

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

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

Date :

Case No.292

Hearing Dt. 07/10/2009

In the matter of Bill revision

M/s. L.A.Pandya of P.A.Pandya - Appellant
C/o.
Chadan Chemist
Vs.

MSEDCL, Thane - Respondent

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 Consumer

- 1) M/s. Chandrakant Shah. (Actual user) tentent of the L.A. Pandya
And P. A. Pandya.

C - On behalf of Utility

- 1) Shri Gaikwad Dy. Vikas Complex.

Preamble

Consumer registered his grievance on 22/09/2009. Vide case no. 292. This was an appeal admitted because he had earlier approached ICGRU, Thane Circle but have taken no cognizance.

The Forum fixed the hearing of this appeal on 07/10/2009. During the hearing the appellant and respondent were present.

Consumer say :

He is an occupier of the premises located at Dhanalaxmi service Ind. Estate, above Navneet Motors, Amit Nagar L.B.S. Marg, Thane (w). Having consumer no. 000022128213 with 0.20-K.W sanctioned load with single-phase connections using commercial purpose i.e. for medical shop. Here he runs during daytime with one weekly off a retail chemist shop form Oct 91. He was paying all electricity bills issued by Utility regularly. He stated that he was getting bills as per reading up to Sept.2006 in the range of 325 to 350 units per month he stated that form the month of Sept. 2006 the Utility were issuing bills on average for 474 units per month with inaccessible status which were also paid by him.

He came to know in the month Nov 2008 that he was billed without taking actual reading, which was more than his actual consumption. As the facts were noted out by him & wrote a letter on 05/12/2008 to utility requesting to bill him as per actual reading based on meter photo reading. In the month of Dec 08& Jan 09 Utility did not send him bills and on his approach for enquiry, the Utility gave him the duplicate bill for 2 months amounting to Rs. 5,800/- which he paid immediately. Again he did not receive the bill for Feb 2009, on his enquiry to Utility he was given a bill of Rs. 2,26,390/-, which he could not pay being found abnormal. On his compliant for faulty meter and rectification of bill the Utility replaced the meter on 08/04/2009 with final reading of 6205 units. He also put forth that the same reading i.e. 6205 was noted by him on 2/11/2008. Which clears

that this meter was faulty. He also stated that his meter was fixed in the meter box at front side, which can easily read by any one, but Utility has wrongly billed him on average basis with in-accessible status. He further stated that the new replaced meter also shows the consumption in the range of 424 to 450 units per month with the same gazets in use i.e. 5 tube lights, 2 ceiling fans, 2-refrigerater of 165 ltr. & a computer. He stated that the complaint arose because of sending the average bills without taking proper meter readings. The meter was faulty during the period of average bills issued to him, which warrants action under S.O.P. He stated that though his meter was tested in his presence in the Utility's laboratory and was found ok but it is not possible to consume this much energy with limited connected load in use, similarly as provided under MERC regulations 15.4 the recovery should be charged for 3 months as per the past consumption as applicable for defective meters.

He therefore prayed, to give the relief in paying the bills of consumption as per the average units of 12 months i.e. for Sept 05 to Aug 2006 and as per past reading of 12 months from the date of installation of new meter and refund the excess amount paid by him during the course of average billing.

Utility Say :-

Shri Gaikwad Dy. E.E, Vikas complex sub division. Thane, On behalf of Utility submitted his written say on date of hearing i.e. 07/10/2009.

He stated that the consumer was issued energy bills for period Sept. 2006 to Dec. 2008 at an average consumption of 474-units/ month the reading were taken by on outsourcing agencies deployed by the Utility on meter no. 603872 and was 63893 under in-accessible status. In the month Jan 2009.

In the month of Feb 2009, the reading was taken and photo of meter showed the reading 6205 under meter status 03 i.e. over flow. Thus

the consumer had been charged with total units of 42302 amounting to Rs. 2,32,320/-

The consumer filed the complaint on this bill of Feb 2009 on 23/03/2009. Based on this complaint his meter was checked by Jr. Engr. on 26/03/2009, which showed the reading of 6205 units & the J.E's remark that the counter of meter is found faulty. Therefore in the presence of consumer representative on dt.31/03/2009 the old meter bearing no. 603873 was replaced by new no.31015820.

The old meter was sent to testing lab at Thane division. It was tested in the presence of consumer's representative on 11/05/2009 and Panchanama was drawn on 25/05/2009. The meter and its counter were found ok.

The new meter no. 31015820 has consumption pattern 666 units in May 09, 483 units in June and 628 units in July. It was also found that consumer was using 2 Fans, 2 refrigerator and one computer recorded M.D. was 1.2 k.w as on 09/09/2009.

Observation :

The matter was heard on 07/10/2009. Both the parties were present. The documents on record and deliberations of both the parties reveled as :

Since the installation of his commercial power connection (for medical shop), he was getting monthly bills as per reading. However he noticed in the month Nov. 2008 that he is getting his bills on average consumption of 474-units/ month from Sept.2006. He wrote to officials on 05/12/2008, requesting for billing as per actual reading.

He approached Utility officials and collected duplicate bills for the months of Dec.2008 and Jan 2009 amounting to Rs.5, 800/- which he paid on 21/01/2009.

When he could not get further bill for Feb 2009 he was on his approached to Utility office given the energy bill of Rs. 2,26,390/- he was surprised to see this saying that he does not expect such exorbitant bill since he regularly pays his monthly bills and his business is not an industry but a small retail medical shop.

When he again approached Utility officials in the month of March 2009, & explains that he had paid all the bills, which he was getting on average basis, and requested to rectify this exorbitant bill issued to him. Utility officials asked him to put complaint in writing.

On the suggestion of Utility official he submitted his current reading of meter as 6205 on dt, 08/03/2009. On this, Utility officials visited his premises for the inspection and submitted his report dt.20/03/2009 pointing that the meter is stopped and counter is faulty. In the report his meter reading was mentioned 6205 and connected load as 6 tube lights, 2 fridges and one computer based on this situation the Utility official removed and sealed this meter with the final reading of 06205 for testing and detail investigation in laboratory and installed a new meter in his presence on dt. 31/03/2009.

In the said test the meter was found working ok on its full load (i.e. 10 amp) capacity in dial test and also no creep error was observed. However the same test report was revealed that the meter is working slowly by 33.71% when it was tested on 1 amp load. Similarly when tested on 2.5 amp it was found slow by 7.98% this test was carried out in the presence of consumer. As per utility's say the seals were found ok and untampered, there seemed no possibility of any mischief/ attempt to theft of power on part of consumer.

On the basis of lab test report, the meter was found overflowed and consumer had utilized the energy for 42302 units in 29 months and was accordingly served the bill amounting to Rs. 2,26,390/-.

From the above facts it seem that with the limited gagets mentioned in the Utility inspection report, &with the limited working hours of the shop

with weekly holiday, it is difficult to believe that this consumer has consumed 42302 units in 29 months i.e. 1460 units/ month. Moreover Utility lab test report itself can not conclude that meter is working properly as this report shows different result on different loading conditions i.e. 33.71%slow at low load and 3.57% fast on full load. Which was thus showing functioning erratic. Forum also observed from the Utility record that the said meter was showing the same reading of 6205 with the connected unchanged load in use from 05/12/2008 to 31/03/2009, which proves that meter was faulty.

It is evident from both the facts mentioned above that the meter was really faulty. In such event, when the meter is faulty the utility should have, billed the consumer on average of 12 months of preceding consumption and should have taken immediate step to replace the meter, but utility has replaced it after a long period of 29 months.

In the present case Forum therefore feels that it would be fair and proper to rectify the bill from Sept. 06 to Jan 2009 i.e. for 29 month on the average consumption of preceeding 12 months. The respondent is therefore directed to rework the bills for the above said 29 months, on the basis of 417 units per month and pass on the credit/debit to the Appellant through the ensuing bill, after taking in to account payments, made by the Appellants. No interest or delayed payments charges shall be levied during this period.

During the course of hearing, the consumer specifically mentioned that he is not interested to avail of the provisions of S.O.P prescribed by MERC even though it is mentioned in his submission on somebody's advice. He is mainly interested in his billing compliant, Forum agrees with his request.

ORDER

As mentioned in the above observations consumer's bills issued him on average basis from Sept. 2006 till the replacement of his faulty meter should be revised on average consumption of preceding twelve months when the meter was in working condition.

On revision if he is entitled to get refund of excess amount paid if any should be refund to him.

No, interest or delayed payments charges shall be levied during this period.

No S.O.P should be awarded to the consumer as desired by him.

No order as to cost.

Both the parties to 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 20 October 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**

**S.L. KULKARNI
CHAIRMAN
CGRF, BHANDUP**

**R.M. CHAVAN
MEMBER SECRETARY
CGRF, BHANDUP**