



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/174/197 OF 2009-2010 OF
M/S TRIMURTI FABRICATOR REGISTERED WITH CONSUMER
GRIEVANCE REDRESSAL FORUM KALYAN ZONE KALYAN ABOUT
EXCESSIVE ENERGY BILL.

M/s Trimurti Fabricator
Unit No.518/1, Mankivali
Opp.W-90, M.I.D.C.
Badlapur,Kulgaon(East) 421 503
Virar (E) – 401305

(Here-in-after
referred
as consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its
Deputy Executive Engineer,
Badlapur (E) Sub Division,Badlapur.

(Here-in-after
referred
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.Indl. consumer of the Licensee connected to their 415-volt network. Consumer is billed as per Industrial tariff. Electricity bill stands in the name of M/S Trimurti Fabricators The Consumer registered grievance with the Forum on dated 10/02/2009.

The details are as follows: -

Name of the consumer: - M/S Trimurti Fabricators

Address: - As above

Consumer No: 021730001034

Reason of dispute: - Excessive energy bill.

- 3) The batch of papers containing above grievance was sent by Forum vide letter No. 112 dated 10/02/2009 to Nodal Officer of licensee. The licensee filed say /reply Vide letter No. 721 dt.18.03.09.
- 4) The Forum heard both the parties on 19/03/2009. Shri P.V.Edankar, Shri Suryakant S. Ghupade, Shri A.G.Khanolkar, Rajendra Pande, Consumer & Consumer representatives, and Shri Radas Rathod, Nodel Officer, Shri A.W.Mahajan, Dy.E.E. representatives of the licensee attended hearing.
- 5) The forum noted that the licensee submitted point wise reply at the time of hearing. Therefore forum could not get time to study the case. The licensee should ensure that the reply is sent to forum minimum 2-3 days before the hearing. The consumer also stated that one licensee's messenger came on 19.3.09 at 13.00 hours when he was becoming ready to come to CGRF for hearing. The person said read it and give the signature. He had no time to read it and give signature and

therefore he did not accept it. However, the licensee handed over the reply to the consumer in the hearing and obtained the acknowledgment.

- 6) The consumer submitted that he availed the electric supply on 14.09.1994 and since then his consumption is in the range of 158, 165, 160, 200, 240 etc. All of sudden he got a bill of Rs.29,296/- in month of Dec.05 for 8515 units for two months. The officers of the licensee told him that the said bill was about the recovery of earlier charges due to slow meter and that the meter was earlier slow to the extent of 33%. The consumer stated that accucheck was not carried in his presence. He approached licensee's office for no.of times to revise the bill as the consumption of 8515 units for two months is beyond imagination. The licensee has been requested to revise the bill as per his average consumption or as per the consumption of new meter. But he got no response. The officers of licensee started to instruct him to pay the arrears and threatened disconnection. In case he does not pay the said arrears. He paid Rs.10,000/- on 14.12.05 to avoid disconnection. He requested to officers of licensee to test the meter and paid Rs.250/- for meter testing. Meter replacement was done in his presence. He made no.of correspondence then he got the meter replacement report against disputed meter. His most of works are carried out at site. After paying the meter testing charge, the officers of licensee took the meter to lab, without informing him and after one month, meter report was given to him. The licensee claims that the said meter was 33% slow and the seal of meter was O.K. How the meter can be made slow without opening it. He submitted that the meter has recorded 8515 units in two months and therefore he requested for its retest in his presence. He submitted that he is using less consumption because he has opened workshop at other places and his works are mostly done at the sites of such works.

The meter No.403174 under dispute was found 33% slow. The said meter was replaced by meter No.1096879 on 15.12.05.

- 7) The LR submits that as per CPL the consumption pattern on Meter No.3024776 for April 97 to March 98 was 335 units per month, for Apr.98 to March 98 consumption was 336 units per month, for Apr.99 to March 2000 was 193 units/month, for Apr 00 to March 01- 177 and for Apr 01 to March 02 – 134 units per month and like that. The said meter No.3023776 was changed with Meter No.403174 in Jun.02. However, such meter change became effective in June 03 i.e. after 13 months and therefore the bills for Jun 02 to May 03 were issued on average consumption, which are then adjusted in Jun 03. The average consumption of new meter for Apr.02 to Mar 03 was 158 units /month, for Apr.03 to Mar 04 - 165 units/month, for Apr 04 to Mar 05 – 160 units/month and for Apr 05 to Oct.05 – 124 units/month. In the month of Nov.05, the consumption recorded by the said meter was 8515 units which billed to Rs.29660/- The consumer paid Rs.10,000/- on 14/12/05 as one third amount of bill and Rs.250/- towards meter testing charges. The meter was replaced by new meter No.1096879 on 15/12/05. The meter No.403174 under dispute was sent to the meter testing lab for testing. It was found 33% slow due to 'Y' phase pressure coil was found open. An amount of Rs.12,133/- towards the slow meter recovery for previous six months (i.e. Jun 05 to Nov.05) was charged to the consumer which was manually added in the bill of Feb.06 (debit adj. taken in May 06). The consumer on 14.2.06 applied for acceptance of current bill by cheque at Sub Dvn. Then the consumer applied to the Nodel Officer IGRC Kalyan on 24/5/06 for giving permission to accept the regular current bill till the dispute was settled. The Sub Division Badlapur (E) informed to the Division that the consumer is not ready to pay the recovery bill. The EE Kalyan vide L.No.8487 dt.5.8.08 informed

the consumer that the recovery is as per the technical test reports, the same is correct and requested to pay the same. On the basis of this letter, the Sub Division on 17/11/08 issued 15 days notice to the consumer to pay the arrears. The consumer applied to IGRC on 8/12/08 for refund of excess recovery, to make correction in the excess bill and not to effect disconnection due to this. The Nodel Officer, Kalyan Circle-II held the hearing and directed to trace out the dispute meter No.403174. But it could not be traced out.

- 8) The licensee representative (LR) further submitted that the meter was tested in the testing laboratory. The consumer has not challenged testing of meter or opted for testing in presence of him but every time he demanded for acceptance of current bill. Further, the cause of action has arisen in Dec.05 after issue of bill for Nov.05 and consumer approached the CGRF on 7.2.09 i.e. after 3 years. Therefore the grievance made by the consumer is time barred.
- 9) The IL.R submits that they did not accept the consumer's request because the recovery was on the basis of tests and it is correct. The consumer has gone to Division office and Circle office but nobody can challenge the lab test report. The lab test was carried out in the presence of the consumer. The forum asked the licensee the consumer has paid meter testing charges of Rs.250/- and challenged the working of the meter. After testing you found the meter faulty i.e. 33% slow. The testing charges paid by the consumer should be refunded to him. The licensee explained that they gave for 2 months about 8515 units, jumped reading 6341 to 14856 units = 8515 unit (previous reading date 22/10/05 and present reading date 23/11/05). The consumer complained about fast meter. After testing, the test reports says it is 33% slow. The licensee said the consumer's consumption has reduced

60% as compared earlier as he says almost of the works carried at the sites.

- 10) Following points are noted by the forum:-
- a). As per the CPL record the average per month consumption of the consumer Meter No.3024776 from April 97 to Mar 02 is between 134 to 335 units per month.
 - b). Above meter was changed with meter No.403174 in June 02. The meter change effect came in June 03 and 13 months bill was generated. The bills during the period from June 02 to May 03 were issued on the basis of average consumption which are then adjusted in Jun 03.
 - c). In the month Nov. 2005 the consumption recorded by the meter No.403174 was 8515 units charged to Rs.29,660/- in Nov.05 (as per CPL). The consumer paid Rs.10000/- on 14.12.05 as one third amount of bill and Rs.250/- towards meter testing charges.
 - f). The meter was replaced by new meter No.1096879 (Shenzhen) make.
 - g). The meter No.403174 tested in testing lab of Kalyan on 1.2.06 with signature of Dy.EE, Sub Engineer (MT) and meter tester and it was found 33% slow due to 'Y' phase coil open. There was no signature of the consumer in the lab test report.
 - h). The licensee issued a bill of Rs.12122/- towards slow meter recovery for previous six months (June 05 to Nov.05) in the month Nov.05 which was manually added in the bill of Feb.06. The debit adjustment of the same bill taken in May 06.
 - i). The consumer written a letter to the licensee office of Assistant Engineer, Badlapur (East) Sub Division on **14.2.06**. He has stated in the letter that (i) he disagrees for assessment of 8515

units in the month of Nov.05 and (ii) assessment made on the basis of 33% slow on account of lab test report, because both these events are contradictory on the same meter.

- j). The Executive Engineer, of Licensee Kalyan Rural Division vide letter No.5457 dt.**5.8.08** informed the consumer that the recovery is as per the test results of the meter and it is correct and requested the consumer to pay the bill.
- k). The cause of grievance has arisen in Nov.05 and consumer approached to licensee on 14.2.06 and registered the grievance with forum on 10.2.09 i.e. about three years later. Clause 6.6 of Regulation 2006, reads as ***“The forum shall not admit any grievance unless it is filed within two (2) years from the date on which the cause of action has arisen”***.

In this case, the cause of action has arisen in Nov.05 and consumer approached to this forum on 10.2.09 i.e. after lapse of two years. Therefore this case is time barred.

- 11). There has been many public holidays during this month and consequently less working days in this month. Registration of grievances with this forum have also considerably increased since last about two months. Therefore there has been delay of about 8 days in the delivery of decision in this case.

- 12). In view of above discussion and considering the facts and circumstances of this case, the forum unanimously pass the following order.

ORDER

1. The grievance of consumer is dismissed as barred by limitation.
- 2). The Consumer can file representation against this decision with the Ombudsman at the following address.

*“Maharashtra Electricity Regulatory Commission,
606/608, Keshav Building, Bandra Kurla Complex,
Mumbai 51”.*

Such representation can be filed within 60 days from the date of this decision.

Date: - 17/04/2009

(V.V.Kelkar)
Member
CGRF Kalyan

(R.V.Shivdas)
Member Secretary
CGRF Kalyan

(M. N. Patale)
Chairperson
CGRF Kalyan