

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

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

Date :

Case No. 167

Hearing Dt. 26/03/2008

In the matter of wrong claim raised

Shri Jaganath G. Yadav

- Appellant

Vs.

MSEDCL, Mulund (W)

- 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) Shri Sandeep Pasarkar, Consumer representative.

C - On behalf of Respondent

- 1) Mr. H.V. Daware, Dy. Ex. Engr., Mulund Division.
- 2) Mr. B.R. Sakpal, Art 'C', Mulund Division.

PREAMBLE :

The consumer registered his grievance with this Forum on 28th Feb. 2008 vide case No. 167. The hearing date was fixed on 26/03/2008 at 15.00 hrs. Consumer had approached this Forum against the decision of ICGRC, Thane vide letter No. SE/THNUC/TS/ICGRC/515, dtd. 28th January 2008.

CONSUMER'S SAY:

Shri Jagannath G. Yadav is owner of said premises having consumer No. 600000041464 with 40 HP sanctioned load.

- 1) On 21/05/2007 consumer's premises was visited by utility official and inspection was carried out. Meter seals were found OK but meter was found 6.06 % slow.
- 2) Hence meter was replaced and taken away for lab test final reading showed 8173.
- 3) On 23/05/2007 utility's officers extract MRI report in absence of consumer. Reading recorded on MRI report was 8174. Voltage drop recorded in report.
- 4) On 25/05/2007, consumer was called telephonically for joint inspection of the meter, which shows meter seals OK, no abnormalities were shown. Meter was handed over to the company Engineer for final report in unsealed condition.

Consumer got the said report on 31/07/2007 (two months later), which indicates that neutral gets shifted and meter records 110 V instead of 240V and also it shows 230V also.

Consumer took an objection on MRI report and also stated that meter was handled with prejudice mind or with specific intention when it was in possession of utility or company with unsealed condition after joint inspection was held

5) MRI report recorded final reading as 8174 KWh on 23/05/2007, joint inspection report recorded final reading as 8173 KWh pm 25/05/2007 which clearly indicates that reports were made with specific intention and to book consumer for theft of energy.

6) Voltage fluctuation indicating supply of power was unsteady hence utility's system was in fault.

7) Provisional bill sent by utility for 5130 units on 02/08/2007 for recovery of voltage drop period on new meter consumption under clause 135 of E.A. 2003 for Rs. 40,700/-.

The bill did not attach any test report, time period calculation sheet method of calculation for supplementary bill. There is no provision in E.A. 2003 to raise provisional bill under section 135 of E.A. 2003.

8) As per joint inspection report meter seal was OK and no abnormalities were found in the meter as such how consumer can pay with internal arrangement of meter.

9) Consumer also demanded the total load on the said transformer with consumer names and load for the reason that if the transformer was over loaded then it affects the voltage.

Prayer of the consumer :

1) Refund of the amount of provisional bill paid to the utility along with interest.

2) Third party audit of the said transformer for checking capacity and load supplied on transformer.

3) Action against erring utility officials.

UTILITY'S SAY:

1) On dtd. 21/05/2007 the consumer's meter no. Lab No. 070143, Sr. No. MSED66464 inspected and found 6.06% slow. It is true that at the time of inspection the meter body seals, terminal cover seal found intact. The meter reading at the starting of inspection was 8173.00

2) From the CPL it seems that the consumption is doubtful. Hence M.R.I. data of the same meter is retrieved on 23/05/2007. The meter reading from

M.R.I. is 8174.00. And is taken after the inspection carried out. Hence there increase of 1 unit.

3) On 25/05/2007 meter is tested in RS&T Division, Bhandup & in presence secure company representative, consumer himself & MSEDCL representative. But the secure company representative unable to find out reason of slowness of meter and suggested to send meter to secure company. And after proper sealing meter sent to secure company.

On dt. 31/07/2007 the meter analysis report is received from secure company and as per secure company opinion following discrepancies observed in their testing.

- 1) Original relay has been removed from inside the meter.
- 2) In place of relay, external circuit found installed in meter.
- 3) Due to this circuit neutral of the meter get shifted.
- 4) Meter records 110V, instead of 240V.

From the secure company report it is clear that consumer has committed theft of energy by above means.

It is also supported by trend of consumption. The consumption of new meter is around 10,000 units per month where as prior to the replacement of meter No. 149515 is around 6000-7000 units per month.

As the external part found in place of original relay in the meter as per secure company it clears that consumer has handled the seals tactfully & very carefully by taking necessary precautions.

Considering the above facts the FIR has been lodged as per I.E. Act-2003.

OBSERVATIONS:

- 1) The consumer runs a small business in plastic industry.
- 2) Utility officials inspected his premises and checked his meter, which was found 60.06% slow, and meter seals were untampered and no abnormalities were found inside the meter.
- 3) In the course of MRI, the utility officials and subsequently manufacturing company found that meter was showing voltage drop to 110 V from fixed to 240 V.
- 4) Utility officials filed a FIR with the police station on 02/08/2007 vide FIR No. II-778/07 and the matter is under police investigation under the charge of electricity theft u/s 135 of E.A. 2003.
- 5) The case therefore does not come within the preview of CGRF as per provisions of section 6.8 MERC (CGRF & Electricity Ombudsman) Regulation 2006.

6) There are certain points raised by the consumer in the matter, which need attention. But at this stage CGRF is unable to interfere since barred jurisdiction.

ORDER

The case is dismissed since not in 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 25th of April 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

