



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 /0122 /0139 OF
08-09 OF SHRI MACHINDRA B. SHIRKE REGISTERED WITH
CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN
ZONE, KALYAN ABOUT EXCESS BILLING.

Shri Machindra B. Shirke
House No. 4242/7,
Near Moti Kirana Store,
Mahalaxmi Nagar,
Ambernath (E).

(Here in after
referred to
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its Deputy
Executive Engineer, Sub Division (E)
Ambernath.

(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. The Consumer is billed as per residential tariff. Consumer registered grievance with the Forum on dated 21/06/2008 for excessive billing. The details are as follows: -

Name of the consumer: - Shri Machindra B. Shirke

Address: - As above

Consumer No: - 021520299103

Reason of dispute: Excessive Billing for accumulated units due to not taking the meter readings..

- 3) The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/154 dated 21/06/2008 to Nodal Officer of licensee. They replied vide letter no.EE/ULH-II/Rev/IGRF/2314 dated 09/07/2008.
- 4) The Member Secretary & Member of the Forum heard both the parties on 10/07/2008 @ 15 Hrs. In the meeting hall of the Forum's office Shri Machindra B. Shirke & Sau. M. M. Shrike Consumer & Shri R. D. Rathod, Nodal Officer, Shri N. A.

Bellari Deputy Executive Engineer, Shri V. Y. Kamble
Assistant Engineer, Shri S. V. Rothe (DA) & Shri K. S.
Mukane (LDC) of the licensee attended hearing.

- 5) Consumer stated that they were paying the electric bills regularly. All of a sudden in March 2000 they got an electric bill of Rs.69,169.98. They further stated that they are staying in a single room in a chawl having one tube and one bulb. They went to billing office and made complaint. The licensee reduced the bill from Rs.69,166.98 to Rs.32,465.46 in Sept. 2000.
- 6) This was also not acceptable to the consumer as they have not used this much consumption and requested to revise the bill on the basis of the accurate consumption. Consumer stated that licensee did not revise the bill therefore they were not able to pay Rs.31,454/- as paying such a huge amount was beyond their capacity. Consumer stated that their electricity supply permanently disconnected on Jan.01 without any notice.
- 7) Consumer continued his statement that on 13.03.07 they got a legal notice dated 13/03/2007 from Advocate Shri Arun T. Sonar, instructing to pay the outstanding bill of Rs.33,706/- otherwise legal action would be taken. Though they fully prepared to live without electricity; on receipt this Advocate notice, they approached Maharashtra State Electricity

Distribution Company Limited (MSEDCL) offices. Consumer stated that they requested them that they are ready to pay the minimum bills upto disconnection (without alleged arrears) and give the supply. There was no response. So the consumer approached CGRF on 21.06.08.

- 8) Licensee replied that due to not taking meter reading by the Meter Reader the units are accumulated. When actual reading taken on Nov.99, 11600 units were accumulated and accordingly a recovery bill of Rs. 65,067.42/- was issued as per rules.
- 9). The licensee stated that the accumulated consumption in the month of Nov.99 has also been refunded in the form of B-80 Rs.36288/- in May 2000 and Rs.4063/- in July 2000 and net arrears as on Sept.2000 (as per actual consumption) was Rs.32465/-. The consumer has not paid any amount since 17.11.1999 and hence it was made P.D. in Jan.01.
- 10) Forum asked the licensee regarding exact date of connection. The licensee could not produce any proof.
- 11) The forum observed that the electric connection is given to this consumer in around the 1995. (actual year of connection is not available). However CPL details are available from July 99 to June 2008. The consumer having meager consumption was paying the electric bills regularly whatever bills issued by licensee. The licensee's meter reader failed and neglected his duty to take the meter readings regularly for a period of about 5 years. But licensee did not take any action against the

meter reader or to make available actual reading and bill were issued on average basis continuously. When a meter reader taken actual reading in Nov.99, the licensee noticed that 11600 units were accumulated. With no time, Licensee issued a recovery bill of accumulated units loading interest, DPC, penalty, slab

wise tariff etc. without any hesitation, for no fault on the party of the consumer. When consumer approached with complaint, licensee reduced the bill. This was not considered while issuing the first recovery bill. The consumer being daily waged labour category, they even can not imagine to pay off this large amount, therefore, they let the supply cut off.

- 12) The licensee cut off the supply in **Jan.01** for disputed arrears of Rs.32465/- and kept silent for about 6 years and issued a legal notice on **13.03.07** through Advocate Shri Arun Sonar for recovery of **Rs.33,706/-** and made it alive after 6 years of making PD.
- 13) Forum observed that the licensee do not have the dispute meter, any test report, B-80 passed or any documents available with them. So they can not explain how they prepared total recovery bill as well as the credit bill. Forum also finds it difficult to arrive at a conclusion for want of document except incomplete CPL. Generally the benefit of the doubt will go in the favour of the consumer.

- 14) It is observed that the meter readers have not taken meter readings properly. Sometime they have shown readings in 4 digit and sometimes in 5 digit. Therefore it is not able to judge whether the meter is having 4 digit counter or 5 digit.
- 15) It is observed by forum that the consumer is paying bills regularly upto Nov.99. As per CPL record it is seen that in the month of Nov.99 meter reading is 12870 and previous reading was 1270. Hence total consumption for billing cycle Nov.99 is 11600 units which is abnormal.
- 16) For calculating average consumption of the consumer, the two readings are available – one in the month of Nov.99 and last reading in the month of Nov.2000. Considering these two readings i.e.Nov.99 (12870) and final reading in Nov.2000, till the meter is removed (13540) the total units consumed by the consumer from Nov.99 to Nov.00 is $(13540 - 12870) = 670$ units for 7 billing cycle i.e. 96 units per billing cycle (bi-monthly billing) = 48 units per month.
- 17) Forum have no alternative than to accept the final reading of the meter (i.e. meter is in working condition), as no availability of date of connection, dispute meter, CPL earlier to July 1997. So final reading of meter 13540 units is treated as authentic reading considering the load i.e. one tube and one bulb, the consumption of 48 units per month is justified. Hence it is necessary to calculate the consumption from

November 1999 to November 2000 as per actual consumption i.e. 670 units, as before arising dispute, consumer have paid all bills regularly upto Nov.99.

- 18) All these disputes/ complications are arisen due to neglect and negligence of work on the part of the meter reader. He has not discharged his duty for a long period. Hence action should be proposed and initiated against the concerned meter reader.
- 19) After hearing both the parties, studying all available documents submitted by Licensee as well as consumer, forum unanimously passed following order.

O- R- D- E- R

- 1) The legal notice dated 31/03/2007 issued through advocate Shri Arun T. Sonar for an amount of Rs.33706/- against P. D. arrears is quashed & set aside.
- 2) The licensee should charge bill for 670 units only for the period from November 1999 to November 2000, as per the tariff prevail at that time without DPC & interest.
- 3) After payment of arrears as above, consumer can apply for new connection.
- 4) The revised bill should be issue to the consumer within 60 days from the date this decision.
- 5) Compliance should be reported within 60 days.
- 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 51

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

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

Maharashtra Electricity Regulatory Commission, 13th floor,

World Trade Center, Cuffe Parade, Colaba, Mumbai 05

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 :- 21/07/2008

(Sau V. V. Kelkar)

(R.V.Shivdas)

Member

Member Secretary

CGRF Kalyan

CGRF

Kalyan