



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/0127/0144 OF 08-09**  
**OF M/S. GEETA ENTERPRISES REGISTERED WITH**  
**CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN**  
**ZONE, KALYAN ABOUT EXCESSIVE BILLING.**

M/s Geeta Enterprises Leena Apartment, Rambaug Main Rd, Kalyan – 421 301	(Here in after referred to as Consumer)
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**Versus**

Maharashtra State Electricity Distribution Company Limited through its Deputy Executive Engineer, Sub Dn.1.Kalyan (W)	(Here in after referred to as licensee)
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- 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 Commercial tariff. The consumer registered grievance with the Forum on dated 30/06/2008 for excessive energy billing.

The details are as follows: -

*Name of the consumer: - M/s. Geeta Enterprises.*

*Address: - As above*

*Consumer No: - 020020319101*

Reason for Dispute:- Excessive Energy Bill charged against faulty meter.

- 3). The batch of papers containing above grievance was sent by Forum vide letter No. EE/CGRF/Kalyan/174dt.30/06/2008 to Nodal Officer of licensee. However, the letter is un-replied.
- 4). Forum issued stay order vide letter No.EE/CGRF/ Kalyan/179 dt. 02.07.08 for not to disconnect the supply for disputed amount, as the case is registered with the CGRF on 30.06.08 as per Clause No. 8.3 of Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations 2006.

- 5). The Member Secretary & Member of the Forum heard both the parties on 28/07/2008 @ 15 Hrs. In the meeting hall of the Forum's office Shri Ravindra Singh, Consumer & Shri J. A. Pardeshi Consumer's representative & Shri D. B. Nitnaware Nodal Officer, Shri G. T. Pachpoh, Deputy Executive Engineer, Shri C. S. Sakpal (LDC) representatives of the licensee attended hearing.
- 6). The consumer stated that they felt doubtful about the working of the meter and therefore on 11.04.07 they informed the licensee to test the defective meter. After follow up for testing, nobody turned down, therefore they made complaint on 29.9.07 regarding excess electric bill due to defect in the meter. The Meter was tested on 23.01.08 by accucheck meter i.e. 5-6 months after complaint, and replaced the defective meter on 23.01.08. The licensee did not refunded/adjusted the excess billing done on the defective meter readings. The licensee continuously issued bills including disputed arrears, with interest /DPC along with the current charges. They requested the Licensee vide their letter dated 16.7.08 to give revised/split bill stating the amount due from them since 23.1.08, after deducting the amount paid by consumer. But no response is given by licensee. Therefore the consumer approached the CGRF on 27.06.08 and registered the grievance. The consumer stated that the meter was showing earth indicator light. There is no any fault in the

wiring. When replaced the meter, the new meter shown no “earth indication” . We checked the wiring with licensed electrician. He also found no fault in the wiring. Hence it is confirmed that the meter is faulty. The C.R. stated that the licensee fixed the lab test on 28.7.08 on hearing day purposely.

- 7). The C.R. stated that the licensee tested the meter in our absence and asked us to sign on the report. The licensee started their action when we registered our grievance in CGRF on 30.06.08 and forum referred to the licensee. On 19.06.08 licensee staff came and disconnected supply but when consumer objected and demanded 15 days notice in writing, they reconnected the supply immediately. Consumer also stated that load shedding was continued at that day and time.
- 8). Forum asked the licensee that when the consumer found abnormality in the meter, they informed the licensee on 11.4.07 Why the testing was not carried out upto 21.1.08 and what action is taken by the licensee?
- 9). The licensee stated that the issue was referred to the Executive Engineer, and waited reply from Executive Engineer. The licensee stated that the meter was tested by accucheck meter on 23.1.08, in front of consumer and the consumer has signed the test report. The percentage error was within permissible limit.(i.e.1.26%).Therefore it was felt

that it is not necessary to carry out lab test. During the testing it showed “earth indication”. This may be due to wrong wiring or meter may be faulty. So the consumer has been instructed to check the wiring.

- 10). The licensee stated that there is no co-ordination between consumer and consumer’s representative. Because the first testing was carried out in front of the consumer and he signed the report. The lab test was arranged on 10.07.08 in writing vide letter dt.09.07.08 but the consumer himself requested the licensee as per his letter dt.10.07.08 that he is busy with some other urgent work on that day, therefore I may be given sufficient time. Therefore lab testing was fixed on 28.07.08 as per his request as he has to attend the CGRF hearing also on that day. From this, it is clear that CR has no idea about what is going on between licensee and the consumer. But unnecessarily accusing the licensee and encouraging the consumer to go against licensee for each and every action of the licensee.
- 11) The licensee stated that the CR is in habit of correcting the MSEDCL’s electric bill with his own handwriting as he wish and asking the licensee Dy.EE to sign the bill. We object such interfering of CR in the working of the licensee.
- 12) Forum observed that the sequence of the various events are as follows:

- i). Accuchecking was carried out 23,01.08 (Meter No.020020319101) and the findings are:-
  - a). The Meter error is within permissible limits.
  - b). The meter getting 'earth indication' hence the meter needs to be replaced.
- 13) The meter was again tested on 28.7.08 in the laboratory in presence of consumer and result of the testing is "stoped meter".
- 14) The study of the results indicates that the two test results are contradictory. Considering the lab test more authentic, the CPL record of the consumer was checked. It is observed that average consumption for 12 months of the old meter before arising the dispute i.e prior to July 2007 (this month is taken as dispute month because consumption is suddenly increased i.e. 913 units) is **430** units per month and new meter average consumption for available 5 months as per CPL record is 352 units per month from the date of replacement, is nearly matching. It is also observed that the consumer had given a complaint in the month of April 07 when he observed the abnormal consumption i.e. 715 units,( As per CPL record, this consumption is for two months because March 07 reading was not available hence average 423 units were charged in March 07 and same was adjusted in April 07, when actual reading were available).

- 15) During accucheck it has been observed that the meter getting earth indication. The abnormality in the meter reading could be due to :
- a). Erroneous earthing of the meter.
  - b). Meter being defective.
- 16) As per lab test, on 28.07.08 **(disputed old meter)** meter is ‘stopped meter’ hence the defective meter reading of the same can not be relied on the abnormal consumption which was shown from July 07 to the date of replacement i.e. 23.01.08.
- 17). Forum observed that inspite of consumer paid the testing fee of meter testing Rs.100/- on 11.12.07 vide receipt No.77042437 the meter was tested in lab on 28.07.08 after lapse of about seven months. Since the meter found stop in testing, the consumer is liable to get refund of the meter testing charges paid by the consumer against testing as per Clause No. 14.4.4. of Maharashtra Electricity Regulatory Commission (Electricity Supply Code and other Conditions of Supply) Regulations,2005 which reads as follows:
- “In the event of the meter being tested and found to be beyond the limits of accuracy prescribed in the Indian Electricity Rules, 1956, till the regulations are specified by the Authority under Section 55 of the Act, the Distribution Licensee shall refund the testing charges paid by the consumer and adjust the amount of the bill in accordance with

the results of the test as specified in Regulation 15.4.” The Regulation 15.4 under clause No.15.4.1 stipulates that “Subject 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 alongwith 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.

***Provided further that, in case the meter has stopped recording, the consumer will be billed for the period for which the meter has stopped recording, upto a maximum period of three months, based on the average metered consumption for twelve months immediately preceding the three months prior to the month in which the billing is contemplated”.***

Considering the above clause meter is found defective( i.e. stopped as per Lab. Testing report dt. 28.07.08) from July 07 to Feb.08. As per CPL record, the abnormal consumptions



observed from July 07 is 913 units, in Aug.07 is 950 units, in Sept.07 is 2156 units, in Oct.07 is 1488 units, in Nov.07 is 1613 units in Dec.07 is 1010 units, in Jan.08 1363 units and in Feb.08 is 762 units. (i.e. abnormal total consumption units from July 07 (considering the disputed month) to Feb.08 (upto replacement of old meter) is 10255 units is required to be quashed and revised bill for maximum three months as per consumption of 430 units per month (i.e. 430 units x 3months = 1290 units) may be charged (as per para No.14 above).

- 18). 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 abnormal consumption charged ( i.e. from July 07 to date of replacement of old meter ) 10255 units are hereby quashed and set aside (as per para No.18 above).
- 2). The licensee should issue the revised energy bill for 1290 units without interest and DPC against the 10255 units ( as per para 18 above).
- 3). The interim relief granted to the consumer for not to disconnect the supply for disputed amount, vide forum's letter No.EE/CGRF/Kalyan/179 dt. 02.07.08 is hereby vacated.

- 4). The charge of Rs.100/- (Rupees one hundred) paid by the consumer vide Receipt No.7704247 dt.11.12.07, against Testing of meter should be refunded within 90 days from the date of decision of the Forum( As per para No.17 above.)
- 5). Compliance should be informed to Forum within stipulated period from the decision of the 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 51”*

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 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 :- 18/08/2008.**

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

**(R.V.Shivdas)**

**Member**

**Member Secretary**

**CGRF Kalyan**

**CGRF**

**Kalyan**