



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
Ph: – 2210707 & 2328283 Ext: - 122

IN THE MATTER OF GRIEVANCE NO.K/E/100/0114 OF 07-08
OF SHRI SHRAVAN TUKARAM ZOPE REGISTERED WITH
CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN
ZONE, KALYAN ABOUT EXCESS BILLING.

Shri Shravan Tukaram Zope
Murar Sheth Chawl

(Here in after
referred to

Room No 1, Murbad Road, Kalyan 421302

as consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its Deputy
Executive Engineer Urban Sub Division 1
Kalyan

(Here in after
referred to
as licensee)

1) Consumer Grievance Redressal Forum has been established under regulation of “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006” to redress the grievances of consumers. This regulation has been made by the Maharashtra Electricity Regulatory Commission vide powers conformed on it by section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, 2003. (36 of 2003).

2) The consumer is a L.T. consumer of the licensee connected to their 415-volt network. Consumer is billed as per residential tariff. The consumer registered grievance with the Forum on dated 24/07/2007.

The details are as follows: -

Name of the consumer: - Shri Shravan Tukaram Zope

Address on electricity bill: - As above

Consumer No: - 020020049066

Reason of dispute:- Excess billing in the billing month of December 2006.

3) The batch of papers containing above grievance was sent by Forum vide letter No. 1057 dated 24/07/2007 to Nodal Officer of licensee. The letter was replied vide letter No. 589 dated 08/08/2007 by Deputy Executive Engineer Kalyan Urban Sub Division 1 Kalyan.

- 4) All three members of the Forum heard both the parties on 08/08/2007. Shri J. A. Pardeshi & Shri Umakant Shravan Zope representing consumer and Shri R. V. Shivdas Nodal Officer, Shri D. S. Khanande Deputy Executive Engineer & Shri C. S. Sakpal LDC representing licensee attended hearings.
- 5) Shri Pardeshi during hearing & in consumer's application made submissions. The abstract of submissions are given below.
 - a) Licensee's staff came to consumer's premises on 11/01/07 for checking of meter. They issued spot bill of Rs 4270/- to consumer. Consumer complained about this exorbitant bill to licensee on 22/01/07 & 16/04/07. He also approached Internal Grievance Redressal Cell of licensee on 21/05/07 but all letters remained unreplied.
- 6) Shri Khanande during hearing & in his letter mentioned in Para 3 above made submissions. The abstract of his submissions are given below.
 - a) In December 2006 a bill of 810 units was issued to consumer taking initial & final meter readings as 5088 & 5898. During spot inspection on 11/01/07 the bill of 45 units of the billing month of January 2007 was issued taking initial & final meter readings as 5898 & 5943. On receipt of complaint from consumer about incorrect meter readings the meter number 113590 in service at the consumer's premises was then tested on 14/03/07 by accu check method by our staff & was found to be 48.05 % slow. Two PVC yellow seals of meter were found

broken. The meter was then sealed with two paper seals with signatures of consumer's representative & checking staff.

- b) The said meter was again checked on 16/03/07 in presence of Smt Vandana Zope, consumer's representative & panchas. It was noted that slow running of meter was due to looping of incoming and outgoing terminal by wire. Thus the meter was found tempered. Smt Vandana Zope present at consumer's premises signed the panchnama. The meter reading at that time was found to be 5280. This meter was then replaced by meter No 11437886. Further billing of the billing month of March 2007 & April 2007 was then corrected as per meter reading of 5280 on meter No 113590 & consumption recorded on meter No 11437886.
- 7) Looking to the matrix of the case & documents on record and submissions made during the hearing it is abundantly clear that the consumer had indeed consented to the Act of theft. The licensee prepared a bill of assessment of charges for six months amounting to Rs 1956/- for 331 units as per regulation 8.6 of Maharashtra Electricity Regulatory Commission (Electricity Supply Code & Other Condition of Supply) Regulation, 2005 read with section 135 of Electricity Act, 2003. Licensee also prepared a bill of Rs 4000/- as compounding charges for a connected load of 0.5 KW as per provision contained in Section 152 of Electricity Act, 2003. Consumer paid compounding charges of Rs 4000/- on 19/04/07 & paid on 13/06/07 assessment charges of Rs 1956/- & up to date arrears up to billing month of July 2007. The case thus

stands closed & need no further action. It is noted here that consumer while filing grievance application with the Forum has suppressed the fact of payment of assessment charges & compounding charges.

- 8) Regulation 6.8 of Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulation, 2006 prescribes that if the Forum is prima facie of the view that any Grievance referred to it falls within the purview of the following provisions of the Act the same shall be excluded from the jurisdiction of the Forum:

Offences and penalties as provided under sections 135 to 139 of the Act;

There is no reason to arrive at any other conclusion. The Forum is of the opinion that this case falls under Section 135 of the Electricity Act, 2003. As such, it is clearly outside the ambit of the Forum. The grievance application is, therefore, disposed off as being beyond the jurisdiction.

- 9) No order is passed by CGRF.
10) Consumer can file appeal against this decision with the Ombudsman at the following address.

Maharashtra Electricity Regulatory Commission, 606/608,
Keshav Building, Bandra Kurla Complex, Mumbai 51

Appeal can be filed within 60 days from the date of this order.

Date: - 17/08/2007

(Sau V. V. Kelkar)

Member

CGRF Kalyan

(I. Q. Najam)

Chair person

CGRF Kalyan

(D. B. Nitnaware)

Member Secretary

CGRF Kalyan