



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/ 0172/ 0195 OF 2009-2010 OF SHRI PURUSHOTTAM CHINTAMAN JUVALE REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT EXCESSIVE ENERGY BILL.

Shri Purushottam Chintaman Juvale
Sumukh Society, Plot No. 15,
Manda, Titwala (East): 421 605

(Here in after
referred to
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its
Assistant Engineer
C. C. O&M Sub-Division, Kalyan

(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 07/02/2009 for Excessive Energy Bill. The details are as follows: -

Name of the consumer :- Shri Purushottam Chintaman Juvale

Address: - As above

Consumer No : - 020110018143.

Reason of dispute: Excessive Energy Bill against Section 126 of I.E.Act 2003 for 24 months.

- 3). The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/106 dated 07/02/2009 to Nodal Officer of licensee. Shri Rathod, Asstt.Engr. Const.Sub Dn. Kalyan, addressed to Nodal Officer, submitted a copy of letter dated 20.12.08 sent by to the Nodal Officer in respect of this case alongwith copies of other documents including panchanama dt 23/5/08 by way of reply.
- 4). The members of Forum heard both the parties on 04/03/2009 @ 15.00 Hrs. in the meeting hall of the Forum's office. Consumer Representative Mrs. P. P. Juvale and Shri V. Y. Kamble, Nodal Officer In-charge, Shri S. D. Rathod, Asstt. Engr., Shri S. S. Nalke, Jr. Manager & Shri L. B. Khetre, Asstt. Acctt. Representative of the licensee attended hearing.
- 5). The consumer submits that his meter was accuchecked with the accucheck meter No.2991898 on 23.5.08 and she was informed about alleged tampering of seals and slowness their signatures and

taken away the meter to the laboratory replacing another meter. As per the licensee's letter dt. 30.5.08, she went to the Valipir office where the meter was again checked. They did not find any irregularities inside the meter. Since the meter seals are found in broken condition, as informed, they suspected us to have been made the meter slow to show less consumption and issued them a bill of Rs.25,470/-. We don't know what seal is and where it is. Though we were having no capacity to pay such a huge amount, we somehow managed it through loan and paid it to avoid disconnection of supply considering our children's ensuing examination. The meter readers are taking the meter readings in every month. It is their duty to inform the billing office to point out about less consumption, seal breaking etc. If they would have informed MSEDCL all these, earlier in time, they would not have been required to pay such illegal and unjustified heavy penalty. They have charged us penalty for 24 months. It means they have not checked our meter atleast for two years. Who is responsible for this. The reason informed by the licensee is not believable and justifiable. Why the licensee did not take action to change the meter earlier. We have lodged our complaint to CGRF for getting justice. During the flood in 2005, the meter remained under the water and this may be a reason for meter becoming slow.

- 6). The Representative of licensee submits that the consumer's meter installed in Sept.2000, bearing No.2991898 and used for residential purpose, was accuchecked on 23.05.08 and at that time the said meter was found slow by 70.77% slow and all meter body seals were found broken. Accordingly 2 Nos.of plain paper seals duly signed by meter tester and consumer were fixed on meter body for keeping position as it

is and then was taken to laboratory after replacing another meter bearing No.914856. The consumer has been informed to be present in the office at the time of testing vide our letter dt.30.5.08. Thus the consumer was present in the lab on 2.6.08 and after opening the meter, he has been explained that there is no irregularities found inside the meter, but the PVC seal applied in the body of the meter was found tampered and the meter was found to be 70.77 % slow. The consumer has been assessed under I.E.Act 2003, Section 126. The consumer has been given a bill dt,14,11,08 for Rs.25,470/- for 24 months recovery. The consumer paid the same. The copies of inspection report, panchanama, meter replacement report, notice to consumer are enclosed herewith for perusal of the forum. After replacing the meter, there has been increasing trend of consumption. So it can be confirmed that the meter was made slow. From the CPL also it can be confirmed that the meter was made slow. The LR further submits that the consumer might have made the meter slow, inserting any substance inside the meter and involved theft of energy. When they felt that if any checking is done and any irregularities found inside the meter, they will come into trouble, so they might have removed such substance.

7). Forum asked the licensee to submit upto date CPL record, accucheck calibration certificate, photos of the meter, within 4 days i.e. on or before 09.03.09.

8). Forum observations:

a).The consumer disputed the arrears bill it was not replaced when it was found slow. The consumer approached the licensee on

18.11.2008 there was no response from them, therefore they approached to CGRF on 7.2.1009.

b). Following events are most important in this case.

- i),. Date of meter accucheck (Spot inspection): When the meter was tested with accucheck on 23.05.08, the PVC seals were found broken and the meter was found 70.77% slow.
 - ii). Inspection of meter in the lab: As per the panchanama dated 2/6/08, the meter was only opened in the lab in presence of consumer on 2.6.08 but was not tested. The Licensee did not submit lab test report and after inspection, the consumer has been explained that there is no irregularities found inside the meter, but two PVC seal applied in the body of the meter were found broken and the meter was found to be 70.77 % slow.
 - iii). The consumer has been assessed under I.E.Act 2003, Section 126. The consumer has been given a bill dt. 14.11.08 for Rs.25,470/- for 24 months recovery.
 - iv). The consumer paid above bill vide MR No.8106851dt.24.11.08
- 9). As per Section 126, the assessment of consumption has to be done only for the unauthorized use of electricity as explained in the Part (b) of Section 126. Explanation read as follows:-
- “Unauthorised use of electricity” means the usage of electricity
- a) by an artificial means ; or
 - b) by a means not authorized by the concerned person or authority or license; or
 - c) through a tampered meter; or

- d) 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 us 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 lab test that the meter was intact internally and it was not tampered, only seal was found in broken condition.
d) No.
- 10). It is made clear from the lab inspection report (licensee could not submit any proof of lab test report till to day) that the meter was not a tampered meter and hence section 126 can not be applied in this case as none of the condition mentioned above are present in this case. The licensee has not found any irregularities inside the meter.
- 11). As per Maharashtra Electricity Regulatory Commission (Electricity Supply Code and other conditions of supply) Regulation 2005., clause No.14.4.1, the Distribution licensee shall be

responsible for the periodic testing and maintenance of all consumer's meters. As per CPL record available from Dec.04, meter No. 2991898 is in consideration of service prior to Dec.04 indicating it is serviced for long period As the meter is in service for long period there is possibility of seals getting deteriorated. As there were no irregularities found in the meter during the panchanama, there is no evidence of any tampering in the meter.

- 12). The licensee filed 13.3.09 the calibration certificate dated 15/2/09 of accucheck meter by which this meter was accuchecked on 23.5.08. As per the calibration certificate, the accucheck meter was is valid upto 28.2.09. Thus accuchecking of this meter was done proper accucheck meter. Thus the contention of the licensee that the concerned meter has become 70.77% slow on the basis of the said accucheck has to be accepted.
- 13). However, on 2.6.08 panchanama was done and as per panchanama report no irregularities were found in the meter. There is no lab test report for the meter. However on the basis of accucheck and calibration certificate of the accucheck meter, the accuchek meter is accepted as an authentic report for the meter. As per the accucheck report the licensee can recover the charges for the electricity used as per Maharashtra Electricity Regulatory Commission (Electricity Supply Code and other conditions of supply) Regulation 2005., clause No.15.4.1. subject to the provisions of part XII and XIV of the act, in case of a defective meter, the amount of the consumer's bill shall be adjusted, for a maximum period of three months prior to the month in which the

dispute has arisen, in accordance with the results of the test taken subject to furnishing the test report of the meter along with the assessed bill. The licensee should revise the assessment bill dated 14,11,08 amounting to Rs Rs.25,470/- Billing in the event of defective meters – In this case the licensee should apply slow meter recovery for a period of three months as provided in clause 15.4.1 of the Supply Code, instead of for a period of 24 months, applying section 126 (unauthorized use of electricity), earlier to the date of accucheck on 23.05.08.

- 14) After hearing both the parties, studying all available documents submitted by licensee as well as consumer, forum passes the following order unanimously.

O- R- D- E- R

- 1). The assessment bill issued for 24 month dated 14,11,08 amounting to Rs Rs.25,470/-is quashed and set aside.
- 2). The licensee should issue fresh revise bill for period of three months earlier to the date of accucheck date on 23.05.09 as per the provisions of para 15.4.1 of Maharashtra Electricity Regulatory Commission(electricity supply code and other conditions of supply) Regulations 2005.
- 3). The licensee should refund the excess amount recovered from the consumer towards 24 months bill under section 126 of the I.E.Act 2003, within 60 days from the date of decision.

- 4) Compliance should be reported to the forum within 90 days from this decision.
- 5) 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.

- 6) Consumer, as per section 142 of the Electricity Act, 2003, can approach Maharashtra Electricity Regulatory Commission 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 : 06/04/2009

(Sau V. V. Kelkar)
Member
CGRF Kalyan

(R.V.Shivdas)
Member Secretary
CGRF Kalyan

(M.N.Patale)
Chairman
CGRF Kalyan