



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/0150/0172 OF
08-09 OF SHRI BHAVNANI SURESH K. ULHASNAGAR
REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL
FORUM KALYAN ZONE, KALYAN ABOUT EXCESSIVE
ENERGY BILL.

Shri Bhavnani Suresh K.
Flat No. 601, Golden Tower,
New Link Road, Ulhasnagar : 421 002

} (Here in after
referred to
as consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its Dy. Executive
Engineer, Ulhasnagar Sub/Dn. II, Dn. No. I

} (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 17/12/2008.

The details are as follows: -

Name of the consumer :- Shri Bhavnani Suresh K.

Address: - As above.

Consumer No : - 021510512941

Reason of dispute: Recovery of Excessive Energy Bill due to slow meter.

3) The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/384 dated 17/12/2008 to Nodal Officer of licensee. They replied vide letter dated DYEE/Sub.Dn-II/Billing/21, dated 03/01/2009.

4). The original hearing was fixed on 08.01.2009 at 15.00 hrs. vide TOL No EE/CGRF/Kalyan/385 Dt. 17/12/2008 in respect of this consumer against excessive billing. Since the date of 08.01.09 coming on Public Holiday (due to Moharam), the hearing postponed to 12.01.09 at 16.00 hrs. & both the parties are informed vide TOL No. No.. EE/CGRF/Kalyan/406 dt. 24/12/2008. The Member Secretary & Member of the Forum heard both the parties on 12/01/2009 @ 16 Hrs. in the meeting hall of the Forum's office. Shri B. D. Gerelia, & Shri P. T. Tanwani Consumer's Representatives & Shri A.S. Bire, Junior Engineer, Shri S. N. Surve, Asstt. Acctt. representatives of the licensee attended hearing.

- 5). The consumer stated that he is a residential consumer having single phase connection. On 16/06/2007 his meter was tested by Flying Squad Washi & it was found 73.98% slow. So the said meter was replaced on 29/06/2007. As per Flying Squad Washi's report, assessment for the period from April 07 to June 07 is done for Rs. 53,323=92 towards slow meter recovery under Section 126 - I.E.Act 2003. The amount of Rs. 53,323=92 is added in the current bill of consumer & shown as arrears which is disputed by the consumer. Since on Flying Squad report it is mentioned that "No evidence of any abnormality is found" , the consumer has demanded to withdraw the slow meter recovery & the consumer has not paid the bill.The consumer written letters dated 30.11.08 dt.05.02.08 and 14.03.08 for redressal of his grievance.
- 6). Forum explained to licensee that Rs. 53,323=92 towards slow meter recovery under Section 126 I.E.Act 2003 recommended by them is wrong as in Flying Squad report dt. 16.06.07 it is mentioned that "No evidence of any abnormality is found".
- 7). Licensee agreed that they have wrongly mentioned Section 126 of I.E.Act 2003 in the Bill 16.6.07 but only slow meter recovery is done for three months from April 07 to June 07. The licensee further stated that the consumer has not given his objection against the assessment raised by the licensee within one month. When the bill is not accepted by the consumer, he should submit his application within one month, so the case can be revised but the consumer has objected after a long period i. e. after 8 to 9 months.

- 8). The meter was accuchecked at site by accucheck meter. At the time of testing the meter was found 73% slow, so it was replaced. The meter is not with the licensee, it is credited.
- 9). Forum asked the licensee that the replaced meter should be tested in the lab. but since it is not available, it cannot be proved about the slowness. In the accucheck report submitted by Flying Squad Washi, Sr. No. & other details of accucheck meter were not mentioned. IDMI certificate of accucheck instrument should be submitted by the licensee to forum upto 19th January 2009.
- 10).The consumer stated that the meter replacement report is not received by him. After replacement of the meter also his consumption is unchanged. But licensee stated that the consumer can control the consumption, because he wants to raise the objection on the assessment raised.
- 11).Checking was done in the month of June 07, after that bill was received by the consumer in November 07 i.e. after five months from the checking. In the current bill of November 2007 the assessment amount was added. Consumer has given application on 30th November 07 and objected for the recovery charged in the bill. The consumer has paid the current bill except disputed bill. The consumer has requested to withdraw the assessment amount.
- 12).Licensee stated that in the month of June 07 handwritten bill was issued to the consumer but the consumer is not agree with the same. Acknowledgement of the same is also not available with the licensee, the same will be traced out and

produced to the forum.

13).Forum observations:

- a). The meter is accuchecked and opened at site in the presence of consumers and consumer representative signed the report.
 - b). The meter is not tested in the laboratory.
 - c). The calibration certificate from Institute for Design of Electrical Measuring Instrument (IDEMI) of accucheck meter by which the meter is tested is not submitted till today by licensee as asked during the hearing.
 - d). Licensee himself agreed that this case is not coming under Section 126.I.E.Act 2003.
 - e). Also there is no much difference in consumption after replacing by new meter.
 - f). Since the meter is not tested in laboratory and the IDEMI certificate of accucheck is not submitted till to today, the licensee is not entitle to recover the arrears against slow meter.
- 14) After hearing & studying all available documents submitted by both the parties, forum come to the conclusion unanimously and pass the following order.

O- R- D- E -R

- 1). The energy bill dated 16.06.07 of Rs.53323.92 issued by the licensee to the consumer, against slow meter recovery is hereby quashed and set aside (as per para-13-f)

- (2). The consumer if paid any amount against above bill, the same should be adjusted in the ensuing bill from the date of this decision.
- (3). The Compliance report should be submitted to the forum within 60 days from the date of decision.
- (4) 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.
- (5) Consumer, as per section 142 of the Electricity Act, 2003, can approach Maharashtra Electricity Regulatory Commission at 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 :- 04/02/09

(Sau V. V. Kelkar)
Member
CGRF Kalyan

(R.V.Shivdas)
Member Secretary
CGRF Kalyan