



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/ 0153/ 0175 OF
08-09 OF MRS. ROHINI U. KARUNAKAR REGISTERED WITH
CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN
ZONE, KALYAN ABOUT EXCESSIVE BILLING.

Mrs. Rohini U.Karunakar
B – 16, JayJyoti CHS
Old Dombivali Road
Shastri Nagar, Dombivli – (West).

(Here in after
referred to
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its
Dy. Ex. Engineer, O&M Sub-Division
No. IV, Dombivali (West)

(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 24/12/2008 for excessive billing.

The details are as follows: -

Name of the consumer :- Mrs. Rohini U. Karunakar

Address: - As above

Consumer No : - 020011708502

Reason of dispute: Excessive energy bill under Section 135 of I.E.Act, 2003.

- 3). The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/402 dated 24/12/2008 to Nodal Officer of licensee. They replied vide letter No. DYEE/Domb(W)/Billing/47, dated 22/01/2009.
- 4). The Member Secretary & Member of the Forum heard both the parties on 22/01/2009 @ 15.00 Hrs. in the meeting hall of the Forum's office. Mrs.R.V.Karunakar, Consumer, Shri Bhaskar Suvarna Consumer Representative & Shri Davis, Jr.Engr.(Nodel Officer incharge, Shri S. R.More, Dy. Ex. Engr, Shri D.V.Bhojane, Asstt. Engineer, Shri S.L.Kaldate, Sub-Engr. representatives of the licensee attended hearing.
- 5). Firstly the forum got verified the signature of the Consumer in the Panchanama and identified the same.
- 6). The Consumer represented that presently she is staying at Thakurwadi and not staying at Flat No.B/16, Jay Jyoti CHS Old Dombivali Road, Shastri Nagar, Domb (W). She further said she came to know from the Society that her electricity is disconnected and meter is taken away by the licensee. The licensee can not take away the meter without our consent. Society handed over a

letter received from licensee to present in the office on 24.09.08 for meter testing. Consumer was present at the time of testing. The meter was opened and they informed me "that the meter seal is tampered and found inserted a yellow wire between incoming and outgoing phase. Meter is made 48.29 % slow". She said I don't know about the meter. Then Licensee said us that "you will have to pay compounding charges against the theft of energy of Rs.20,810/- and recovery of arrears of Rs.13,872/- (Total Rs.34672/-) If you not paid this bill, a Police complaint will be made and action as per rules will be taken against you." After replacement of meter, we got a bill of Rs.90/- then how they say that the meter is slow. On receipt of bill dated 29.09.08, we approached the licensee and requested to revise the bill. We were paying the electric bills between Rs.90/- and Rs.100/- not more than that. We are not ready to pay this huge amount, because we are not staying there. Our supply has been disconnected on 15.11.08.

- 7). The licensee contented that this consumer's meter No.033929 at the above premises has been accuchecked on 27.08.08. Since the meter found 48.29% slow, the meter has been brought to the lab duly paper sealed and replacing by new meter. The meter was opened on 29.08.08 in the lab in presence of the consumer. After opening the meter, it is found that PVC seal No. 150426 was tampered, yellow wire was found in between incoming & outgoing phases. As per rule panchanama & other formalities have been completed under I.E. Act 2003, Section 135. As per the load the assessment bill is issued to the consumer.

Consumer has not paid the bill amount Rs..20,810/- + compounding charges Rs.4000/- & hence F.I.R. has been lodged at the Police Station Kalyan on 18/11/08 vide F.I.R. No. II/1028/08,dt. 18/11/08. There is no written complaint or demand of extra money charged in this case from the consumer to licensee's office. Licensee further stated that we have followed all the procedures laid down in the prescribed rule & the charges levied to the consumer under Section 135 is correct.

8). Forum asked the consumer that when you are not staying in the said residence, you are required to inform the licensee. On this consumer said though we are at present staying at Thakurwadi, we used to stay there sometimes. Consumer requested to the forum to see whether there is any possibility to minimize the penalty..

9). Forum observations :

a). The licensee has accuchecked the meter on 27.08.08. In the report they have mentioned that the meter is 48.29% slow and in the place of consumer signature it is written as "lock".

b). The licensee sent three letters to the consumer to attend the lab test of the meter on dated 02.09.08, 15.09.08, and vide out ward No.35 dt. Nil.

c). Above meter when tested in the lab the consumer was present because she had received a letter through her Society to attend the testing 24.9.08. The meter was opened on 29.08.08 in the lab in presence of the consumer. After opening the meter, it was found that PVC seal No. 150426 was tampered, and a yellow wire found inserted in between incoming &

outgoing phases. The panchanama is witnessed by two Panch and three licensee's officers and the consumer. The signature of the consumer on the Panchanama got verified and identified the same.

- d).The licensee levied compounding charges on 27.9.08 Rs.4000/- and recovery against theft of energy Rs.20,810/- on 29.09.08 for two years Sept.06 to Aug.08. under I.E.Act,Section 135 towards theft of energy. The consumer not paid these bills. Therefore licensee disconnected the supply on 15.11.08 and lodged a FIR on 18.11.08 vide No. II/1028/08.
- 10). After going through all above facts, forum come to the conclusion that this is crystal clear case of theft of energy under I.E. Act 2003, Section 135. Therefore, this issue is not coming under the purview of the forum, so this case is dismissed unanimously hence no order is passed.
- 11). Consumer can file appeal against this decision with the Ombudsman at the following address. "*Maharashtra Electricity Regulatory Commission, 606/608, Keshav Building, BandraKurla Complex,Mumbai 51*"

Appeal can be filed within 60 days from the date of this order.

Date :- 05.02.2009

(Sau V. V. Kelkar)
Member
CGRF Kalyan

(R.V.Shivdas)
Member Secretary
CGRF Kalyan