

MAHARASTRA STATE ELECTRICITY BOARD
KALYAN ZONE, KALYAN

Phone 1) 2210707
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Office of the Consumer
Redressal
Forum
behind Tejashri,
Cherwanji Road,

Ext-122.

IN THE MATTER OF GRIEVANCE NO. K/E/014/0016 OF 05-06
OF SHRI TARACHAND MEGHRAJ KARAMCHANDANI
REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL
FORUM KALYAN ZONE, KALYAN ABOUT THE EXCESS
ENERGY CHARGES LEVIED BY LICENSEE

Shri Tarachand Meghraj Karamchandani (Here in after
Shop NR BK 786 NR UMC referred to
Ulhasnagar 421003 as consumer)

Versus

Maharashtra State Electricity Board, through its (Here in after
Deputy Executive Engineer, Ulhasnagar referred to
Sub Division No 2 Ulhasnagar as licensee)

1) Consumer Grievance Redressal Forum has been established under regulation of "Maharashtra Electricity Regulatory

Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2003” 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 L.T. consumer of the licensee connected to their 415-volt network using energy for commercial purpose. Consumer disputed charges levied by the licensee in their bills for the period from October 2000 to August 2002, vide his above grievance registered with forum on 6/5/2005. The details are as follows.

Name of the consumer: - Shri Tarachand Meghraj Karamchandani

Address same as above

Consumer Nos: - 021510064132

Meter No: -10015170, consumer's own meter, Make: - Jaipur, 3x50 ampers, 3 phase 4 wire

Disputed energy units, amount & period: - 21216 units based on 54% slow recording of energy by meter, Rupees seventy three thousand nine hundred fifty three (Rs 73953) only, 24 months from billing cycle of October 2000 to August 2002 (billing cycle is of two months) respectively.

- 3) The batch of papers containing above grievance was sent by forum vide letter no. 176 dt. 7th May 2005 to Nodal Officer of licensee. The letter was replied by Nodal Officer vide letter no. SE/O&M/KC-II/Tech/1055 dt.21st May 2005.

- 4) All the three members of forum heard both the parties on 12th May 05 from 15 hours to 16 hours in the meeting hall of the forum's office. Shri Tarachand Meghraj Karamchandani consumer himself represented his case & Shri H. K. Randive Nodal Officer; Shri S. G. Sawle Deputy Executive Engineer & Shri P. M. Kakde LDC of licensee represented the case for licensee.
- 5) Shri Tarachand pointed out that flying squad of licensee visited his premises on 23rd February 2001 and noted that meter was faulty on R phase. He stated that error should have been 33% slow as the meter was faulty on R phase but the flying squad has noted that the meter was slow by 54% He said that he does not agree with the observations of the Flying squad. He further submitted that he was charged on the recorded consumption of 24 months from October 2002 to August 2004 presuming meter to be slow by 54%. He also submitted that the charges levied of Rs.73, 953/- based on 54% slow recording of the meter for a period of 24 months is not acceptable. He also submitted that this faulty meter was changed after 18 months from the detection of fault i.e. the meter was replaced in October 2002 after detection of fault in the month of February 2001. He further said that he should not be penalized for charging energy charges based on 54% slow recording of meter of 24 months for his no fault. He further said that he had paid the bill in the month of December 04 but his supply was disconnected without any notice to him in the month of January 2005. He requested forum to direct licensee for reconnecting his supply.

6) Shri Randive, Nodal Officer said that the licensee is considering revision of his bill based on 33% slow recording by meter as the meter was faulty on R phase only. He said that supply of the consumer would be reconnected on 21st May 2005 as he has paid energy bill in December 2004.

(i) Nodal officer submitted final decision of the licensee about charging the consumer at 33.33% slow recording of the meter vide his letter dt. 25th May 2005 addressed to Executive Engineer & copy to the forum.

7) The licensee has thus assessed the consumption for 24 months at 33.33% slow recording of meter i.e. at 66.67% recorded consumption as detailed below: -

(i) From Oct.2000 to February 2000) since six months before the date of detection of fault).

(ii) From Feb.2001 to October 2002) 18 months during which faulty meter remained at installation until replacement of meter in October 2002.

8) The adjustment i.e. the amount disputed by consumer as shown in para 2 above was included in the bill of consumer in the billing month of October 2003.

9) Nodal Officer put forth no reason during hearing for delay of 24 months in raising assessment in October 2003.

10) We now look to provision 56 (2) of the Electricity Act, 2003. The section states as follows: -

“Notwithstanding anything contained in any other law for the time being in force, no sum due from any consumer, under this section shall be recoverable after the period of two years from the date when such sum became first due unless such sum has been shown continuously as recoverable as arrear of charges for electricity supplied and the licensee shall not cut off the supply of the electricity.”

- 11) It is seen from the facts narrated in the preceding pages that licensee has prepared the bill of sum due from the consumer in the billing month of October 2003. Thus, the bill was raised after two years from the detection of fault i.e. after two years when the amount first became due from the consumer. Thus, licensee cannot recover this sum of Rs.73, 953/- from the consumer, as per provision contained in Section 56(2) of the Electricity Act, 2003.
- 12) After taking stock of entire situation narrated above, the forum unanimously agreed to pass the following order.

O-R-D-E-R

- 1) The adjustment amount of Rs 73,953/- (Rs Seventy three thousand nine hundred fifty three) shown in the electricity bill of the month of October 03 is, hereby, quashed and set aside.
- 2) The delayed payment charges/interest, if any, levied by the licensee on the amount Rs 73,953/- (Rs Seventy three thousand nine hundred fifty three only) upto the last billing month, is also withdrawn.
- 3) Licensee shall pass on credit of amount paid by consumer, against

- (i) amount shown in para 1 above &
- (ii) calculated amount as per para 2 above,

in his bills from next billing cycle onwards till the entire amount gets refunded.

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

Maharashtra Electricity Regulatory Commission,

13th floor, World Trade Centre, Cuffe Parade, Colaba, 400005.

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: - 30/5/2005. CONSUMSR

(S.H.Chaphekarande)

(V.V.Kelkar)

(I.Q.Najam),

Member Secretary

Member

Chair person

CGRF Kalyan

CGRF Kalyan

CGRF Kalyan