



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/101/0115 OF 07-08 OF
SHRI DILIP KUMAR SHAM REGISTERED WITH CONSUMER
GRIEVANCE REDRESSAL FORUM KALYAN ZONE KALYAN ABOUT
EXCESS BILLING.

Shri D. K. Sham

(Here in after

C/10, Shri Saraswati Ananatraj Co-operative

referred to

Housing Society, Bhagshala Maidan,

as consumer)

Karve Road, Dombivli (W). 421202

Versus

Maharashtra State Electricity Distribution

(Here in after

Company Limited through its

referred to

Deputy Executive Engineer Dombivli

as licensee)

(W) Sub Division No 3, Dombivli

- 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 conferred 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 is Shri D. K. Sham while the electricity bill stands in the name of Shri Gajanan Hari Deosthali. Consumer registered grievance with the Forum on 25/07/07

The details are as follows: -

Name of the consumer:-Shri D. K. Sham

Address: - As above

Consumer No: - 020011779973

Reason of dispute: - Excess billing of Rs 19720/- vide bill dated 17/08/02.for consumption recorded on meter No 9000576533

- 3) The batch of papers containing above grievance was sent by Forum vide letter No.1059 dated 25/07/2007 to Nodal Officer of licensee. The letter, however, remained unreplied. A copy of letter dated 16/08/07 submitted by Deputy Executive Engineer Dombivli West Sub Division III addressed to Internal Grievance Redressal Cell was endorsed to Forum.
- 4) All three members of the Forum heard both the parties on 18/08/2007. Shri D. K. Sham & Smt I. P. Sham representing consumer and Shri B.

B. Jethe, Deputy Executive Engineer & Shri V. N. Mandle Assistant Accountant representing licensee attended hearing.

5) Shri Sham disputed consumption recorded on meter number 9000576533 when he received a bill of Rs 19720/- of the month of August 2002. He complained to licensee vide his letters dated 03/09/02, 08/11/02, 24/02/03, 30/04/03 02/01/06, 09/01/07 & 10/01/07. The chain of events of the case is summarized below.

- i) On receipt of bill of the billing month of August 2002 amounting to Rs 19720/- including arrears of 10967/-, he disputed accuracy of above said meter & requested checking of meter & rectification of fault or replacement of meter. He further mentioned that he had not used the gadgets like aircooler, fridge, and airconditioner due to monsoon season. (letter dated 03/09/02)
- j) He reminded checking of meter & rectification of fault or replacement of meter. He paid part amount of Rs 5000/- & Rs 3000/- on 5/09/02 & 8/10/02 respectively against above said bill. Thereafter on receipt of bill of the billing month of October 2002 amounting to Rs 17021/- including arrears of Rs11654/-, he expressed his willingness to pay current bill of Rs 5202/- (letter dated 08/11/02)
- k) He complained about non-action on his complaint mentioned at (i) above & mentioned of having received bill of Rs 19740/- of the billing month of December 2002. He paid part amount of Rs 3000/- on 20/11/02 & also made part payment of Rs 8000/- on 08/01/03 after receipt of the bill of the billing month of February 2003. He also mentioned of replacement of meter No 9000576533 by meter No 1226935 on 12/01/03. He claimed to have consumed 258 units during the period of 12/01/03 to 23/02/03. (letter dated 24/03/03)

l) He again complained of receipt of bill of Rs 14017/- of the billing month of April 2003 pointing out non action on revision of bill mentioned at (i) above. (letter dated 30/04/03)

m) Thereafter on receipt of bill of the billing month of

December 2005 amounting to Rs 31870/--, he expressed his willingness to pay current bill of Rs 2481/- till settlement of issue. (letter dated 02/01/06).

n) Finally he approached Managing Director of licensee & requested him to take action on his pending grievance. (letter dated 09/01/07).

o) He thereafter requested Managing Director for granting personal hearing. (letter dated 10/01/07).

6) Consumer has sought relief from Forum on following points.

i) Provide him meter-testing report done by licensee in 2002 as per his request.

j) Revision of bill of 19720/- of dated 17/08/02.

k) Waiver of interest charged for non-payment of disputed amount.

7) All above letters of consumer mentioned in Para 5 above remained unreplied by licensee for a period of 5 years for the reason best known to licensee. Repeated request of consumer to settle issue turned to deaf ears of licensee's staff. Licensee after a gap of five years on 5/07/07 replied to consumer. The abstract of main points of the said letter & letter dated 17/08/07 mentioned in Para 3 above are given below.

i) The complaint of consumer dated 9/01/07 about excess billing pertains to the period of June 2002 to December 2002 of consumption recorded on meter No 576533.

- j) The consumer, who was in possession of gadgets like fridge, air cooler & airconditioner as per consumer's letter dated 03/09/02, was using these gadgets.
 - k) Two meters were changed thereafter & bills were sent as per meter readings.
 - l) Consumer was requested to pay the bills sent to him as per meter readings.
- 8) The Forum observed following points in the case.
- i) The grievance pertains to the period when the Indian Electricity Act,1910 was in force. The consumer being aggrieved could have approached Electrical Inspector as per Section 26 of the said act for decision about accuracy of meter & estimation of the quantum of energy. Nothing stopped him for doing so but he followed up the case with licensee.
 - j) It is seen from Consumer's Personal Ledger (CPL) & correspondence that meter No 576533 was installed at consumer's premises on 27/02/2002. Initial meter test report before installation of meter could not be produced by licensee for verification.
 - k) Licensee changed this meter No 576533 by meter No 1226935 on 12/01/2003 after 4 & half months after receipt of first complaint from consumer of 03/09/02 & follow up thereafter by consumer. Meter testing as per consumer's demand was also not done by licensee while changing meter.
 - l) Bill of the billing month of August 2002 amounting to Rs 19720/- was as per progressive consumption recorded on meter No 576533 from 27/02/02 less amount paid till August 2002.

- m) Consumer vide letter 03/09/02 had mentioned that he had not used the gadgets like fridge, air cooler, & airconditioner, which was in his possession, during monsoon but licensee took it otherwise.
- n) Consumer during hearing mentioned that he had no dispute about accuracy of meter No 1226935 installed by licensee on 12/01/03 & replaced in October 03 (exact date of replacement is not available) by Meter No 27642.
- o) As per CPL, consumption recorded on meter No 576533 during the period of 10 & half months from 27/02/02 to 13/01/03 was 6575 units & the consumption recorded on meter No 1226935 during nearly 10 months period from 12/01/03 to October 03 was 3193 units. It works out to be on an average of 319 units per month.
- p) Non availability of meter testing report of meter no 576533 before installation on 27/02/02 & no action taken by licensee for testing of meter at the time pf replacement of meter on 12/01/03 as per consumer's request & study of consumption pattern after replacement of meter give reasons about doubtful accuracy of meter. Benefit of this doubt goes in favor of consumer's contention of meter being faulty. The meter No 576533 is, hereby, declared faulty registering abnormal consumption. During hearing licensee agreed to give this benefit of doubt to consumer & estimated to charge the consumer for the period from 27/02/02 to 12/01/03 @ 319 units per month as calculated at (o) above.
- 9) We do not find any reason to disagree with this estimation of licensee. We reject consumer's appeal made during hearing to charge him for the period from 27/02/02 to 12/01/03 at 200 units per month. This appeal has no footing & any basis.
- 10) We unanimously decided to pass the following order.

O-R-D-E-R

1. The meter No 576533 is, hereby, declared faulty registering abnormal consumption.
2. The bills prepared by licensee for the period from 27/02/02 to 12/01/03 on the basis of reading of above meter are, hereby, quashed & set aside.
3. The licensee should prepare bill for the period from 27/02/02 to 12/01/03 at 319 units per month. No interest & delayed payment charges be levied. A credit of amount paid by consumer against set aside & quashed bills mentioned in Para 2 above should be given while preparing above said bill. This said bill should be prepared & sent to consumer on or before next two billing cycles.
4. 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.

5. Consumer, as per section 142 of Indian Electricity Act 2003, can approach Maharashtra Electricity Regulatory Commission at the address

Maharashtra Electricity Regulatory Commission,

13th floor, World Trade Centre, Cuffe Parade, Colaba, 400005.

for non-compliance, part compliance or delay in compliance of this decision issued under “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressed Forum & Ombudsman) Regulation 2006”.

Date: - 23/08/07

(Sau V. V. Kelkar)

Member

CGRF Kalyan

(I. Q. Najam)

Chair person

CGRF Kalyan

(D. B. Nitnaware)

Member Secretary

CGRF Kalyan