari Sub division.
- 2) Mrs. S.C. Bhonsale- Asst. Accountant -Gadkari S/Dn.

Preamble: -

Trushna Co. Op. Housing Society is having single phase meter bearing no. 21003317 at plot no. 362, Panchpakhadi, Near Sarswati English School, Thane Society was using the said meter for stair case lighting of 'C' wing. Society was getting abnormally high consumption electricity bills form April 2008. For this grievance the case was registered to IGRC which was decided by IGRC vide letter no. SE/ TUC/ IGRC/ 7642 dt. 8th Dec 2010 refuted on the basis as time barred and directed to utility to file a civil suit against the Applicant for recovery of arrears. Aggrieved with this consumer registered his grievance with this Forum on 30/11/2010 vide case no 351 and hearing was fixed on 15/12/2010.

Consumer Say: -

Shri Gopal Yashwant Patil the representative of consumer and Shri A.D. Jathar a Chairman of the Society were present to represent the case, they stated as follows:-

- 1) Their single phase meter installed for "C' wing stair case become faulty during the month of April / May 2008.
- 2) They were getting abnormal bills from May 2008 till the date of PD. This was intimated to the concerned office on 12/06/2008 and also paid necessary charges for testing of meter.
- 3) After constant follow up, utility representative visited their premises and checked the meter with accucheck and

declared the meter faulty. The copy of meter testing was submitted to the Forum.

Utility's Flying Squad representative visited their premises and requested to their staff to replace the defective meter immediately but no cognizance was taken by utility.

Society again wrote a letter to utility on 24/08/2008 for follow up. With reference of this letter, utility's staff visited their premises and verify the facts. and remove the faulty meter on 26/11/2009 for non payment of arrears of the electricity bill.

As on today, utility neither restore their electric nor sent them the corrected bill.

They further added that meter is permanently disconnected on 26/11/2009 and verification report was made on 15/02/2010 i.e. after removal of meter.

Prayer of the Consumer :-

- 1) Restore the power supply with newly tested meter.
- 2) To issue the correct bill considering their faulty meter.

Utility Say :-

Mr. Mane Dy. Ex. Engineer of Gadkari Sub division was present to represent the utility side (herein after will referred as to the Respondent).

As per the argument of Respondent the consumption pattern of the consumer is increased heavily from May

2008 which was consistent. But before making the connection P.D., the consumption is declined to 100 to 200 units per month. Which shows that meter was not going fast. The Appellant consumer may have increase his use from May 2008 onwards.

The Respondent further added that considering this possibility it is very difficult to conclude that meter was going fast. During the course of hearing, the Respondent ensure that he will produce the copy of said meter test report, if available with the sub division within week period.

Observation :-

The matter was heard on 15/12/2010. Both the parties were present. The utility fails to submit their reply till date as ensured during the hearing.

The Appellant was aggrieved with the high consumption bills which he was receiving from May 2008 ranging to 1318 units to 2691 units per month. Appellant registered his complaint on 12/06/2008 relating to faulty meter. His constant follow up with Respondent did not evoke any response. Even his meter was checked by accucheck system and declared it faulty. Finally his connection was made PD by Respondent due to non payment of arrears of their electricity bills. Then he submitted his grievance to IGRC. IGRC issue a decision that meter is not faulty, hence question of bill revision does not arise. IGRC also decided the matter as time barred and directed Respondent to file a civil suit against the Appellant.

The Respondent stated that as per verification report submitted by Jr. Engineer on 15/03/2010, it is observed that Appellant was made PD on 26/11/2009 due to non payment of arrears of his electricity bills. This report also suggests that as per accucheck report the meter of the consumer was shown abnormally fast. Considering 3 month average consumption for the period from Jan 2008 to March 2008 for 120 units/ month, the bills should be revised and finalized accordingly. This report also shows that the consumer is willing to pay arrears.

From the above, Forum observed that the Appellant's meter was connected to accuchek for the correctness of the meter on dt. 13/08/2008 which shows that the meter was running very fast. Though it was showing faulty result, it was not removed or replaced. On query utility was not able to explain as to why no cognizance was taken to replace the meter Respondent stated that this report was not available with them. They will search the report. And accordingly submit the copy of the report. But till date no submission is received by the Forum.

No satisfactory explanation was put forth for not taking action from May 2008 till date for revision of faulty meter bill. Facts of the case reveal that the Appellant's average monthly consumption prior to April 2008 is around 120 to 150 units/ month.

Having heard as above, the only point that is to be now decided is the Appellant's reasonable consumption during the period from May 2008 till removal of the meter. It is on the record that the consumption from May 2008 shows very high i.e. 1318, 1436, 2298, 2028, 3337, 2691

energy units per month. The accuchek and verification report also shows the gadgets in use are only 4 tube lights. Considering the facts, it is not disputed that the Appellants meter was defective and running very fast. The Respondent fails to test it properly in the laboratory. As such there is no authentic result of the test, based on which the bills could be adjusted for the disputed period. In the absence of reliable test report the only way to arrive at reasonable consumption is to compare the Appellant's consumption during past twelve months, prior to April 2008. Therefore it would be fair and proper to ask the Appellant to pay the charges for the period from May 2008 till removal of the meter. No interest and delayed payment charges shall be levied during this period.

Respondent should issue the correct bill as mentioned above and reconnect his power supply by taking minimum charges without charging reconnection charges as there was no fault on the part of Appellant.

Before parting with order it is necessary to put on record that the Respondent has been utterly passive and displayed total apathy in dealing with the consumer's grievance. It is also unknown that why the Respondent did not take any action from May 2008 despite the Appellant's complaint for faulty meter in June 2008 and payment of meter testing charges vide receipt no. 1849489 dt. 14/08/2008.

In the present case, it is seen that this consumer was made PD in Nov. 2009.

The Respondent is directed to carry out the order as per mentioned above and Appellant should pay the bill accordingly.

ORDER

- 1) Respondent should recalculate the Appellant's electricity bill considering the average consumption for twelve months prior to April 2008.
- 2) Revised bill should be issued to Appellant within 30 days.
- 3) No DPC and interest should be charged on revised bill amount.
- 4) The Respondent should restore the Appellant power supply with duly tested new meter on payment of revised bill and necessary minimum charge from the date of disconnection of supply without charging reconnection charges.
- 5) Appellant should pay the bill accordingly within 30 days.

Compliance should be submitted within a month.

No orders as to cost.

Both the parties should 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 22nd December 2010.

Note :

1) In absence of Chairperson the order is issued by Member Secretary and Member of the Forum.

2) 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.

MRS. M.P. DATAR
MEMBER
CGRF, BHANDUP

R.M. CHAVAN
MEMBER SECRETARY
CGRF, BHANDUP