



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/0130/0150 OF 08-09
OF M/S VAISHALI BUILDERS REGISTERED WITH
CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN
ZONE, KALYAN ABOUT EXCESSIVE BILLING.

M/s. Vaishali Builders (Here in after
Lavanya Society, Pump House, referred to
Behind State Bank Of India as Consumer)
Murbad Road,
Kalyan (W)– 421 301

Versus

Maharashtra State Electricity Distribution (Here in after
Company Limited through its Deputy referred to
Executive Engineer, Sub Dn.1.Kalyan (W) 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). This is a L.T. consumer of the licensee connected to their 415-volt network. The Consumer is billed as per Residential tariff. The consumer registered grievance with the Forum on dated 08/08/2008 for excessive energy billing.

The details are as follows: -

Name of the consumer: - M/s Vaishali Builders

Address: - As above

Consumer No:- 020020337614

Reason for Dispute:- Excessive billing due to wrong levying fixed charges.

- 3). The batch of papers containing above grievance was sent by Forum vide letter No. EE/CGRF/Kalyan/218dt.08/08/2008 to Nodal Officer of licensee. The Licensee has replied vide Letter No. DYEE/S/Dn-I/Kalyan/Billing/1225 dated 25/08/2008.
- 4). The Member Secretary & Member of the Forum heard both the parties on 25/08/2008 @ 15 Hrs. In the meeting hall of the Forum’s office Shri J. A. Pardeshi Consumer’s representative & Shri S. M. Jadhav (AE, Nodal Officer Incharge) Shri G. T.

Pachpohe, Deputy Executive Engineer, Shri C. S. Sakpal (LDC) representatives of the licensee attended hearing.

- 5). The Consumer represented that he had registered two cases regarding clubbing of the of meters. Out of which one is solved and for other one he is representing now. He stated that Licensee has not implementing the MERC directives and acting as per their wishes. The consumer said they had taken a 3 phase connection for 3 HP (2.30 KW) motor pump for their housing Society in Oct.85. The licensee without verifying capacity of the motor, charged fixed charges at Rs.300/- per month on the basis of 30 KW instead of 2.3 KW for years together till it was noticed during spot billing. They said they have made No. of correspondence to rectify the extra load billing and refund excess amount recovered from them. They got no reply from licensee. The then Dy.E.E. Shri Khanande visited the premises personally on 16.07.06 and verified the load of the motor and passed instructions in the consumer's letter dated 10.11.06 itself in writing "to charge the fixed charges on the basis of 2.30 KW, instead of 30 KW per month". Even after that, licensee failed to correct the mistake. Finally licensee drawn a refund of Rs.12,909/- and started to adjust it from Jan 08 bill and onwards. The consumer said they asked the licensee vide letter on 01.03.08 the details of the refund amount of Rs.12,909/- as well as details of Rs.5430/- deducted from the refundable amount. Till to-day

the licensee can not give any details or give any explanation. Instead, the licensee stopped to issue even the regular bills. The consumer stated that therefore they personally approached the licensee and demanded the bill, then they issued first bill (credit bill) on 08.02.08. The consumer said that the licensee unauthorizedly collected amount from them and started recovering the current bills from refundable amount without their knowledge and without giving any details of the credits, for long period, instead of refunding it in one installment with interest. Though there is no fault in the meter, they removed the meter and replaced by electronic meter on 09.04.07. The consumer said that the licensee conducted accucheck test and lab. test. In both the tests the percentage error is 3.45% which is very minor and within permissible limit, so why it was replaced. After replacement also, the consumption in the new meter was same as recorded in the old meter. The consumer further stated that they made correspondence with the licensee to get the copies of both test reports, but they did not get it. After constant follow-up, they finally informed that the testing is carried out by the Dy. Ex. Engineer (F.S) so you have to approach the Dy.EE Flying Squad (FS) for details of the test report, after remitting necessary charges for Xerox copies. The consumer said they approached IGRC on 26.06.07. But their problem remained as it was. The consumer further stated that they written

several letters to give a copy of B-80, which also not provided to them Then they approached the CGRF on 08.08.08 and registered the case.

- 6). The consumer concluded that the licensee illegally collected the amount under fixed charges on wrong entry of 30 HP in the record, instead of 3 HP. Due to this, they have been charged Rs.300/- in place of Rs.30/-. The meter working in good condition, also replaced without any intimation to them. No any test reports, B-80 or any document required by the consumer are provided, inspite of repeated requests. The licensee informed to pay the charges for test report copies and meet the Dy. Ex.Engr.(Flying Squad). The consumer stated that the licensee itself making mistakes and making complications and unnecessarily consumer has to run here and there for getting solved the problem which licensee created and consumer has to suffer financially and waste their time. Consumer prayed that they want refund of the fixed charges recovered from them in lump-sum with interest, they should give all un-issued credit bills, replace working meter illegally taken away and issue current bills as per reading.
- 7). The licensee stated that CPL of this consumer is available from Apr.1997. As per record this three phase meter is used for motor pump connection. The motor capacity was shown as 30 KW hence fixed charged levied to this consumer at Rs.300/-,

instead of Rs.30/- as per prevailing tariff (May 2000). The Dy. Executive Engineer S/Dn. I personally verified the meter on 10.11.06 and pointed the mistake. Since then the load corrected as 2.30 KW. B-80 proposal was prepared & processed and after getting approval from Chief Engineer, a difference of Rs, 12,909/- was drawn (for the period from May 2000 to Oct.06) and started to give credit in the current bills from Jan. 08 onwards. Consumer refused to sign and accept the test report. Therefore the Dy.EE(FS) sent it by post Under Certificate of Posting on 05.04.07.

- 8). The meter replaced on 09.04.07 and old meter tested in the Laboratory on 25.04.07 which found slow at 3.45% signed by Sub Engineer testing. There was no much difference of the consumption on old and new meters. The licensee stated that since this was old meter, as per licensee directives, the meter is replaced by electronic meter. Forum asked the licensee that inspite of giving letter 15 days in advance to submit the point wise information, the licensee handed over Xerox copies of incomplete documents during the hearing. The licensee is supposed to give point wise reply to the forum before hearing with a copy to the consumer. Why you are not complying the instructions? Forum asked the licensee that any documents which are concerned to consumer, should be provided to the consumer on his demand in future without fail. This will help to minimize their doubts and avoid grievances to some extent.

All the documents and credit bills demanded by the consumer should be made available to him.

- 9). Forum observed that the licensee carried out accucheck test and lab test on 10.11.06 & on 25.04.07 respectively. Only lab test report dated 25.04.07 is submitted by the licensee. The meter is replaced on 09.04.07. The copies of both testing reports are not provided to the consumer despite his repeated demand. What is the problem in providing copies of test reports to the consumer? How the consumer come to know about the working of their meter unless they have been provided with the documents? When the consumer demanded the copies of test report, they have been instructed to approach Dy.EE (FS) and also demanded charges for test report by Dy. Director (V&S)'s vide L.No.350 dt. 13.06.07. All these found to be very strange. The licensee knows that after Maharashtra Electricity Regulatory Commission (MERC) rules & regulations comes into force, all such slackness, inaction and improper working costs the licensee very dear. Still the officers are not getting alerted and not observing the rules and discharge the duties promptly. Forum observed that the Consumer Personal Ledger (CPL) details is available from Apr.1997. In the record this three phase meter is used for motor pump connection. The motor capacity recorded in the billing as 30 KW (instead of 2.30 KW), hence fixed charged levied to this consumer at Rs.300/- as per May 2000 tariff. This was continued unnoticed till the

Dy.Executive Engineer, Sub Dn.1 Kalyan (W) personally verified the meter on 10.11.06 and pointed out the mistake i.e. the motor capacity is 2.30 KW. A refund of Rs.12,909/- was drawn for the period from May 2000 to Oct.06 and started to give credit in the bills from Jan. 08 and onwards.

- 10). As per documents submitted by the licensee, it is observed that as per CPL the connected load appearing as 30 KW from April 1997. But the fixed charges on the basis 30 KW is charged from May 2000 and onwards. The change of connected load effected from 30 KW to 2.30 KW is w.e.f. November 06. Therefore the fixed charges @ 30 KW is charged from May 2000 to Oct.06. Therefore the bill is revised and the consumer has to pay revised bill of Rs. 12,909.93 as below:

	Fixed charges charged	Energy bill	Total
As per 30 KW fixed charges from July 00 to Oct.06	17769.75	2013.67	19783.42
As per revised fixed at 2.30 KW from July 00 to Oct.06	6175	698.50	6873.50
Total	11594.75	1315.17	-12909.92

- 11). 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 credit given by the licensee Rs.12,909.92 (Rupees Twelve thousand nine hundred & nine and paise ninety two only) is correct. The balance amount of credit may be refunded to the consumer in lump-sum after adjusting the credit amount already given to the consumer (as per para 10 above)
- 2). The payment of balance credit amount, if any, (because the process of giving credit is continued through monthly basis bills) should be refunded to the consumer, in one installment, within 30 days from the date of issue of this order. However, demand of the consumer to pay interest on refundable amount is hereby rejected.
- 3). If the refundable amount is already paid by licensee to the consumer, till the issue of this order, this order should be treated as implemented in this respect.
- 4). Compliance should be reported to the forum within 30 days from the date of this decision.
- 5). 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.

- 6). Consumer, as per section 142 of the Electricity Act, 003, 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 :- 22/09/2008.

(Sau V. V. Kelkar)

(R.V.Shivdas)

Member

Member Secretary

CGRF Kalyan

CGRF

Kalyan