



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/0114/0131OF 07-08
OF SHRI MANOHARLAL K CHHUTLANI REGISTERED WITH
CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN
ZONE, KALYAN ABOUT ILLEGAL RECOVEY BY
PROVISIONAL BILL.

Shri J. A. Juseja (Here in after
C/o. Shri Manoharlal K Chhutlani, referred to
Shop No.205, M/S Ajay Construction, as consumer)
Near R.K.T. Collage,
Ulhasnagar – 3.

Versus

Maharashtra State Electricity Distribution (Here in after
Company Limited through its Deputy referred to
Executive Engineer, Ulhasnagar S/Dn. -- 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 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. The Consumer is billed as per the Commercial tariff. The bill stands in the name of **Shri Manoharlal K Chhutlani** and the electricity used by Shri **J. A. Juseja**. The consumer registered grievance with the Forum on dated 21.04.2008 for illegal recovery by provisional bill.
The details are as follows: -
Name of the consumer: Shri J. A. Juseja C/o Shri Manoharlal K Chhutlani
Consumer No. 021510710077
Address: - As above
- 3) Reason for Dispute:- The illegal recovery by provisional bill for assessed consumption for the period of December 2005 to September 2006 amounting to Rs. 29,740/-.

- 4) The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/088 dated 21.04.2008 to Nodal Officer of licensee. However, the letter is un-replied.
- 5). The Member Secretary & Member of the Forum heard both the parties on 05/05/2008 @ 15 Hrs. In the meeting hall of the Forum's office Shri J. A. Juseja representatives of consumer and Shri M. S. N. Murthy Nodal Officer, Shri S. K. Sawale Deputy Executive Engineer, Shri V. Y. Kamble Assistance Engineer & Shri S. T. Nagthane Junior Engineer, representatives of the licensee attended hearing.
- 6) Consumer repeated his grievance regarding illegal recovery by provisional bill.
- 7) Consumer's meter accuchecked by licensee dated 11/05/2006. Meter was found -3.8% slow and meter seal was found in broken condition. The accucheck report also signed by the consumer's representative.
- 8). The lab. Test Panchanama carried out on 28/02/07 in the presence of consumer's representative. As per the Panchanama in the lab, observations of the meter are as follows.
 - 1) ehVjps lhy rqVysys vk<Gys
 - 2) ehVje/;s dks.krsgh →ssj →kj cny vk<Gyk ukgh
 - 3) ehVj 3 80 0@0 laÉ vk<Gyk
 - 4) ehVjoj ,dw.k 2 820 yksM brdk layXu Hkkj vk<Gyk

5 ehVj iqUgk flycan dj.;kr vkyk

9. The licensee replaced the meter on 21/09/2007.
- 10; Licensee raised provisional bill amounting to Rs. 29,740/- for the period from December 2005 to September 2006 against 3727 units (assessed).
11. The bill was not acceptable to the consumer & he approached the Executive Engineer vide his letter dated 07/02/2008 he also lodged his complaint in Internanal Grievance Redressal Cell (IGRC) on 06/02/2008. But there was no response from IGRC. So consumer approached to Forum.
- 12; The Licensee issued the notice for disconnection of power on 07/01/2008 giving 7 days notice to the consumer (action taken by licensee on this notice is not clear?). The licensee once again sent a notice on 19/04/2008 for disconnection of power subject to none payment of bill giving notice period of 15 days.
- 9). The licensee disconnected the power supply of the said consumer on athours and and was reconnected on athours,after the consumer made necessary payment.

- 9). The Licensee stated that as the meter seal was broken, they applied Section 126 of Electricity Act 2003.
- 10). The Licensee calculated the assessed consumption on the basis of connected load which was found at the time of inspection. The calculation for assessed consumption appear to be on the higher side as compared to the consumption pattern as per Consumer Personal Ledger (CPL) record in the old as well as new meters.
- 11). As per the accucheck report dated 11.05.2006, it has been reported at sr.no.(h) Seal position - "seal is broken", and in the para of accucheck meter details at seal position caluse it is mentioned as - "seal tampered". From the above, it is clear that the Licensee is not sure about the status of the meter seal as they mentioned two different words while describing the meter seal status.
- 12). The accucheck was carried out on 11.05.06 and suspected meter bearing No.1048314 was replaced on 21.09.06 with a new meter having Sr.No.2297842. The lab test of the old meter was carried out on 28.02.07 after a lapse of 9 months. The lab test results is in conferring with the accucheck results and in the both cases, results are found to be same i.e. meter is slow by -3.8%.
- 14). As per Section 126, the assessment of consumption has to be done only for the unauthorized use of electricity as explained in the Part (b) of Section 126. Explanation read as follows:-

"Unauthorised use of electricity" means the usage of electricity—

- a) by an artificial means ; or
- b) by a means not authorized by the concerned person or authority or license; or
- c) through a tampered meter; or
- d) for the purpose other than for which the usage of electricity was authorized.

Let us now examine this case in the light of above explanation. The questions to be answered before us were:

- a) Whether the use of electricity was by an artificial means?
- b) Whether the use of electricity was by a means not authorized by the concerned person or authority or licensee?
- c) Whether the use of electricity was through a tampered meter?
- d) Whether the use of electricity was for the purpose other than, for which the usage of electricity was authorized?

Our answers to above questions are

- a) No
- b) No
- c) No, it is clear in panchanama that the meter was intact internally and it was not tampered, only seal was found in broken condition.
- d) No.

- 15). From the record made available to the Forum it is clear that the meter in use prior to Oct.97 (CPL record available from Oct. 97) and the same meter was accuchecked on 11.5.06. The seal condition can get deteriorated during the above long period of 9 years.
- 16). It is very clear from the lab test report that the meter was not a tampered meter and hence Section 126 can not be applied in this case as none of the condition mentioned above are present in this case.
- 17). It is observed by Forum that the meter is -3.8% which only marginally beyond permissible limit as per the Rules.
- 18). The consumption pattern of the consumer with the new meter is similar to the consumption pattern as recorded by old meter. The average consumption of the old meter for the six month is 75 units per month and the average consumption recorded by the new meter for six months is 87 units per month as per the CPL.
- 19). The licensee had communicated to the Forum vide letter No. Dy.EE/Sub Dvn.Camp.3/808 dt. 08.05.2008 that the bill, which was earlier issued for Rs.29,740/- under section126 to the consumer, has been revised to Rs, 6870/- as per the revised assessment vide receipt No.2425 dt. 07.05.08. He has also paid the reconnection charges Rs.50/- for restoring the power supply.
- 20). After taking all points into consideration, Forum unanimously

passed following order.

O-R-D-E-R

- 1). The assessment made under Section 126 is not correct and hence set aside.
- 2). The amount paid by the consumer Rs.6870/-, (the amount recovered against Electricity Act 203 Section 126) on dated vide receipt No. 2425 dated 07.05.2008 should be refunded by Licensee, within 90 days from the date of Forum's decision.
- 3). The licensee should make assessment for recovery due to slow meter reading as per the ***Clause No. 15.4 : Billing in the Event of Defective meters as per Maharashtra Electricity Regulatory Commission (Electricity Supply Code and other Conditions of supply) Regulations, 2005 which read as follows:***

“15.4.1: Supply to the provisions of Part XII and Part XIV of the Act, in case of a defective meter, the amount of the consumer's bill shall be adjusted, for a maximum period of three months prior to the month in which the dispute has arisen, in accordance with the results of the test taken subject to furnishing the test report of the meter along with the assessed bill:

Provided that, in case of broken or damaged meter seal, the meter shall be tested for defectiveness or tampering.

In case of defective meter, the assessment shall be carried out as per clause 15.4.1 above and, in case of tampering as per Section 126 or Section 135 of the Act, depending on the circumstances of each case.” The bill for 3.8 % slowness of meter should be charged for 3 months considering the date of accucheck i.e. 11.05.06 to the consumer within 2 billing cycles from the date of this order (as per Clause No. 15.4.1 of Maharashtra Electricity Regularoty Commission (Electricity Supply Code and other Conditions of Supply) Regulation 2005.

- 4) The licensee should charge arrears with DPC and interest to the consumer for which he has not paid the regular bills (if any).
- 5) Compliance should be informed to Forum.
- 6). 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
400 051”.* Appeal can be filed within 60 days

from the date of this order.

- 7). Consumer, as per section 142 of the Electricity Act, 2003, can approach Maharashtra Electricity Regulatory Commission the following address:-

*“Maharashtra Electricity Regulatory Commission,
13th floor, World Trade Center, Cuffe Parade,*

Colaba, Mumbai 400 005”

For non-compliance, part compliance or delay in compliance of this decision issued under “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2003”.

Date :-

(Sau V. V. Kelkar)

(R.V.Shivdas)

Member

Member Secretary

CGRF Kalyan

CGRF

Kalyan