



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/ 0133/ 0154 OF
08-09 OF SHRI MANOHAR NANAJI NIKAM REGISTERED
WITH CONSUMER GRIEVANCE REDRESSAL FORUM
KALYAN ZONE, KALYAN ABOUT EXCESSIVE BILLING.

Shri Manohar Nanaji Nikam
Moll – Plaza, CHS,B- 202,
Subhash Nagar, Karjat Road,
Kulgaon, Badlapur - (E).

(Here in after
referred to
as Consumer)

Versus

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

(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 22/09/2008 for excessive billing. The details are as follows: -

Name of the consumer: - Shri Manohar Nanaji Nikam.

Address: - As above.

Consumer No:- 021990145897.

Reason of dispute: excessive energy bill.

- 3) The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/258 dated 22/09/2008 to Nodal Officer of licensee. They replied vide letter no. DYEE/BDL(E)/2804 dated 10/10/2008.
- 4). The Member Secretary & Member of the Forum heard both the parties on 13/10/2008 @ 15 Hrs. Shri M. N. Nikam & Sau. A. M. Nikam, Consumer & Shri R. D. Rathod, Nodal Officer, A. W. Mahajan, Deputy Executive Engineer, Shri V. Y. Kamble,

Assistant Engineer, Shri S. S. Nalke, Junior Manager representatives of the licensee attended hearing.

- 5). The consumer stated that he alongwith his family staying in this premises since Oct.98. Since then I am a consumer of MSEDCL (meter No.9000005526) and paying the electric bills regularly. In the bill of June/July 04 there was a remark as "faulty". Since then I have written three letters dated 9.8.04, 28.09.04 and 02.11.04. But till 04.10.07 the licensee has not taken any action to replace the faulty meter or not given any reply. As per Elect. Act 2003, clause 42, this is the mandatory of the licensee to keep the meter in working condition. But on 04.10.07 in my absence Dy. E.E. Flying Squad(FS) inspected my premises and checked the meter. As per Elect. Act 2003, Rule No.50, the licensee has to conduct all such tests in presence of the consumer and copies of results are required to be provided to the consumer. This was not followed by the licensee. I was not shown the result and forcibly taken my signature on the reports. They also taken my signature on blank paper. The spot inspection report and meter installation report are supposed to prepare at the spot and in the presence of consumer. But it was prepared in the office Dy.E.E. Badlapur (E) and taken my signature calling me in that office. In the 'Jabab' the name was written as " Mrs. Anupama Manohar Nikam" but my signature was taken forcibly. In the letter of " consent for compounding of theft of Elect. Offence" the licensee taken my signature by

threatening about Police case. In spite of repeated requests I have not been provided with copies of all the above test reports. Therefore I started to collect the information's from 01.01.08 through Right of Information Act. 2005. From the documents received on 22.05.08, I came to understand that I have been booked under theft of energy under Clause No. 135 and charged for 876 units for 18 months. Later as per Dy. Director (V&S)'s L.No.1156 dt. 20.05.08, I received the copy of statement showing the special drive report of Badlapur conducted by Mumbai Region as on 04.10.07, copy of panchanama, four photo copies of my meter taken on 04.10.07 along with informations regarding consumer's rights. The spot inspection was carried on 04.10.07 at 11.00 to 12.00 AM but my signature was taken at Badlapur S/D at 5.15 to 5.30 PM without explaining anything about the meter. The signature on the letter of consent of payment of compounding charges is also taken by misinterpretation. On 06.10.07 my old meter No.9000005526 was replaced by new meter No.900863160. After replacement of meter, there was no much difference in consumption. Therefore it is clear fact that the old meter is not faulty. Before issuing the bill, the meter was not tested in front of me or no joint inspection report is prepared or followed any rules laid down in this respect. All these charges are unnecessary framed against me. Therefore I am not agreeing with the recovery made from me. Hence the energy bill of Rs.6570/- towards slowness of

meter and Rs.8000/- towards compounding charges (under theft) totaling to Rs.14570/- recovered from me illegally should be refunded to me with interest and action should be taken against the officers/staff who violated the Elect. Act 2003. If I am eligible, I may be paid suitable compensation, for these harassments. I have made No.of correspondence with licensee at various level including IGRC but no response is received. So I approached the CGRF on 22.09.08 and registered my grievance with forum with a hope to get the justice.

- 6). On the above the licensee stated that basically the complaint is raised due to billing with faulty meter status in the bills for July 04 and Sept.04. The bills from Nov.04 onwards are as per meter reading. There was no any complaint from consumer till detection of theft on 04.10.07. The Flying Squad tested the meter after three years from the date of consumer's complaint. The Dy. Executive Engineer, Flying Squad (FS) inspected the installation and tested the meter by accucheck meter in the presence of the consumer with his signature (Spot Inspection Report No.63 dt. 04.10.07) and the meter was found 55% slow. The meter was opened in the presence of consumer and the Panchanama was carried out on 04.10.07. The confession statement of the consumer regarding consent to pay the compounding charges was prepared and taken the signature of the consumer. As directed by the Dy. Executive Engineer (Flying Squad) vide

letter dt. 04.10.07, a bill towards theft of electricity for 876 units amounting to Rs.6570/- and bill of Rs.8000/- towards compounding charges (depend upon the connected load) totaling to Rs. 14570/- was issued to the consumer under Clause No.135 of Electricity Act 2003. The consumer did not make the payment. Therefore supply was disconnected on 04.10.07. The consumer made the payment of Rs.6570/- on 05.10.07 and after payment of energy charges the supply was reconnected on 05.10.07. The consumer paid the compounding charges of Rs.8000/- on 11.10.07 and then sent a notice dt.26.10.07 through Advocate in the name of the Director (V&S) Kalyan and submitted a written complaint to Hon. MD MSEDCL. The consumer also complained against the Flying Squad Kalyan Unit on 16.11.07 to the Collector, Thane. The Dy. Director (V&S) replied to the consumer vide his letter No.924 dt. 31.12.08. The consumer was not satisfied with the reply so he written a letter dated 01.01.08 to the Dy. Ex. Engr. Badlapur (E) Sub Division under RTI Act, asking action taken in connection to his complaint letters dated 09.08.04, 28.09.04 and 02.11.04. According to these letters, the consumer was billed with faulty meter status in the month of July 04 and Sept.04. (bi-monthly) (this can be seen from the CPL). The licensee further stated that we have replied all the applications and appeal letters of the consumer and provided all the information's as required by him time to time as per below mentioned letters.

- a). Replies were given in various applications submitted by the consumer from the Badlapur-East sub division office vide 1) Ltr. No. 642 dated 10.03.08 2) Ltr. No. 1597 dated 09/06/2008 3) Ltr. No. 2169 dated 01/08/2008 4) Ltr. No. 2176 dated 01/08/2008 5) Ltr. No. 2179 dated 02/08/2008.
- b) The replies were also given to various appeal letters submitted by the consumer to the appellate authority under RTI Act from the Badlapur- East sub division Vide letter No. (1) 22 dated 20/06/2008 (2) 2097 dated 28/07/2008 (3) 2354 dated 27/08/2008. The consumer is also replied by appellate authority i.e. Executive Engineer Rural division vide his letter no. 1) 8360 dated 31/07/2008 2) 8834 dated 28/08/2008, also the Director (V & S) vide his letter no. 1896 dated 31/07/2008 had also replied to the consumer.
- 7). It is pertinent to note that the consumer Shri Nikam is a teacher and well educated and also well aware of laws. His wife also educated. Therefore his allegations such as “ signed without reading”, signature taken “forcibly”, signature is taken “on plain paper” I could not understand the matter written there because “it was in English” etc. etc. are baseless. This is, therefore, appears to be framed after thought. Hence there is no question of taking his signature forcefully on any papers as stated by him. He has willingly signed both the reports. The licensee has a practice to explain the contents of various sections of Electricity Act 2003 to its consumers particularly to the person who involved in theft of electricity.

After detection of theft and the consumer required to pay the compounding charges to stop the further procedure of lodging police complaint, disconnection of supply etc. The photos are also taken as normal procedure. The consumer described the awareness given by the licensee as “threaten”. After the last complaint letter dt.02.11.04, the billed units are increased from 60 to 122 units from Nov.04 to March 06. So it is clear that consumer has made alteration. Before July 04 and after March 06 the units are considerably less. After replacement of meter, it is likely that consumer may control the use of electricity for sometime, because they know that the arrears will be drawn on the basis of average consumption recorded by the new meter for first 2-3 months after replacement of meter. The consumer is mixing the RTI matters with the undertaking given by him and the awareness given to him under the Electricity Act 2003. The consumer is well aware of the theft of electricity done by him by tampering the electric meter. Thus he has committed an offence under Section 135 of Indian Electricity Act 2003. Therefore the licensee is entitled to claim the charges mentioned above. The various allegations made by him vide his various letters are baseless and totally wrong. All these are done after thought to avoid payment under theft of energy. The consumption of 25 to 40 units per month for a one room kitchen flat as stated by consumer is not correct.

8).The forum asked the consumer that you are working as a

teacher and being an educated person how you do not read the matter, how given the signature on blank paper or how do you say signature was taken forcibly. Being a educated persons you may be aware that if a person is forced to sign any paper which he does not agree, he should write his objection and then to sign the paper.

- 9).The licensee stated that due to increasing the distance between the magnet the consumption recorded less. Any kind of alteration inside meter tampering the matter is an offence under 135 of Electricity Act 2003. Therefore the licensee is entitled to recover the charges under 135. On the point of increasing the magnet, the Engineer Meter Testing Unit was called during the hearing and he demonstrated the working of the meter and confirmed the point. There are screws tightening the magnet and disc. If these screw are loosened, the gap will increase and disturb the rotating the disc. got explained from him and confirmed that by increasing the gap of magnet the consumption can reduce.
- 9) After hearing both the parties, studying all available documents submitted by Licensee as well as consumer, forum come to the conclusion that this being a theft case and booked under Clause 135 of Electricity Act 2003, this issue is entirely coming under the purview of the Licensee. This forum has no jurisdiction therefore forum not passed any order.
The case is rejected.

10) 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.

Date :- 04/11/2008.

(Sau V. V. Kelkar)

(R.V.Shivdas)

Member

Member Secretary

CGRF Kalyan

CGRF

Kalyan