



Consumer Grievance Redressal Forum, Kalyan Zone
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IN THE MATTER OF GRIEVANCE NO. K/E/671/791 OF 2012-2013 OF SHRI SMT. ALKA ARJUN OVHAL, THROUGH C.R., SHRI UMAKANT DUBEY, AMBARNATH [EAST], REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM, KALYAN ZONE, KALYAN ABOUT EXCESSIVE ENERGY BILL

Smt. Alka Arjun Ovhal
H. No. 4663, Shivneri Society
Mahalaxmi Nagar
Ambarnath (East) : 421 501



Here-in-after
Referred
as Consumer

Versus

Maharashtra State Electricity Distribution
Company Limited through its
Dy. Executive Engineer
Ambarnath [East], Dist. Thane.



(Here-in-after
referred
as licensee)

- 1) Consumer Grievance Redressal Forum has been established under "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 conferred on it

Grievance No. K/E/671/791 of 2012-2013
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.-1 consumer of the licensee. The Consumer is billed as per Residential tariff. Consumer registered grievance with the Forum on 13/12/2012 for Excessive Energy Bills due to faulty meter.

The details are as follows: -

Name of the consumer :- Smt. Alka Arjun Ovhal

Address: - As given in the title

Consumer No : - 021520497754

Reason of dispute : Excessive Energy Bill and Faulty Meters

- 3) The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/849 dated 17/12/2012 to Nodal Officer of licensee. The Licensee filed reply on 4/1/2013.
- 4) In this matter we heard Mr. Umakant Dubey, C.R. and Shri Agarwal, Dy. Exe.Engineer, Nodal Officer, Shri Giradkar, from time to time. Consumer representative from time to time placed on record different plea as owner of premises under unregistered sale deed, etc. His status was challenged by officer of Licensee.
- 5) Status of Umakant Dubey was not clearly established . All the while he claimed that he is purchaser of premises wherein electric meter is installed. It is name of owner Alka Ovhal . Registration of sale-deed is not available with said Mr. Dubey. He applied for change in name i.e. replacing name of Alka Ovhal and entering his name. Officers of Licensee has pointed out that requirements of such change are not fulfilled. Noticing no valid sale deed in favour, said Umakant opted to continue this grievance as representative of Alka Ovhal. When signature of Alka Ovhal at various places in the proceeding canvassed as not genuine by Officers of the

Licensee. Mr. Umakant was made aware of objection and was asked to seek her independent authority i.e. if possible a notarized authority or an appropriate affidavit. Mr. Umakant Dubey took liberty to exercise his right and simply produced form / schedule 'A' i.e. application for Redressal of Grievance signed by Alka and giving authority to him. He even placed on our record one "general power of authority" on 3/3/2006 which said to be irrevocable one. These two are shown to Officers of Licensee who left the matter to the Forum for treating Umakant Dubey as representative for Alka Ovhal for the dispute pertaining to the meter of Alka Ovhal and bills issued towards it and dispute contained in the matter. In the light of authority granted by Alka Ovhal to Mr. Umakant Dubey he is to be treated as representative of Alka Ovhal. Accordingly both sides are heard in this perspective.

- 6) Now dispute is for limited period. Last payment was made in June 2010. In Aug. 2010 recorded units in the meter were 1400 units. At that time dues were Rs.1338.34. During the period Sept., 2010 to March 2011 in CPL consumption is shown "O" and status of meter is shown as "faulty". But from Feb. and March 2011 it is shown as "normal" and consumption is "zero". The said Meter resulted in P.D. in March 2011. C.R (consumer's representative Mr. Umakant Dubey) complained to the Officer of Licensee on 1.11.2011 and 3.11.2011 seeking the bill of said P.D meter, showing willingness to pay it and pointing out aspect of faulty meter. Even he has contended that he was not residing in that room from 1/2/2010 to 29/8/2011, his house was closed, he was out of station. Bill was issued to him as he demanded and he paid the said bill of Rs. 3750/- on 4/11/2011 along with reconnection chares of Rs.150/-. Reconnection is done on 4/11/2011. While doing reconnection new meter is installed, however about recovery of Rs. 3750/- C.R has raised dispute. In this matter CPL is

produced. In CPL contradiction is noted that from Sept. 2010 to Jan 2011 status of meter is shown as “ faulty “ but for further 2 months in Feb. 2011 it is shown as “ normal”. P.D. report is not on record it would have helped for ascertaining the condition of meter at the time of P.D. The Dy. Executive Engineer Shri Agarwal submitted that the report of P.D.in March 2011 not available, only entry is taken in the register. Therefore the exact position was meter working, what was reading reflected is not available. Meter was not tested now there no scope to test it.

- 7) From Sept. 2010 to Jan 2011 in CPL 96 units/ per month are shown though meter is shown as “ faulty “, but for next two months shown as “ normal “. As meter is P.D. it was taken out and testing is not done but the Officers proceeded on assumption of faulty meter and charged the consumer for Rs. 3750/-. Question is whether once meter is faulty, can it be normal subsequently, in absence of any repairs done or fault rectified. Even no attempt is done to find out whether actually meter was faulty. If any amount is charged, though paid, and dispute is raised then it needs to be justified. For such justification, simply inference is drawn on the basis of noting by meter-reader. Entries in CPL are self contradictory which is noted above as faulty & normal.
- 8) It creates doubt. Though zero units shown, consumer says he was not in the house, no consumption hence “zero” is justified and bills raised showing consumption drawing inference are not correct. Accordingly if there is no exercise undertaken to ascertain defect, to confirm the meter-readers’ remark, then it become a very weak material. Meter-reader inference is on the basis of no consumption shown carrying impression as faulty. This aspect is not considered by Officer of Licensee. They tried to stick up to the weak observation of the meter-reader. When from 1/11/2011 consumer was saying about faulty meter, though meter taken out on

4/3/2011 could have been considered for verification and testing as the aspect of inspection and maintenance of meter is the duty of Licensee

- 9) In this light consumer submitted that consumption is to be treated as zero for said period and minimum charges be applied as the Licensee not verified the status of meter whether in fact it was faulty, P.D. report showing details not placed on record CPL entry for few months is faulty and few months normal which is contradictory. Dy. Exe.Engineer maintained his stand that bill worked out is correct as per CPL and said amount is paid off now about it no any grievance can be raised after such a long gap.
- 10) We find the factual position of nothings in CPL speaks of contradiction, no P.D. Report available. When meter was taken out as P.D. it was not tested towards confirming the status of faulty or normal but proceeded to charge Consumer as per average consumption, We find this mode is not correct when consumer offers explanation for zero consumption saying he was out of station and no consumption was there. As against it except bare contradictory noting in CPL on the basis of meter reading report, is not acceptable, consumer cannot be charged on average basis. But the bill outstanding in August 2010 for Rs.1,388.40 was payable, said amount is to be deducted from Rs. 3,750.00 deposited by Consumer on 4/1/2011 and balance Rs.1,386.40 comes to Rs.2,467.60 ($3,750 - 1,380.40 = 2,467.60$). From the said balance Rs.2,467.60 minimum charges from Sept 2010 to March 2011 to be worked out and deducted. Balance if any remains it is to be adjusted in ensuing bills.
- 11) Second part of dispute pertains to complaint by C.R. dated 21/6/2012 conveying that in June 2012 bill is received, consumption is shown as Rs.261 units ,meter is fast and it be changed on 3/7/2012 he deposited, Rs.100/- towards meter checking. Said meter tested on 12/7/2012 in

presence of Consumer representative's wife. It was found O.K. In this regard it is admitted by C.R. that in writing he has not sought any further meter testing raising dispute about the testing done. He tried to contend that report itself was provided to him on 22/11/2012. We find he has not challenged the said report even thereafter in writing. Supply to the said meter was cut-off on 8/10/2012. Then Consumer approached officer of Licensee, gave complaint dated 23/10/2012 conveying that bill of June paid off, connection be restored. In the light of C.R.'s request said meter was replaced on 22/11/2012, status of meter no. & reading of those meters are as under:

	<u>Old Meter</u>	<u>New Meter</u>
Meter No.	1961281	661064
Reading	1330	001

- 12) C.R. contended that he is not properly charged as per reading. From June 2012, readings are as under:

Month -----	Reading of units -----	Bill Rs. -----
June	0	- 0.4
July	238	1,355.32
August	106	1,837
Sept	93	2,315
Oct	87	2,821
Nov	142	2,830
Dec	45	- 81
Jan	17	- 466
Feb	04	- 460

On behalf of Licensee it is submitted that the dues are now revised and in Feb 2013 credit of Rs.460 is stated which Consumer is to get.

- 13) C.R. claimed that supply shown was zero in June but in July he was charged for 238 units which is wrong, supply, was not available from 10/10/2012 to 22/11/2012 as supply was cut-off but he is charged for that. In June, however, officer of Licensee explained that though for June 2012 CPL speaks consumption is shown as zero but in July 2012 that consumption is included and it is of 238 units. He clarified that said consumption is not bifurcated for June 2012-July 2012 thereby excess shown for Rs.218.28 is adjusted and now shown in the bill dated 25/2/2013 submitted at the end of hearing. He clarified said amount Rs.218.28 is added to the amount of adjustment from Dec. 2012 bill Feb 2013 which is of Rs.460. Accordingly, Officers claimed that meter replaced in Nov 2012 till then as per replacement report reading was 1330 and said consumption of units considered and bill worked out till Nov 2012 and adjustment shown further. Accordingly, officer submitted considering both bills disputed aspects Consumer is to get credit $Rs.218.28 + 460 = 678.28$ shown in the bill dated 25/3/2013.
- 14) In the Application dated 11/3/2013 Consumer claimed that Rs.898 deposited by him in November is not reflected but we find in CPL for December it is reflected as last payment done on 17/12/2012. In his said application he contended at times bills are issued on average basis and is made to pay more. We find there is some force in the feeling of Consumer Representative but things are dealt by officers of Licensee by working out the due amount, the amount at the credit of the Consumer shown. If it could have been dealt in proper manner, then this grievance could have been avoided. We noted the C.R. is having his own line of thinking and putting matter in confusing way. He is not stating the things consistently. He is overpowered by his thoughts more particularly in the light of the fact that he has taken premises from Alka Ovhal, the said sale deed is not registered.

This fatal defect he is not able to bear and rather claimed that as of right he is to be heard every now and then by all officers of Licensee. Though he is not owner and not consumer, he has not sought any other status as Licensee for Lessee. He is submitting application to higher-up and then approaching the officer in the Lower Section. We were required to deal his status when objected and as observed above he is simply considered as C.R. of Alka Ovhal. The absence of Consumer or C.R. at the residence at times is one aspect which cannot be ignored. It is contributory factor for this mess. Even we find the reading not properly reflected, things not dealt with required sensibility. Factors we find contributing to each other's failures.

- 15) C.R. claimed he is not getting bills with photo of reading, we find licence to appropriately deal the said aspect in future.
- 16) In this light we find the grievances of Consumer is to be allowed.

I agree

(Sadashiv S. Deshmukh)
Chairperson, CGRF Kalyan

(Mrs. S. A. Jamdar)
Member, CGRF, Kalyan

View of Member Secretary (Shri R. V. Shivdas) :

I have gone through the above reasoning. I am not agreeing to it. The action of Dy. Exe.Engineer, Ambarnath of Licensee as per his letter No.Dy.EE/O&M/Sub-Div/Amb(E)/1524 dated 4/1/2013 is correct.

(R.V. Shivdas)
Member Secretary
CGRF Kalyan

- 17) This matter could not be decided in prescribed time as Consumer representative status was not clear for want of his clear title. When he made his stand clear only as C.R. then it is taken up and decided.

Hence the order by majority

O-R-D-E-R

- (i) The Grievance of consumer is allowed.
- (ii) Consumer has deposited Rs.3,750 on 4/11/2011, however out of Rs.1,388.40 bill of August 2011 be deducted balance (Rs.3750-1387.40), Rs.2467.60 remains. Licensee to revise bill applying the minimum charges per month from September 2010 to March 2011 due be worked out, then deduct the above surplus Rs.2,467.60 from the dues worked out. Balance if any, be refunded to consumer.
- (iii) The Consumer is entitled to credit of Rs.678.28 as per bill dated 26/3/2013 which Licensee to ensure that it is adjusted in ensuing bills.
- (iv) Licensee to ensure that as per the existing procedure current bills are provided to the Consumer with photo reading.
- (v) Licensee to submit compliance within 60 days of receiving this order.
- (vi) The Consumer can file representation against this decision with the Hon. Electricity Ombudsman within 60 days from the date of this order at the following address.
“Office of the Electricity Ombudsman, Maharashtra Electricity Regulatory Commission, 606/608, Keshav Bldg, Bandra Kurla Complex, Mumbai 51”.
- (vii) Consumer, as per section 142 of the Electricity Act, 2003, can approach Hon. Maharashtra Electricity Regulatory Commission 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” at the following address:-
“Maharashtra Electricity Regulatory Commission, 13th floor, World Trade Center, Cuffe Parade, Colaba, Mumbai 05”

(Mrs. S.A. Jamdar)
Member
CGRF Kalyan

(Sadashiv S. Deshmukh)
Chairperson
CGRF Kalyan