



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/105/0120 OF 07-08 OF**  
**M/S ARVIYAS SHOES PVT LTD REGISTERED WITH CONSUMER**  
**GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN**  
**ABOUT ACCURACY OF METER & EXCESS BILLING.**

-  
M/S Arviyas Shoes Pvt Ltd (Here in after  
A-3, M.ID.C., Kulgaon referred to  
Badlapur Dist Thane 421503 as consumer)

**Versus**

Maharashtra State Electricity Distribution (Here in after  
Company Limited through its Deputy Executive referred to  
Engineer Badlapur Sub Division Badlapur 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 licensee connected to their 415-volt network. The consumer registered grievance with the Forum on dated 25/10/2007.

The details are as follows: -

*Name of the consumer: M/S Arviyas Shoes Pvt Ltd*

*Address: - As above*

*Consumer No: - 021540104708.*

Reason of dispute: - Accuracy of meter on its test & claim of Rs 230404/- on the basis of test result.

- 3) The batch of papers containing above grievance was sent by Forum vide letter No.1140 dated 25/10/07 to Nodal Officer of licensee. The letter was replied by licensee vide letter dated 16/11/07.
- 4) All three members of the Forum heard both the parties on 19/11/07.

The following persons were present as given below in table.

| Persons present                                | On behalf of |
|--|--------------|
| Shri M. S. N. Murthy (Nodal Officer)           | Licensee     |
| Shri A. W. Mahajan (Deputy Executive Engineer) |              |
| Shri P. H. Agrawal (Assistant Engineer)        |              |
| Shri M. R. Bamankar (Divisional Accountant)    |              |
| Shri C. K. Shrikhande (Lower Division Clerk)   |              |

|                   |                              |
|-------------------|------------------------------|
| Shri B. R. Mantri | Consumer's<br>representative |
|-------------------|------------------------------|

- 5) Brief summary of submissions made in consumer's application & during hearing by Shri Mantri, which has relevance & direct bearing in the matter of grievance, is reproduced.
- i) Licensee's staff checked the meter No 336366 of Elymer make & tested it on 04/03/03 & found it be slow by 70 %. They replaced this meter by meter No 401640 of Elymer make on 05/03/03. They also checked connected load & noted 44 HP as connected load as against sanctioned load of 20 HP. Additional new idle machines were lying on floor which were taken as connected.
  - ii) Consumer vide letter dated 05/05/03 requested licensee to retest the meter in presence of their technical representative & expressed to pay the testing charges but there was no response from licensee.
  - iii) Licensee in the billing month of January 2004 added arrears of Rs 230404/- written by hand on original computerized bill of Rs 14100 making total bill of Rs 244504/-.
  - iv) Consumer objected to this recovery of Rs 230404/- vide letters dated 14<sup>th</sup> February 2004 & 6<sup>th</sup> March 2004 & paid Rs 129000/- against bills of January & February 2004.
  - v) Consumer then approached Internal Grievance Redressal Cell (IGRC) on 26/02/07.

- vi) Since no action was taken by licensee & it's IGRC, the consumer was left with no alternative but to file grievance with this Forum.
  - vii) The yearly consumption pattern of consumer before & after replacement of meter No 336366 is almost same & is in the range of 4000 units. Had the meter No 336366 been really 70% slow, the consumption would have jumped to nearly four times after replacement of meter.
  - viii) Forum is requested to look into this matter & grant justice.
- 6) Shri Murthy vide letter mentioned in Para 3 above made submissions. The abstract of submissions is given below.
- i) The meter No 336366 was tested at consumer's premises on 04/03/03 by Accu check method in presence of consumer's representative & found to be 70% slow. The meter was replaced on 05/03/03 by meter No 401640.
  - ii) An arrears amount of Rs 230404/- for 70 % slow running of meter was added in consumer's computerized bill of January 2004.
  - iii) Consumer was allowed to pay part payment of Rs 100000/- against Rs 230404/-. The consumer paid Rs 129000/- against January & February 2004 bills.
  - iv) Average consumption of consumer from February 2002 to January 2003 works out to be 4480 per month. The consumption of the month of February 2003 was 1791 units, which is almost 60% less than the average consumption recorded during the months prior to testing of meter.

- v) Consumer submitted consumption pattern & production figures prior to date of testing but no uniform relation was seen between them & as such consumption pattern could not be linked up with production figures.
- vi) Meter was tested in March 2003 when Indian Electricity Act, 1910, was prevailing & as such it attracts the provision of Section 26 of the said act.
- 7) Forum noted that an arrears of Rs 230404/- based on 70 % slow running of meter & excess connected load of 44 HP as detailed below was claimed by licensee for the period of six months from September 2002 to February 2003, (period prior to six months before testing of meter on 04/03/03) in the billing month of January 2004.

| Billed |              | To be billed |              |                  | Difference |                        |
|--------|--------------|--------------|--------------|------------------|------------|------------------------|
| Units  | Amount in Rs | Units        | Amount in Rs | CL Penalty in Rs | Units      | Amount in Rs (4+5)-(2) |
| (1)    | (2)          | (3)          | (4)          | (5)              | (6)        | (7)                    |
| 2772   | 94990        | 9241         | 310954       | 14440            | 64688      | 230404                 |
| 4      |              | 2            |              |                  |            |                        |

CL stands for connected load

- 8) This arrears of Rs 230404/- has not been fed in computer & hence not added in computerized bill of consumer till now. The Forum failed to understand reason of claiming arrears of six months by

licensee from September 2002 to February 2003 prior to March 2003 (meter was tested on 04/03/03) based on 70 % slow running of meter, when drop in consumption (1791 units) was in one month of February 2003 as compared to average consumption of 4048 units per month of earlier period of February 2002 to January 2003.

- 9) Shri Murthy during hearing said that as per provision contained in Regulation 6.6 of Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulation, 2006 (MFOR, 2006) it is a time barred case as cause of action had arisen in January 2004 & consumer filed application of grievance with Forum on 25/10/07 & as such Forum cannot admit this case.
- 10) Licensee's submission made in Para 6 (vi) that it attracts the provision of Indian Electricity Act, 1910 as meter was tested in March 2003 & further submission made as per Para 9 above that Forum should not admit this case as per Regulation 6 of MFOR, 2006 framed under Electricity Act, 2003 is contradictory to each other.
- 11) Licensee raised arrears bill in January 2004 & as such provisions of Electricity Act, 2003 & regulations made there under are applicable in this case. Regulation 6 of MFOR, 2006 prescribes the procedure for redressal of grievance. Regulation 6.6 of above said Regulation 6 reads as under.

*The Forum shall not admit any Grievance unless it is filed within two (2) years from the date on which the cause of action has arisen.*

The cause of action in this case has arisen in January 2004 i.e. the date when licensee raised arrears bill of Rs 230404/-. The consumer has filed grievance with Forum on 25/10/07. The Forum, therefore, decided not to admit the case for further proceeding and decision as it is a filed by consumer after two years from the date on which a cause of action has arisen.

- 12) Consumer can file appeal against this decision with the Electricity 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 order.

- 13) Consumer, as per section 142 of Indian Electricity Act 2003, can approach Maharashtra Electricity Regulatory Commission at:-

Maharashtra Electricity Regulatory Commission,

13<sup>th</sup> 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:- 29/11/07**

**(Sau V. V. Kelkar)**

**Member**

**CGRF Kalyan**

**(I. Q. Najam)**

**Chairperson**

**CGRF Kalyan**

**(D. B. Nitnaware)**  
**Member Secretary**  
**CGRF Kalyan**