

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

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

Date :

Case No. 156

Hearing Dt. 28/02/2008

In the matter of Billing dispute

Shri Rishi Bansal

- Appellant

Vs.

MSEDCL, Mulund

- Respondent

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri S.L. Kulkarni, Chairman, CGRF, Bhandup.
- 2) Shri S.B. Wahane, Member Secretary, CGRF, Bhandup.
- 3) Mrs. Manik P. Datar, Member, CGRF, Bhandup.

B - On behalf of Appellant

- 1) Mr. Pasarkar, Consumer representative
- 2) Shri Rishi Bansal, Consumer.

C - On behalf of Respondent

- 1) Shri Daware, Dy. Ex. Engr., Mulund division.
- 2) Shri B.R. Sakpal, Mulund division

PREAMBLE :

The consumer registered his grievance with this Forum on 13th Feb. 2008 vide case No. 156. The hearing date was fixed on 28/02/2008 at 12.00 hrs. Consumer had approached this Forum against the decision of ICGRU, Thane vide letter SE/THNUC/TS/ICGR/467, dtd. 24th Jan-2008.

CONSUMER'S SAY :

Shri Rishi Bansal is the occupant of the premises. He took the premises on leave license basis from Shri R.N. Bhange. The occupant is having plastic bag business having consumer No. 93111796 of sub-division Panch Rasta, Mulund. Consumer was served with vigorous illegal and illogical electricity bill for Rs. 49,145/- on 01/06/2007 with due date for payment was 02/06/2007. The bill which was raised did not show meter number and the bill was raised against tempered seal of meter. But the consumer stated that there is no provision in E.A. 2003 to raise the bill against tempered seal of the meter. The consumer paid the said bill under protest on 02/06/2007 vide receipt No. 5725441 though it was not acceptable to him but he was forced to pay as the supply would get disconnected. Even though he paid the bill, the supply was disconnected without any notice. If the bill is raised as supplementary bill then the bill must be enclosed with assessment work sheet and test report otherwise such supplementary bill did not stand legal and it should be withdrawn.

When the consumer brought this point to Ex. Engr. of Mulund Division, he gave him a meter replacement report but not lab test report dtd. 10/08/2006 signed by Asstt. Engr./Jr. Engr.

The meter No. 19257 which was replaced on 10/08/2006 was with initial reading 01899. The consumer also reiterated that when the meter was issued from laboratory with initial reading of 00005 (as per electricity Board register). But when it was installed to the consumer, readings were showed 01899 which clearly indicates that this meter was used somewhere else. So the charges

levied on him for theft were wrong. Utility had installed me a tempered meter. Thus the charges levied on him were wrong.

Prayer of the consumer:

1) Order D.L. to withdraw the said vagarious, illogical, illegal & unwarranted bill dtd. 02/06/2007 for Rs. 49,145/- as it stand bad in law and is raised with malafied intension. (As per MERC order referred above in point 5).

2) Refund me Rs. 49,145/- paid under protest against receipt No. 5725441, dtd. 02/06/2007 with 12% interest thereon from the date of payment to the date money is refunded.

3) Copan set me against illegal disconnection in accordance to sec. 56 of E.A. 2003 (i.e. Rs. 10,000/-).

4) Out of pocket expenses of Rs. 730/- that I have spent running about the office D.L. police station and N.G.O.'s for getting the problem resolved. Details of which will be furnished at the time of hearing.

5) Any other relief that Hon'ble bench feels dim fit in accordance to provisions of E.A. 2003 and regulation there under. To up hold the supermusy of the Act & to create respect for the law in minds of MSEDCL's staff & to remembers me connections out pocket expenses.

UTILITY'S SAY :

1) It is true that the installed meter was used somewhere. At the time of meter replacement the Engineer concern might have checked meter for it's accuracy

2) Prima facie, it was seen that the company seal was found cut, meter shows 40.26% slow, and units consumption was not found commensurate with connected load i.e. lower side billing, hence the Junior Engineer cam to conclusion that the consumer (user) was stealing electricity hence he

disconnected supply. In the joint inspection report it revealed that the meter counter was removed and scratches on digit counter was seen.

- 3) As it was the case purely of theft of energy F.I.R. is lodged accordingly.
- 4) The copy of calculation sheet, inspection report have been handed over to consumer (user) during the hearing of I.C.G.R.F., MSEDCL, Thane on dtd. 04/01/2008.
- 5) The meter movement register found not maintained in the section offices.
- 6) While carrying out panchnama the electricity user found was Shri Hansraj Bansal. Even on demand he didn't show agreement paper to the MSEDCL officer. Please note that this point consumer (user) or his representative never raised before this i.e. in ICGRF.

OBSERVATIONS:

- 1) The consumer has taken the Industrial premises on leave and license basis and runs a small plastic industry.
- 2) Utility officials inspected his premises and checked his meter. It was found tampered and as checking found 40.26% slow. The utility filed FIR No. II/776/07, dated 02/08/2007 for theft of energy. The case therefore does not come with the pervue of CGRF as per provisions of section 6.8 MERC (CGRF and Electricity Ombudsman) Regulation 2006.
- 3) There are certain defects in the working of the utility officials in this case. However, competent Court will take it's cognizance as the whole mater is subjudiced.

ORDER

The case is dismissed since not within the power of CGRF.

The order is issued under the seal of consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 17/03/2008.

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 go in appeal before the Hon. High Court within 60 days from receipt of the order.

MRS. M.P. DATAR
MEMBER
CGRF, BHANDUP

S.L. KULKARNI
CHAIRMAN
CGRF, BHANDUP

S.B. WAHANE
MEMBER SECRETARY
CGRF, BHANDUP