

MAHARASTRA STATE DISTRIBUTION COMPANY LTD

KALYAN ZONE,

KALYAN

Phone 1) 2210707

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Office of the Consumer
Redressal
behind Tejashri,
Dhuleherwanji Road,

Ext-122.

**IN THE MATTER OF GRIEVANCE NO. K/E/010/0012 OF 05-06
OF SHRI FULCHAND JANGI CHAVAN REGISTERED WITH
CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN
ZONE, KALYAN ABOUT THE EXCESS BILLING.**

Shri Fulchand Jangi Chavan
Near Vithalwadi S.T. Depot
Khadegolivali Pin Code 421301

(Here in after
referred to
as Consumer)

Versus

Maharashtra State Electricity Board, through its

(Here in after

Assistant Engineer,
Sub Division 3 Kalyan (Urban)

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 2003” 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 L.T. consumer of the licensee connected to

their 415 V network using energy for residential purpose. Consumer disputed bill of the billing month of December 2004 received in January 2005 amounting to Rs 11320/- only & wife of deceased consumer registered grievance with forum on 16/4/2005. The details are as follows.

Name of the consumer: - Fulchand Jangi Chavan

Address same as above

ConsumerNo:-020210572512

Grievance: - Disputed bill of the billing month of December 2004 received in January 2005 amounting to Rs 11320/- only.

3) The batch of papers containing above grievance was sent by forum vide letter no. 150 dt 20th April 2005 to Nodal Officer of licensee. The letter was replied by Nodal Officer vide letter nos.

SE/KCK/Tech/2345 dated 9th June 2005 & SEKCK/Tech/2157 dated 19th May 2005.

- 4) All three members of the forum heard both the parties on 19th May 05 & 9th June 2005 from 15 hours to 16 hours in the meeting hall of the forum's office. The second hearing proposed to be held on 6th June 2005 was rescheduled on 9th June 2005 as data from licensee as required by forum was not made available on 6th June 2005.
- 5) The consumer has since died; his wife Smt. Sharda Fulchand Chavan registered the grievance about excess billing with forum. The representative of the consumer Shri Ravi Anand represented the case of consumer while Shri P.J.Kulkarni, Assistant Engineer and Shri Shaikh Divisional Accountant represented the case of licensee on 19th May 2005 and Shri P.J.Kulkarni, Assistant Engineer, Shri S.C.Sing ,Assistant Engineer and Shri B.Y.Suryawanshi Assistant Accountant represented the case of licensee on 9th June 2005.
- 6) Shri Ravi Anand, said that Smt Sharda is residing in a hut and using power for residential purpose. He submitted that she received the bill in the month of January 2005 of the billing month of December 2004 for an amount of Rs.11,320/-. He submitted that basis on which this amount has been claimed and the period of claim is not known. He said that she is residing in a hut and it is beyond her capacity to pay such an exorbitant bill. He further submitted that the consumer of this type residing in a hut couldn't use this much energy (3674 units) during a period of two months as shown in the CPL data

of the licensee of the billing month of August 99. He added that using 3674 units for two months (60 days) means using 612 units per day which in turn means the consumer was using $(612 / 24 =)$ 2.5 Kw load in a hut continuously for 24 hours a day through out 60 days which is beyond imagination.

- 7) Shri Kulkarni of the licensee relied on reply submitted by Nodal Officer & submitted that the consumption of 3674 units noticed in August 99 is nothing but accumulated consumption, as meter reader might not have taken readings in earlier months. He further submitted that accumulated consumption noticed in August 99 (3674 units) & consumption recorded from November 97 to June 99 if distributed in 22 months from November 97 to August 99 works out to be 184 units per month. This "consumption trend" fairly tallies with present and past consumption of the consumer. He further submitted that meter readers in five other cases made similar mistakes and disciplinary action is initiated against them.
- 8) Nodal Officer in his letter dt.9th June 2005 addressed to the forum requested forum not to punish licensee on the mistake of meter readers.
- 9) On scrutiny of CPL of consumer, it was noticed that final meter reading in October 97 (initial reading of November 97) was 3510 & final meter reading in August 99 was 8074. Thus total consumption of 22 months from November 97 to August 99 is $(8074-3510) = 4564$ units, which works out to be 207 units per month or 414 units per bimonthly billing cycle. The average of 184 units per month calculated by licensee mentioned in para 7 above does not appear to be correct.

10) The submission made by Shri Ravi Anand on technical ground mentioned in para 6 above apparently appears to be forceful that a consumer residing in a hut could not be said to be using 2.5 Kw load for 24 hours a day for 60 days. He intends to prove with this submission that the consumption recorded in billing month of August 99 was incorrect & meter was faulty. The meter cannot be said to be faulty as meter subsequently after August 99 has recorded consumption, which is consistent & does not show any abnormality of recording exorbitant consumption.

11) Shri Ravi Anand, representative of consumer on letter head of Electricity Consumer Association vide letter dt.15.6.2005 in reply to the licensee's letter dt.9th June 2005 has mentioned the following points.

(i) He objected to the phrase used "consumption trend" by the licensee because this phrase is not related to any law of the electricity.

(ii) He objected to the say of the licensee that they intend to take action against the meter reader without showing any proof in respect of the action.

(iii) He demanded that Rs.12000 paid by the consumer to the licensee shall be refunded to him and the licensee shall withdraw all illegal bills raised by them for the consumer.

12) It is seen from the CPL of the consumer that the energy consumption of the consumer six months before May 1997 was 201 units per month i.e. 402 units per billing cycle of two months. The consumption from May 97 to June 99 has

considerably dropped down as seen from CPL except where meter was found locked during billing months of December 97 to August 98 where the meter reading could not be obtained due to lock status of the premises of the consumer. It takes us to believe that the meter reader had not taken readings during billing months of June 97, August 97, October 97 and October 98, December 98, February 99, April 99, & June 99. Thus the consumption noted in August 99 of 3674 units, it can be said, is accumulated consumption from billing months of June 97 to August 99 i.e. of 28 months. The initial meter reading of June 97 was 3270 and the final meter reading of August 99 was 8074 which is equal $(8074 - 3270) = 4804$ units which works out to be of 172 units per month i.e. 344 units per billing cycle of two months. This consumption of 344 units tallies with actual bi-monthly consumption before June 97 and after August 99. Bi-monthly consumption before June 97 was 402 units and after August 99 was in the range of 340 units per billing cycle.

13) In view of the data analyzed in preceding para, we decide that consumption noted in August 99 of 3674 units was the accumulated consumption of 28 months from billing months of June 97 to August 99. The bi-monthly consumption calculated at the preceding para can thus be taken as the basis for preparing the bill of the consumer for 28 months from the billing months of June 97 to August 99. The question of considering conclusion drawn in para 10 that the meter was faulty based on submission made by the representative of the consumer in para 6 does not arise as the meter was recording correct consumption. The recording on meter is conclusive proof of

quantum of supply of energy. If for no fault of the consumer or the licensee, a meter has ceased to be correct for any reason whatsoever, the rights and liabilities of both the consumer and licensee cannot remain unsettled for any period beyond what is permitted by law in force. Only for limited period, readings on meter cannot be taken as conclusive proof of energy supplied to the consumer. In the present case, the meter had not ceased to be correct during its service on installation of the consumer. Wrong billing has resulted because of accumulated consumption in the month of August 99. This accumulated consumption has been distributed for 28 months. The bi-monthly consumption from billing month of June 97 to billing month of August 99 works out to be 344 units, which tallies with the past and present consumption of consumer prior to June 97 and after August 99 as mentioned in para 12 above.

14) In such cases of wrong billing, the following questions need to be answered.

- i) Is licensee responsible for this type of wrong billing?
- ii) Is consumer suppose to run from pillar to post to get refund of his money paid for wrong billing?
- iii) What steps need to be taken by licensee?

The answers to above questions are as below.

- i) Yes
- ii) No
- iii) As described below

The forum observes that consumer cannot be made to suffer on account of the lapses on the part of licensee to get his money. Accordingly forum decides that disciplinary action

should be taken against concerned meter readers for not reading meters regularly.

15) The bill amounting to Rs 11320/- mentioned in para 2, which is the grievance, was revised by licensee on 5/5/05 to Rs 7355.38 upto billing month of April 2005 taking into consideration payment made by consumer upto March 2005. The said bill was sent to consumer on 27/5/05. This bill too was disputed by representative of consumer during hearing on 9th June 2005.

16) During hearing on 9th June, representative of licensee was asked to prepare the bill upto billing month of April 2005 on the basis of formulae mentioned in table below:-

Period	Bi-monthly billing units
June 97 to August 99	As worked out and shown in para 12 above (344 units)
October 99 to August 2000	As actual bi-monthly reading
Period	Remarks
October 2000 to October 2003	No consumption as meter was removed, hence no bill
December 2003 to April 2005	As per actual bi-monthly meter reading of new meter

The representative of the licensee submitted the bill prepared from the billing month of June 97 to April 2005 on the above basis. The details are as follows: -

Electricity charges 16,987=48

Interest 6,235=44 **Total:- Rs 23,222-92**

17) The total payment made by the consumer from 22nd March 99 to 2nd May 2005 as per licensee's record is Rs.19,147-00. The

credit payment against the consumer account as per licensee's record from billing month of June 97 to 21 st March 1999 is Rs.1315 Thus total credit against account of the consumer is Rs.19,147+1315 = **Rs20,462.**

- 18) The consumer cannot be said to be defaulter in making due payment of the licensee's amount due to wrong billing of the licensee. Thus we decide that the licensee cannot charge interest and delayed payment charges from the billing month of June 97 to April 2005.
- 19) The bill of the consumer from the billing month of June 97 to April 2005, taking into consideration debit and credit shown in para 16 & 17 and withdrawal of delayed payment charges & interest, works to be Rs (20,462-16,987) = Rs.3,475 credit bill.
- 20) After taking the stock of entire episode the forum decided to pass the following order.

O- R- D -E -R

1. All bills sent by licensee to consumer from billing month of June 97 to April 2005 including the last bill of 5th May 2005 amounting to Rs 7355.38 are, hereby, set aside.
2. The licensee should not charge interest & delayed payment charges from billing month of June 97 to April 2005.
3. The licensee should prepare a credit bill of Rupees Three thousand four hundred seventy five (Rs 3475) only for the period from June 97 to April 2005 (Refer para 15 to 19) & send it to consumer & pass on a credit of Rs 3475/- in consumer's bill in next billing cycle.

4. The demand of consumer's representative to refund Rs 12000/- paid (included in total payment of Rs 19147/- as shown in para 17) cannot be accepted.
5. The licensee is free to levy interest & delayed payment charges from next billing cycle as per procedure.
6. The licensee should initiate disciplinary action against concerned meter reader for lapse of duties i.e. noting meter reading without reading meters at regular intervals. The licensee should also improve system to avoid recurrence of such mistakes in future. The action taken by licensee should be intimated to forum within 60 days from the date of this order.
7. 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.

- 8) Consumer, as per section 142 of Indian Electricity Act 2003, can approach Maharashtra Electricity Regulatory Commission at the following 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 2003"

Date:- 16/6/2005

csONSUMNER

(S.H.Chaphekarande)	(V.V.Kelkar)	(I.Q.Najam)
Member Secretary	Member	Chair person
CGRF Kalyan	CGRF Kalyan	CGRF Kalyan