

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

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

Date :

Case No. 264

Hearing Dt. 15/ 05/2009

In the matter of wrong average billing

Shri B.A. Thakkar

- Appellant

Vs.

MSEDCL, (Bhiwandi)

- Respondent

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri R.M Chavan, Chairman/Member Secretary, CGRF, Bhandup.
- 2) Mrs. Manik P. Datar, Member, CGRF, Bhandup.

B - On behalf of Appellant

- 1) Shri Pravin Thakkar, consumer representative/
Occupier of the premises.

C - On behalf of Respondent

- 1) Shri S.A. Anand, Ex. Engr & Nodal Officer,
MSEDCL, Bhiwandi..
- 2) Shri J. K. Clerk, T.P.L., Bhiwandi.
- 3) Mrs. Sarita P. Bhatia, T.P.L., Bhiwandi.

Preamble :

Consumer registered his grievance with this Forum on 29/04/2009 vide case no.264 for withdrawal of average billing from Feb 2007 to April 2009. He was aggrieved with the decision of IGRC, TPL given on 23/03/09 vide letter No Chairman/TPL/IGRC/BWD/09-07/19. IGRC order Utility (TPL) to reverse the assessed bills from December 07 to December 08 based on Ombudsman order for service no. 13010668322 (Shri M.H. Kakad).

Consumer say :

Shri B. A.Thakkar is having single phase lighting connection for his power loom industry & power loom connection is in the name of Mr. M. H. Kakad.

- 1) His lighting meter was replaced by MSEDCL in Jan 07 but meter replacement data was not fed in his bills. He had not received meter replacement report till date.
- 2) M/s TPL issued him the bills on average reading of 150 units per month from Feb 2007.

TPL Bhiwandi partly considered his grievance and withdraw his average bills from Dec 2007 to Dec 2008. But the credit was not reflected in his bill till April 2009.

Now his grievance is to withdraw the average billing from Feb 2007 to till date.

- 3) As per S.O.P regulation no 14.3 reading of meter, meter reading shall be taken at least once in every two months. In this case his meter was not read from Feb 2007 to April 2009 for 16

months. Hence compensation for non-reading of meter for 16 months i.e 16 X 200/- Rs.3200 should be consider.

4) As per MERC regulation no 9.2 the change of tariff effect given before the expiry of second billing cycle i.e from 12/06/07, so compensation of Rs 100/- per month from May 2008 to April 2009 for 12 months (Rs.1200/-) should be considered.

5) Correct meter no. is not fed in his bill.

6) As per MERC regulation no 15.3 in case of absence of meter reading, a compensation for non-reading of meter for 16 months i.e for 100/- per month should be awarded. As per this regulation seven clear working days notice for keeping the premises open to read the meter was not issued by the M/s TPL.

7) TPL should award him a compensation of Rs.10,000/- for mental stress and tension.

8) Consumer's meter was stolen on 05/05/08. But in TPL's complaint form there is no special coloum for theft of meter, hence he gave complaint on 06/05/09 for non-use of motive power supply.

A complaint was registered to police station.

Prayer of Consumer :

1) Average billing from Feb 2007 to April 2009 should be withdraw.

2) Various compensation as per MERC Rules and Regulation, S.O.P should be awarded to him.

Utility Say :

From the utility side on the behalf of M/s. Torrent Power Ltd. (franchisee) shri Gautam were appear and represented the case on the behalf of respondent as under:

1) The appeal before Consumer Grievance Redressal Forum, the complainant had prayed for withdrawal of average bill from Feb 07 to Dec 08. On perusing, it was observed that the premises for service no. 13012081493 (registered in the name B.A.Thakkar) and 13010668322 (registered in the name of Shri M.H.Kakad) are the same. Similar type of case was also registered for service no 13010668322 at IGRC (case no.75) and at CGRF (case no 213) which was further represented in Ombudsman and as per the order of Ombudsman dated February 5, 2009; the assessed bills were reversed from December 07 to December 08.

2) The complainant through his complaint no 1/BU/41470806328 dated 06/05/2008 made a misguiding and misleading statement, not only this instead of filing FIR and making payment towards meter charges, the complainant had made the complaint on 06/05/2008 with the company for the meter replacement. Thus the complainant was intending to get his meter changed without making the payments towards the meter cost.

3) During the site visit on 26/06/2008 after the receipt of complaint for replacement of meter, when the officials of the company went to the premises of the complainant for verification it was found that the said premises (gala) was empty and there was no meter at site. Complainant failed to provide any copy of FIR and did not inform the officials that meter is been stolen on 05/05/2008.

4) As mentioned in the order dated 23/03/2009 passed by the Hon'ble IGRC, Bhiwandi, the utility has withdrawn the assessed bills from December 07 to December 08 for Rs.4390.72 by on the order passed by Hon'ble Ombudsman for service no 13010668322 (3-phase connection in the same premises in the name of Shri M.H. kakad). Further the Utility has installed new single phases meter at the above premises for regular meter reading.

5) In regards to the complaint for mentioning the meter no in the bill the same has been correctly mentioned in all the energy bills.

Observations :

The appellant is a consumer of electricity supplied by respondent at shop no. 2, Zenith compound, Kalyan Road, Bhiwandi. The connection in the name of Shri B.A. Thakkar was given for lighting purpose in power loom shed of Shri M.H. Kakad. Respondent has billed this connection on average consumption of 150 units/month where as per appellant say premise was not in use from Feb-07 till date. Respondent (here MSEDCL) had replaced the meter of this connection in Jan-07 but the copy of meter replacement was not given to consumer which is not in good spirit in furnishing the services to consumer. Forum fill that utility i.e. MSEDCL was bound to supply copy of meter replacement report. Also while handing over the records of consumer from MSEDCL to T.P.L.(Franchise Company) the details of meter replacement might not be transfer and hence could not update which leads to mismatching of meter number and hence average billing occurred. Respondent have continue to bill on average basis from Feb-07 (i.e. after replacement of meter) but no proper efforts are seen taken for correct meter reading.

From the facts of the case on record on submission made by the parties it seems that IGRC had granted the relief to the appellant by reversing the bills from Dec-2007 to April-2008 considering earlier decision of Ombudsman in case of M.H. Kakad. Forum observed that there is nothing on record till 06/05/08 from appellant's side to indicate that premise was not in use. However, while going through the say submitted by the respondent agreed the fact that the premises of connection no. 13012081493 in the name of Shri B.A. Thakkar and connection no. 13010668322 in the name of M.H. Kakad are same. The inspection reports carried by the representative of respondent dtd. 12/06/2007 followed by 14/09/2007 shows that the premises of the consumer is in lock condition. Similarly the inspection report dtd. 25/06/08 shows that the meter was missing. Hence the Forum is constraint to agree the submission of consumer that his premise was not in use from Feb-2007 onwards. Hence Forum feels that billing made on average basis is unjustified which should be reverse from Feb-07 onwards. Forum also observed that no efforts had been taken by utility to read the meter as per regulation during the above period which attract to the S.O.P. for non reading of consumer meter from Feb-07 to Jan.-09.

From the submission of the appellant it is observed that the demand of S.O.P. towards non reading of meter for the period Feb-07 to Jan-09 was wrongly calculated for 16 months which actually comes out to be 22 months.

As per MERC's S.O.P. regulation 7 (i), compensation should be awarded for the period April-07 to Jan-09 (i.e. 22 months) @ of Rs. 100/- for first month and Rs. 200/- for the rest of months which amount to Rs. 4300/- (Rs. Four thousand three hundred only).

Consumer also demanded the compensation for harassment, mental stress and tension for Rs. 10,000/-. The

Forum observed that there is nothing on record to indicate that the appellant suffered any harassment at the hands of respondent. There is no merit in appellants prayer in this behalf as his premises was closed and has not paid any bills, which received on average basis. Hence the demand for compensation is deserved to be rejected. The issue of not change in category of tariff by the respondent was not raised by the consumer during the course of hearing and also no documentary proofs is being produce before the Forum. As such prayer for compensation towards not effect of change in tariff is without any substance and hence rejected.

ORDER

- 1) Bills from Feb-07 onwards which are issued on average basis should be reversed.
- 2) Compensation for S.O.P. for non reading of meter for 22 months should be awarded to the consumer.

No orders as to cost.

Both parties being information according.

Compliance should be reported to the Forum within one month from receipt of this order.

The order is issued under the seal of consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 8th of June 2009.

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

R.M. CHAVAN
MEMBER SECRETARY
AND I/C CHAIRMAN
CGRF, BHANDUP