



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/0132/0153 OF**  
**08-09 OF SHRI RAMESHWAR P. SEN REGISTERED WITH**  
**CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN**  
**ZONE, KALYAN ABOUT EXCESSIVE BILLING.**

Shri Remeshwar P.Sen  
D/17/2, Godrej Hill,  
Kalyan (W)

(Here in after  
referred to  
Consumer)

**Versus**

Maharashtra State Electricity Distribution  
Company Limited through its Deputy  
Executive Engineer, Sub Dn.1.Kalyan (W)

(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 registered grievance with the Forum on dated 05.09.08 for excessive billing.

The details are as follows: -

*Name of the consumer: - Mr. Sunet Agarwal, the user of the electricity is Shri. Rameshwar P. Sen*

*Consumer No.:- 020260979583.*

*Address: - As above*

*Reason for Dispute:- Excessive billing.*

- 3). The batch of papers containing above grievance was sent by Forum vide letter No. EE/CGRF/Kalyan/247dt.05/09/2008 to Nodal Officer of licensee. The licensee replied vide L. No. Dy.EE/ Sub Dn.1/1509 dt.23.09.08.

- 4). The Member Secretary & Member of the Forum heard both the parties on 25/09/2008 @ 15 Hrs. Shri D. B. Nitnaware, (Nodal Officer), Shri G. T. Pachpohe, Deputy Executive Engineer, Shri M. V. Deshmukh, Junior Engineer & Shri C.S. Sakpal (LDC), representatives of the licensee and Shri

Rameshwar P. Sen, Consumer, and Shri B. R. Mantri, Consumer's Representative, attended hearing.

- 5). The consumer (consumer No.020260979583) stated that on 20.10.2005 the licensee checked their meter (meter No.1040372) and informed them that the meter is 57.37% slow and accordingly licensee issued a bill of Rs.7880/- and the same is paid by him on 25.01.06. But the licensee did not replace the slow meter even after his request. The consumer said that later he paid Rs.20000/- to a licensee's person, who promised him to settle the whole issue and replace a new meter. He taken away the meter, giving direct supply. After 4 -5 days he installed the same meter. They tested our meter again and replaced the same meter on 18.10.07. They called me in the lab. and opened the meter and said to have installed a resistance machine and again charged me Rs.15,608/- against slowness of the meter + compounding charges of Rs.20,000/- against theft of energy, totaling to Rs.35,608/-. The licensee informed that I have been detected under Clause No.135 of Elect. Act 2003 (theft of energy). Therefore I have to pay the compounding charges + slowness charged. The licensee said If this amount is not paid by me, a Police case will be registered against me and I will have to Jail. The consumer further stated that why two imposition on me at a time on a same meter? The licensee should impose either

slowness of meter or theft of energy. I have no any knowledge of a meter or not inserted any thing in the meter. During the 4-5 days when the meter was with the custody of licensee, they might have inserted any resistance instrument. The consumer further stated that we have nothing to say about test reports, but after the meter is found slow why the meter was not taken to the lab and tested immediately. It was only opened and not tested. It was necessary to test the meter before opening and again after carrying out the Panchanama. This has not been done. We have paid the compounding and other charges because the supply would not be disconnected but we are not agree with the penalty charged us under Rule No.135. I requested the licensee to refund the amount of Rs.20,000/- recovered illegally against compounding charges, as I have not made any theft. But they did not give any response. Therefore I approached the CGRF and registered the case on 05.09.08. I pray that all the amount recovered from me under theft (Clause No.135) be refunded to me and also licensee require to pay me a compensation of Rs.50,000/- for the harassment given to me.

- 6). First upon, the licensee stated that the consumer is detected under Clause No.135 (theft case), therefore this is not coming under CGRF purview. This is under the purview of the licensee.

- 7). The licensee then stated that the meter was accuchecked on 20.10.05 in front of the consumer who signed the test report. As per the accucheck report, meter found 57.37% slow. Lead seal found doubtful. Therefore drawn 1313 units less used by the consumer for 6 months amounting to Rs.6950/- and including current bill, a bill amounting to Rs.7880/- issued to the consumer on 24.01.06 and same was paid by the consumer on 24.01.06. But the faulty meter remained in the premises through oversight and could not replace. But the meter on the instructions of higher office was again tested on 17.10.07 when the pulse was not getting. So it was replaced on 18.10.07, as per 'meter replacement report' dated 18.10.07. The same was opened in the laboratory on 19.10.07 and found resistance inserted inside the meter. On the basis of accucheck dt. 20.10.05, Panchanama dated 19.10.07, and office note dated 20.10.07, and based on the Electricity Act 2003 under Clause No.135, the consumer has been issued a bill of Rs. 15,607.87 on 22.10.07 for 2370 units for the period of 2 years from Nov.05 to Oct.07 + compounding charges of Rs.20,000/-. The consumer paid total amount of Rs. 35,608/- on 23.10.07. The compounding charge is levied to the consumer on the basis of 5 KW load after verifying the items connected in his house. We do not agree with the statement of consumer regarding giving Rs.20,000/- to a licensee's

person, taking out the meter for 4-5 days, connecting of supply directly, replacing same meter etc. The delay occurred in replacing the meter is due to transfer of officers. When meter was opened in the lab on 19.10.07, following irregularities are observed.

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- 8). The forum after hearing both the parties and studying all the documents submitted by consumer as well as licensee, it observed that:
- a). The meter was checked by the licensee on 20.10.05 and it was found 57.37% slow. The forum said the reason stated by licensee as 'officers transferred' is seems to be very strange. The section office is not run by a particular officer in his name. The Section Officer, whoever held the post by a designation is managing the work. It is aware that the officers are supposed to transfer periodically. If the officer is transferred, the records of the consumers will not go with him. This is a vague reply to evade the responsibility. The section officer did not replaced the faulty meter and faulty meter remained in the circuit for long period of two years (i.e 25/10/2005 To 17/10/2007) and consumer availed electricity on 57.37% slow billing. Here the Section Officer, failed and neglected his duties and caused loss to the licensee.

- 9). Forum asked the licensee that the meter is only opened in the lab why load testing was not carried out? Licensee had no reply. The forum observed that if the consumer have given Rs. 20,000/- to any person, he would have made followed up with the person to get the work done or would have demanded for receipt or asked the person to refund the amount. He could not produce any receipt or name of the person. Therefore it is felt that this statement is made after thought. When asked the licensee whether the meter was removed for 4-5 days and replaced the same meter, as stated by consumer. The licensee said that the meter was not removed at all, so question of replacement does not arise. The same meter remained there for about 2 years by mistake. When the meter was accuchecked on 17.10.07, pulse was not displayed. So it was removed and opened in the lab.
- 10) On the statement of the licensee that the consumer is detected under Clause No.135 (theft case), therefore this is not coming under CGRF purview, forum stated that any case though registered under 135, or 126, if consumer approach to the forum, forum has to hear both the parties i.e. consumer as well as licensee and after verifying the documents submitted by the consumer and the licensee, forum will decide whether the licensee registered the offence under 135 or 126 is correct or not.

- 11) The forum asked the licensee as per statement of consumer, you have disconnected his supply in the third week of Sept.08 even after making the bill payment. Is it true? Licensee said this is not true, we have not disconnected or reconnected the supply. Forum stated that it is true, the meter was slow by 57.37%, the licensee did not replaced the meter for about 2 years and in the lab it was only opened and not tested. But forum cannot ignore the current resistance implanted inside the meter. Due to this the working of the meter was obstructed and the meter recorded less units. So this is a case of theft of energy. The consumer was also present at the time of accucheck as well as lab test. and signed the papers. As per CPL ( CPL record is available upto Aug. 2008) it is observed that after replacement of the meter the consumption is increased and the same is verified and confirmed.
  
- 12). The licensee as per their letter No.SE/KC-1/GAD/4095 dt. 06.09.08 addressed to the consumer, it is explained that when the meter was accuchecked on 20.10.05, the meter found 57.37% slow and meter seal found tampered. The consumer was required to book under Elect. Act 2003 Clause No.135 or 138 at that time. But due his request not to make any Police case being he is an Govt. Officer and shown his willingness to make necessary payment, Police case was made against



him at that time. Accordingly, he was issued a bill of Rs.6950/- against slowness of the meter and Rs.16,000/- towards compounding charges. Out of these two payments, he only made the payment of charges against slowness of meter. Since the consumer already made the payment of arrears and requested not to register any Police case also he was ready to make the payment of compounding charges, the licensee waited to change the meter till the compounding charge is paid. The licensee further stated that at the time of accucheck carried out on 20.10.05, not only found the meter slow but also the meter seal found tampered. But action against theft was not taken for the reason explained above.

- 13). The forum verified all papers submitted by the licensee and consumer and after hearing both the parties, the forum come to the conclusion that the licensee booked same consumer under two different charges at a time. In one instance, forum has partial purview and another one is entirely under the purview of the licensee. These are divided into two parts as (A) and (B) which are as given below:

**(A).** The meter having meter No.1040372 (consumer No. 020260979583-3) was accuchecked on 20.10.05. As per test report, the meter was slow by 57.37% and also found meter seal tampered. Accordingly, the licensee drawn an arrears of Rs.6950/- (for 1313 units), towards slowness, for a period of

six months back from the month of detection & current bill of Rs.930/- + Rs.16,000/- towards compounding charges against theft of energy have been issued to the consumer. The consumer only paid Rs.7880/- towards arrears on 24.01.06 and not paid the compounding charges. The licensee is not entitled to recover the arrears of energy charges beyond three months from the date of accucheck in case of defective meter. Therefore the bill of licensee of Rs.6950/- charged to the consumer for six months,(except current bill) is set aside. The licensee is entitled to claim only three months arrears i.e. for 657 units amounting to Rs.3475/-. As per Maharashtra Electricity Regulatory Commission (Electricity supply code and other conditions of supply) Regulation 2005, Clause No. 15.4.1 ***“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.”*** three months assessment can be done. On the faulty meter Licensee has issued recovery bill for last 6 months whereas licensee could not go back beyond three months to recover the arrears. Licensee committed their mistake for not replacing the faulty meter for two years. Forum asked the licensee what kind of bill is issued to the consumer

during these two years period. Licensee said the bill issued on the basis of slow meter reading.

**(B).** The licensee checked the meter of this consumer during a special drive on 20.10.05 and found that the meter is 57.37% slow and lead seal tampered. The licensee was required to take action against the consumer, at the time of first accucheck when meter seal found tampered and slow meter is not replaced for two years. This is a serious lapse on the part of licensee due to which lost its revenue. Appropriate action, as per rules, should be taken against the concerned for such serious lapse. The licensee issued bill depend upon the test report for less recorded units adding current bill and consumer paid the same on 24.01.06. Since then the licensee has not taken any action, regarding removal of slow meter, testing, replacement etc. After 2 years, the same meter was again accuchecked on 17.10.07 when the pulse was not displayed. Therefore the meter was replaced by new meter No.850818 on 18.10.07 and old meter opened in the laboratory on the same day in presence of the consumer. It was observed that some external resistance was found inserted inside the meter to show less consumption than actual. This being a theft of energy case, the consumer has been booked under 135 of Electricity Act. On the basis of accucheck dt. 20.10.05, Panchanama dated 19.10.07, and office note dated 20.10.07, and based on the Electricity Act

2003 under Clause No.135, the consumer has been issued a bill of Rs. 15,607.87 for 2370 units for a period 2 years from Nov.05 to Oct.07 + compounding charges of Rs.20,000/-. The consumer paid total amount of Rs. 35,608/- on 23.10.07. This being a theft of energy case, this is entirely under the purview of the licensee and the forum has no jurisdiction.

- 14) After hearing both the parties, studying all available documents submitted by Licensee as well as consumer, forum unanimously passed following order only for Part (A) above.

**O-R-D-E-R**

- 1). The bill issued by the licensee to the consumer of Rs.6950/- in the month of December 05 against slow meter recovery for six months,(except current bill) is quashed and set aside and the licensee should charge only three months i.e. for 657 units amounting to Rs.3475/- only as per para 13 (A) above.
- 2) The licensee should refund/adjust Rs.3475/- (Rupees three thousand four hundred seventy five only) excess amount recovered from the consumer in the month of January 06. The amount should be refunded/adjusted in next monthly bills.
- 3) Since the consumer is booked under Rule 135 of Electricity Act 2003 and this is coming under the preview of the

licensee, no order is passed by the forum (as per para 13 – B above).

- 4) The demand of consumer regarding payment of Rs. 50,000/- ( Rupees Fifty thousand only) towards compensation is hereby rejected.
- 5) Compliance should be reported to the forum within stipulated time from the date of this decision.
- 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, 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 :- 20/10/2008.**

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

**(R.V.Shivdas)**

**Member**

**Member Secretary**

**CGRF Kalyan**

**CGRF**

**Kalyan**