

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

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

Date :

Case No. 157

Hearing Dt. 28/02/2008 & 05/03/2008

In the matter of Excessive Billing

Shri Manohar Jaitapkar

- 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 Manohar Jaitapkar, Consumer.

C - On behalf of Respondent

- 1) Shri H.V. 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. 157. He was aggrieved with the decision of ICGRU vide reference No. SE/THNUC/TS/ICGR/08, dtd. 1st Jan 2008. The hearing date was fixed on 28/02/2008. All the concerned were intimated to attend the hearing.

CONSUMER'S SAY :

Mr. Manohar Jaitapkar is occupant and owner from 6th Nov. 1999 as he purchased this gala from Mr. Dubey and others. Mr. Jaitapkar is having a small scale plastic industry at Mulund. His consumer No. is 600000186390 in the name of previous owner. He is having two connections with two meters of 3 phase and single phase under same consumer number.

In October 2006, 3-phase meter (meter number 600931142) stopped showing display of reading and the status of the meter was showing as faulty. On observing this Mr. Jaitapkar wrote a letter dtd. 30/11/2006 to utility and requested utility to replace his meter with correct meter.

As 3-phase meter was showing faulty, he shifted his entire load to single-phase meter connection by informing utility.

Utility did not replace his meter upto July-2007, this is deficiency in service under CPA 1986 and also violations of E.A. Act 2003 as utility is duly bound to supply electricity through correct and accurate meter and to maintain the accuracy of the meter.

The consumer is having two meters with three phase and single phase when he shifted his entire load to single phase the utility billed him with reading of single phase meter but MF factor was shown as three phase meter. Therefore, he was billed with excessive units.

The inspection was carried by utility on 25/08/2007 and provisional bill for recovery under clause 135 E.A. Act 2003 was sent to consumer on 28/07/2007 for Rs. 37,960/-. The said bill was not shown on the three-phase meter. Utility did not inform him about compounding amount and lodged the police complaint. This clearly shows anti consumer attitude and malafide intentions of utility staff.

As soon the three-phase meter showed faulty I shifted my load to single-phase meter, so that I could pay the electricity bill, which was consumed by me, which clearly shows that the consumer does not have the intention of stealing the power.

Bill dtd. 28/07/2007 did not show any meter number against which the bill was raised nor this bill was accompanied with test report/Lab. test report and work sheet.

Three consecutive bills cannot be billed on average status as per E.A. Act 2003 and regulations there under. He was entitled to get the refund squashing the bill dtd. 28/07/2007.

Prayer of the consumer:

- 1) Refund of excess paid amount due to mistake in MF. MF charged 2 instead of MF 1 alongwith interest rate equivalent to delayed payment interest.
- 2) Squashing of bill dated 28/07/2007 as it is bad in law and refund of amount paid alongwith interest at above mentioned rate.
- 3) Relief as per S.O.P. for default in offering service in connection with faulty meter.

UTILITY'S SAY :

- 1) It is true that the Engineer concern has not replaced meter for 10 months, but also the consumer has never complained to the next higher authorities for faulty meter replacement instead without permission of MSEDCL he shifted his load on single phase meter.
- 2) The assessment is calculated on the basis of connected load from Jan-07 to July-07. The average consumption billed on three-phase meter as well as actual consumption recorded on single-phase meter has been deducted from the assessed units for the same period. Hence there is no question of excess billing & M.F.-2.
- 3) As per the commercial circular No. 49, dtd. 21/12/2006 the compounding denied and F.I.R. is lodged No. 777/07, dtd. 02/08/2007 spot inspection report given to consumer on dated 25/07/2007 and copy of energy bill and calculation sheet is given on 28/07/2007.

OBSERVATIONS:

- 1) It is true that there are some merits in the arguments of the consumer and particularly deficiency in the services of the utility.
- 2) The utility has filed F.I.R. against the consumer, as per section 6.8 MERC (CGRF & Electricity Ombudsman) Regulation 2006 the CGRF cannot entertain this matter being subjudiced under section 135 of Electricity Act. The competent Court may take cognizance of the merits of the arguments of the consumer.

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 .

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