



**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/152/0174 OF 08-09
OF SHRI D.G.DESHPANDE REGISTERED WITH
CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN
ZONE, KALYAN ABOUT EXCESSUVE BILLING.**

Shri D.G.Deshpande
A-107,1st floor, MaaGang-Jamuna CHS
Station Road,Ulhasnagar-4. } (Here in after
referred to
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its Deputy
Executive Engineer, Sub Dn.iv,Ulhasnagar } (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 22.12.2008 regarding excessive billing.

The details are as follows: -

Name of the consumer: - Shri D.G.Deshpande,.

Address: - As above

Consumer No: - 021514373466

Reason for Dispute:- Excessive Energy bills against slow meter recovery i.e. 24.36%.

3. The batch of papers containing above grievance was sent by Forum vide letter No. EE/CGRF/Kalyan/0397 dt.022/12/2008 to Nodal Officer of licensee. The licensee replied vide letter No.Dy.EE/Sub-Dn.Ulh.IV/62 dt.17.1.09.
4. The Member Secretary & Member of the Forum heard both the parties on 19.01.2009 @ 15 Hrs. In the meeting hall of the Forum's office. Shri D.G.Deshpan S.B.Mane, Dy.Ex.Engr.and Shri S.N.Bhuruzwale, Junior Engineer, representatives of the licensee attended the hearing.
5. The Consumer Shri D.G.Deshpande, stated that he availed an electric connection to his residence in 1994 having Meter No.9010930566. This meter became faulty at the reading of 1004 units. He informed the same to the Dy.EE Sub Dvn. Ulhasnagar on 28.9.95. But they did not take any action till 29.9.2008.Consumer stated that in summer 1996 he along with his family members went to his native place. On arrival when he switched on the main switch available in his house, he found that there was no supply. Hence he checked the

meter board and found that the switch was tripped. On enquiry he came to know that there was shut down one day and when the supply was restored it might have been tripped off. Luckily the meter started functioning automatically since then the meter started recording consumption.

6. The consumer represented that on 29.09.08 some employees of the licensee accuchecked the meter and declared it as working slow by 26.36%. On the same day the old meter was replaced and new one was installed. His son was present at the time of lab test. On opening the meter, it was observed that the meter had proper seal. The paper seal was broken by licensee's employees in the lab in presence of C.R. and no unwanted things found inside also. After spot inspection on 29.9.08 the old meter was removed stating that it was running slow of 24.36%. The meter opened in the lab but not carried out testing. The licensee observed that the old meter had proper seals (sealed at the time of removing the meter from site) and after opening it, no unwanted thing also found inside. It is witnessed by other two residents of the society whose meters were also replaced. However, his son was asked to sign on blank papers which he did, due to fear and not knowing the consequences. He said this act of licensee is illegal. He was given a manual bill of Rs.3620/- on 29.9.08 and on receipt of it, he sent a letter on 8.10.08 asking some clarifications such as when the meter seal is intact why the licensee penalized him under Section 126 ?, how the

metered units of 318 worked out?, when in 1995 itself asked to replace the meter why it was not replaced?, for new connection meter charges are paid then why should pay cost of subsequent meter? When his supply was not disconnected why reconnection charges of Rs.100/- recovered from him ?. How the supplementary bill worked out. Why supplementary Bill given separately and was not added in the routine bill? and why charged at double rate?, etc. etc. It was neither clarified nor replied by the licensee. Therefore, he paid that bill and subsequent bills under protest. The bill dated 17.10.08 given closing reading as 53 but he was billed for 95 units. The bill dated 12.12.08 shown previous reading 1(one) which should have been shown as 53 and closing meter reading as 367. Hence, he said, he should have been billed for 314 units, but billed for 435 units. He never consumed this much energy. He represented that he has 3 tube lights of 40 KW out of which 2 are used for maximum 7 hours a day and one used for 4 hours a day. The total consumption comes to 30 units per month. He has 2 fans which are used for maximum 12 hours per day. There is one fridge which consume 30 units per month. There is a computer used very much less and there is no TV. Therefore his total consumption of electricity may not go beyond 70 units per month. The recovered Security Deposit of Rs.500/- when there is no increase in my consumption. The licensee also recovered meter cost of Rs.700/- when he already paid the cost of the meter in initial stage. The consumer stated that for no fault on

his side, issued bills, printing that he has made theft of electricity. Not only that whenever his son approaches the licensee with his grievances all the time he has been abused and insulted in front of others as thief saying that you have made theft of energy, so you have to pay the charges under 126. He said he wanted to file defamation case against these adamant and arrogant officers. The licensee personals harassed me and forced to pay huge amount as penalty/arrears/meter cost/Reconnection charges (RCC) etc. He made No.of correspondence with licensee dated 28.12.94 dt. 28.09.95, dt.3.310.08, dt. 08.10.08, dt.23.10.08 and dt. 22.12.08, for canceling the amount illegally charged under 126 and bill at the rate of 70 units per month as his consumption may not go beyond that. But the concerned licensee staff was adamant and not ready to revise the bills unjustified and illegally recovered from him. Therefore he approached this forum and registered his case on 22.12.08. The consumer wanted to refund or adjust the amount in future bills for the bills paid through supplementary bills dated 29.9.08, 17.10.08 and 12.12.08.

7. The licensee represented that the consumer vide letter dt.28.9.95 said to have been written to licensee is not received. Then the consumer showed the letter dated 28.09.95 which has Sub Division's seal and date of receipt. The licensee stated that during the special drive of accucheck his meter was checked alongwith others of the Building whose meters were also

checked and replaced on the same day. His meter found 24.36% slow. The plastic seal found some scrap and rolled round. The meter was sealed by paper seals in front of consumer with his signature and taken to lab. This has been opened in the Lab when the consumer's son was also present. On opening, it is noticed that the rotating disc was bent and not rotating freely. There was scratches on the disc. Since the plastic seal found disturbed condition and the disc found bent with scratches, the consumer has been charged under E.I.Act 2003,Section 126 and supplementary bills was issued to him which he paid accordingly under protest. The signatures on spot inspection report and panchanama have been done after recording. No signature is taken on blank paper from the consumer as stated by him. He has been charged meter cost and reconnection charges. His demand was to charge at the rate of 70 units per month as per his calculation and waive out excess amount and the amount charged under 126. This was not possible. As the seal wire is found to be tampered, the case is booked under Section 126, of the I.E.Act 2003 and billed for 12 months on percentage basis and difference of units charged double the normal units rate and it is worked out to be 318 units amounting to Rs.2820/- plus damaged meter cost Rs.700/- plus reconnection connection charge of Rs.100/-(Total Rs.3620/-). The photos of the meter are taken and the panchanama is also carried out at the same time in front of the consumer's representative. The old meter is replaced on 29.09.08 with new

tested meter with initial reading 1 (one) and new meter reading taken on 26.11.08 was 367 units for total 59 days, i.e. 6.22 units/day and 187 units per month whereas the old meter's average consumption was 95 units. The assessment issued is correct. This is the actual consumption of the consumer. Whatever action taken by licensee is correct and is as per rules. But consumer was not satisfied. Therefore, they approached the CGRF.

8. Forum asked the licensee that the consumer on dated 28.09.95 informed the licensee about not working of the meter as it stood constant at 1004 reading, but licensee not attend his complaint and after 13 years during routine accucheck drive on 29.09.08, licensee checked his meter and noticed that the meter is 24.36% slow. Why neglected the consumer for 13 years, evenafter giving complaint ? The licensee had no reply.
9. The forum asked the consumer's son who attended the hearing that you are an adult (21 years old)., why did you signed on the blank paper? He said " he signed due to fear and not knowing the consequences as they said they have no time to write the Panchanama now, so we will write all these facts afterwards and a copy of the same will be provided to you". But after reading the contents of the panchanama, he astonished.
10. When asked the licensee why you have displayed that "recovery against theft of energy', etc." in the bill. The licensee said it is due to computer software procedure.

11. On this the consumer reiterated that suppose such “defame” remarks printed on the bill is due to computer software procedure but whenever I approach the licensee’s office, the officers abused me like “electricity thief” in front of others. This can not be justify on the pretext of software procedure.
12. Forum observations:-
 - a).The consumer written letters dated 28.12.94, 28.9.95, 03.10.08, 08.10.08, 23.10.08 & 22.12.08 for redressal of his grievances and Licensee responded vide letter to consumer dated 07.01.95.
 - b).The consumer got connection in 1994 bearing meter No.1010900566. The meter was not working after reaching the reading at 1004 units. He informed the licensee on 28.09.95. But the licensee did not take any cognizance of the same.
 - c).The licensee carried out spot inspection on 29.9.08 during routine surprise checking drive, they noticed that the plastic seal found slightly rolled and meter found 24.36% slow. The meter was opened in the lab and the spot inspection report dated 29.9.08 states that (i). Disc is not rotating freely (2) No any irregularity observed (iii) As per I.E. Act 2003, Section 126, bill may be issued. The report is signed by P.C.Engineer. The consumer has been booked under Section 126 and charged accordingly.
 - d).They not only charged under Section 126, but also charged meter cost of Rs.700/- and recovered reconnection charges of

Rs.100/-. This is totally incorrect on the side of licensee. In this case, there is no disconnection, so penalizing reconnection charge, does not arise. Also meter cost can be charged once in a while as per MERC directives. Every time of replacement on account of slowness, meter charges should not be recovered. The licensee committed that the meter is working but it was slow by 24.36%. Also it is committed by the licensee that the meter is only opened in the lab but not carried out testing, such as load test etc. As such the licensee is not entitle to recover arrears or impose any other charges. The consumer is entitle for refund of meter cost and RCC. More than four years is over after I.E.Act 2003 came into force, but most of the licensee field officers have no knowledge of the same.

- e).The disc was bent and there were scratches on the disc. This may be happened due to oldness of the meter.
- f).The signature of the consumer representative's in Accucheck and panchanama reports are verified by forum and identified the same.
- g).The consumer demanded to retest the old meter infront of forum. Therefore forum decided to test the old meter in the Kalyan lab in front of both the parties on 22.01.09 at 12.00 hours and issued latter to that effect vide letter No.EE/CGRF/Kalyan/045 dt. 20.01.09. The meter was tested in lab on 22.01.09 at 12.00 hours in front the consumer Shri D.G.Deshpande, Shri S.N.Bhuruzwale, Junior Engineer, from

Licensee and forum members. The calibration validity date of accucheck meter was verified which is valid upto 14.07.09. During the testing it is observed that though there were scratches on the meter disc the slowness of the meter was within permissible limit. The percentage errors on various loads as per test report No.377 dt. 22.01.09 are -7.67% on 1/10th load, -1.50% on half load and -1.5% on full load.

- 13.** On the basis of above result forum come to conclusion that (1) the recovery against slow meter is invalid because the lab testing errors are under permissible limit (a). the meter is in the circuit from 1994. The licensee accucked the meter on 29.9.08 i.e. after about 14 years. Therefore it is likely that the plastic seal and seal wire may got rusted due to oldness (c). The licensee has charged the consumer under Section 126 is not correct. I.E.Rule 126 read as follows: 126 - Explanation (b) – “***Unauthorised use of electricity” means the usage of electricity- (i) by any artificial means or (ii) by means not authorized by the concerned person or authority or licensee; or (iv) for the purpose other than for which the usage of electricity was authorized.***”

Let us now examine this case in the light of above explanation.

The questions to be answered before forum were:

- a) Whether the use of electricity was by an artificial means?
- b) Whether the use of electricity was by a means not authorized by the concerned person or authority or licensee?

- c) Whether the use of electricity was through a tampered meter?
- d) Whether the use of electricity was for the purpose other than, for which the usage of electricity was authorized?

Our answers to above questions are :-

- a) No
 - b) No
 - c) No, it is clear in panchanama that the meter was not tampered, only seal was found in rolled condition. Disc was slightly bent and some scratches found on disc and not rotating freely. No any other irregularities observed.
 - d) No.
14. 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 recovery made by licensee as per bill dated 29.09.08 Rs.2820/- + meter cost Rs.700/- + Reconnection charges Rs.100/- i.e. total amount Rs.3620/- is quashed and set aside.(see para 13 above).
- (2). The quashed amount of Rs.3620/- paid by consumer should be adjusted in the ensuing bills from the date of decision.

- (3). The compliance should be reported within stipulated time limit to the forum.
- (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 :- 03/02/2008

(Sau V. V. Kelkar)
Member
CGRF Kalyan

(R.V.Shivdas)
Member Secretary
CGRF Kalyan