



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/320/357 OF 2009-2010 OF M/S. GEETA ENTERPRISES, KALYAN (WEST) REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT DISCONNECTION OF SUPPLY WITHOUT NOTICE.

M/s. Geeta Enterprises
Mr. Ravindra Singh ,
Shop No. 1, Leena Apartment,
Rambaug Main Road,
Kalyan (West) : 421 301

} (Here in after
referred to
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its Dy. Executive
Engineer, Kalyan West Sub/Dn No. I

} (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 (MERC) 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 Single phase LT consumer of the Licensee. The Consumer is billed as per Commercial tariff. The consumer registered grievance with the Forum on 19/01/2010 regarding Disconnection of Supply without Notice. The details are as follows: -
Name of the consumer : M/s. Geeta Enterprises (Mr. Ravindra Singh)
Address: - As above
Consumer No : 020020319101
Reason for Dispute : - Regarding Disconnection of Supply
without Notice.
- 3). The batch of papers containing above grievance was sent by Forum vide letter No. EE/CGRF/Kalyan/0025, dt. 19/01/2010 to the Nodal Officer of the Licensee, and the emergency hearing was fixed on 20/01/2010 at 15.00 hrs. at Forum's Office.
- 4) The Members of the forum heard both the parties at length on 20/01/2010 @ 15.00 Hrs. in the meeting hall of the Forum's office. Shri Ravindra Singh Consumer & Shri Pardeshi Consumer Representative, Shri G. T. Pachpohe Dy. Ex. Engr., Shri T. A. Davis, Jr. Engr., Shri C. S. Sakpal U. D. Clerk, Representatives of the licensee, attended the emergency hearing. Minutes of the emergency hearing including the submissions made by the parties are recorded and the same are kept in the record. Submissions made by the parties in respect of grievance since already recorded will be referred to avoid repetition.
- 5). The consumer runs H.P. Gas Agency in Leena Apartment in Kalyan (West) where the meter has been installed. According to consumer his average consumption of electricity is in the range 450 units per month

however, he received bill in the month of November 2009 of the units consumed 1316, which according to him was not only abnormal but totally incorrect. On receipt of the bill he naturally approached the office of licensee and requested the concerned officials to revise the bill as there is mistake in recording meter reading and that he was ready and willing to pay charges of average consumption. It is contended one Mr. Chandane from the office of licensee visited the site and checked the reading on 11/12/09 and took the correct reading as 8593 and made endorsement to that effect on the bill of November 2009. Later on consumer received bill for the month of December 2009 showing the said excess amount of the month of November 2009 without correcting the error in meter reading. Matter does not rest here, consumer alleged that without correcting the bill, on 18/01/2010 afternoon officials of the licensee disconnected his supply alleging he was in arrears of electricity bill and that supply will be connected on depositing the arrears. On knowing the same, consumer in the evening approached the officials of the licensee and complained on disconnection of electricity. It is alleged by the consumer that without restoring supply officials of the licensee corrected unit consumption and gave revised bill of Rs. 5960/- against Rs. 9,310/- which he deposited on 19/01/2010. It is contended though consumer paid the bill, electricity was not restored, therefore on 19/01/2010 he lodged the grievance with a prayer to direct the licensee to issue bill as per correct meter reading and to restore electric supply and further prayed to direct the licensee to pay him compensation for illegal disconnection as per the provisions of the Act and the Regulation.

- 6) Licensee controverted the allegations leveled in the complaint. It is contended that meter reading was taken wrongly therefore, the bill was

revised of the amount of Rs. 5960/- and that electricity was continued. It is flatly denied that consumer's electricity was disconnected at any time by any of the officials of licensee. According to licensee consumer was made to know that his connection is not disconnected and if discontinued, he can complain to the Complaint Centre but without approaching the Centre, in order to get compensation misconstruing the provisions of Regulation falsely alleged that his connection was disconnected. According to the licensee consumer is habitual complainant and the complaint application made by him is the product of his complaining nature and the same being frivolous be dismissed.

- 7) On perusal of the record and hearing both the parties following points arise for the consideration of Forum and findings thereon for the reasons recorded below :

Points	Findings
a)Whether licensee issued bill of incorrect amount taking incorrect meter reading to the consumer ?	Yes
b)Whether electric supply of the consumer was discontinued ?	Yes
c)Whether licensee discontinued the supply of consumer ?	Not proved
d)What Order ?	As per Order

Reasons

- 8) On perusal the entire record two vital points arise in the matter. One is whether meter reading was correctly taken and issued bill of correct amount and the second point is whether electricity supply was illegally disconnected. So far first point is concerned, both the parties placed on record electricity bills for the month of Nov., Dec. 09 and January 2010. Bill

for the month of November 2009 is Rs. 9310/- for consumption of units 1316, bill of December is of the total amount Rs. 11,290/- including the arrears bill of Nov. 09 as above and the third bill of the month of January 2010 of Rs. 13140/- showing arrears of Nov. and Dec. 2009. According to the consumer, his average meter consumption is 450 units per month, therefore bill of 1316 units was obviously abnormal which he brought to the notice of officials of licensee and later on one Chandane staff of the licensee on visiting the site found the meter reading on 11/12/09 as 8593 units. However, this was corrected on 18/01/2010 and accordingly he deposited the amount of Rs. 5960/- on 19/01/2010. Dy. Executive Engineer, Sub-Division No. I, Kalyan vide reply dt. 20/01/2010 clearly admitted that meter reading was wrongly taken hence bill was revised. This clearly shows consumer has rightly pointed out that bill issued in the month November 09 was not as per correct meter reading and was of incorrect amount. It is seen from the record consumer had brought this to the notice of licensee but he was not heard. Had the officials of the licensee taken cognizance immediately, further complications would not have arose, it is therefore, high time for the concerned Meter Readers to take correct meter reading, so that bill is issued of correct amount resulting in avoiding further complications. It is therefore, clear that licensee had issued incorrect bills for the months November/December 2009 and January 2010. Since licensee already revised the bill giving any direction to this aspect does not arise.

- 9) Matter does not rest here. Revising the bill for the month of November 2009, consumer deposited Rs. 5960/- as against Rs. 9,310/- on 19/01/2010. It is the grievance of complainant that licensee issued bill of incorrect amount and later on illegally discontinued his electric supply on

18/01/2010. On 19/01/2010 consumer approached this Forum alleging illegal disconnection of electric supply by licensee. Since the Dy. Executive Engineer Sub-Division No. I, Kalyan present before the Forum denied the disconnection by noting dt. 20/01/10 Member Secretary of Forum was instructed to inspect the site alongwith consumer and officials of the licensee to know whether really electricity has been disconnected and if electricity found disconnected, to direct the officials of the licensee to restore electricity immediately and to submit report.

10) Member Secretary vide Office Note dt. 21/01/2010 pointed out that when visited the site meter reading on 20/01/10 at 04.30 p.m. was 8897, supply cable to the meter was found forcibly dragged and the cable was in disconnected condition and the meter terminal box in damaged condition, therefore he instructed the Dy. Executive Engineer, Sub-Division No. I, Kalyan present on the site, to replace the meter and restore supply. At the same time Dy. Executive Engineer, Sub-Division No. I, Kalyan vide his letter dt. 30/01/10 stated that meter was then damaged and the supply was disconnected and later on it was restored. Letter of consumer dt. 30/01/10 also mentions that the electric supply was disconnected. From the report of Member Secretary and the letter of Dy. Executive Engineer, Sub-Division No. I, Kalyan and the consumer it appears the meter was damaged and electricity supply was disconnected.

11) Meter replacement report dt. 20/01/10 signed by the Section Engineer and the consumer mentions that (Meter No. 7600303987) lead seal OK, and meter terminal block also OK. It is to be noted that both Dy. Executive Engineer, Sub-Division No. I, Kalyan and the consumer state that the meter was damaged and the supply was disconnected. This find support from the noting of Member Secretary, therefore it will have to be

said that the meter was damaged and the electricity supply of the consumer was disconnected.

- 12) Now point crops on as to who disconnected the electricity supply. As stated above according to consumer officials of the licensee on 18/01/10 disconnected his electricity supply whereas licensee disowns it. In order to find out who actually disconnected electricity supply on the rival grounds referred to above, this Forum vide noting dt. 02/02/10 directed the Nodal Officer to get enquired the same by the Vigilance Department of MSEDCL vide MERC Regulation (Ombudsman and Consumer Redressal Forum 2005) Clause 6-17 (a) & (b). Record shows by the letter dt. 04/02/2010 Nodal Officer informed on enquiry to Assistant Director and later on vide letter dt. 24/02/10 the Superintending Engineer, Kalyan Circle – I apprised the same to the Director of Vigilance (V&S) but till today nothing is heard from the Nodal Officer nor any report on the enquiry is received to this office though reminder is sent by the Forum in this context. Had enquiry held and report received, we could have positively point out actually who disconnected electricity supply of consumer i.e. the officials of the licensee or the consumer himself. Vide Clause 5 (1) of MERC Regulation (Ombudsman and Consumer Redressal Forum 2005) Forum has to complete the enquiry as expeditiously as possible within a period of two months from the date of receipt of the grievance. This grievance was received to this Forum on 19/01/10. In spite reminder nothing heard from the licensee as to what happened on the direction given in respect of Vigilance enquiry, as per Clause 6 (13) of the said Regulation Forum has no alternative except to proceed on the basis of the material record available.

- 13) As stated hereinabove according to consumer two staff members on the say of Dy. Executive Engineer, Sub-Division No. I, Kalyan Mr. Pachpohe on 18/01/10 without issuing notice under Section 56 (1) of the Electricity Act disconnected his electricity supply and this act being contrary to Law attract penalty / damages / compensation. To substantiate this contention consumer implicit reliance on the letters of three employees dt. 20/01/10 working in his Gas Company namely Mrs. Aparna Gaikwad, Kum. Trupti Gade and Kum. Vaishali Patil. These letters indicate that on 20/01/10 at about 1.30 p.m. staff of the licensee entering in the office told them that for arrears of electricity bill they have disconnected the meter. As against this, Dy. Executive Engineer, Sub-Division No. I, Kalyan Mr. Pachpohe vide detail reply dt. 30/01/06 stated that they have no reason to disconnect supply, however consumer being well versed with the Rules and Regulation of MSEDCL to bring pressure on the officials of licensee misconstruing the provisions made allegation. Ladies named above are working in the office of consumer. Their relation is of servant and master. Servant has to obey the master, therefore letters referred to above which are stereotype cannot safely be relied upon. At the same time, for no reasons officials of the licensee have no reason to go against the consumer. It may be stated that because of electricity there is consumer and because of consumer there is electricity company. Consumer and the company are two wheels of the cart which possibly keep balance. Apart from this, servants of the public company are the public servants act in good faith, have no reason to allege falsely. As observed above, by Vigilance enquiry truth could have come on record as to who played mischief in the matter of disconnection of meter. Except allegations against allegations nothing on the record to come to the conclusion that the officials

of the licensee are behind this episode. Considering all these aspects it is difficult to say who actually played the mischief, consequently provisions under Section 56 (1) of the Act and the Regulation referred supra are no avail for the consumer to make the officials of the licensee responsible.

- 14) In view of the discussion supra, it is clear that licensee issued incorrect electricity bills to the consumer and that his supply of electricity was discontinued. From the material record available however, it is unsafe to say that officials of the licensee disconnected the electric supply. Points are therefore answered accordingly.
- 15) Dy. Executive Engineer, Sub-Division No. I, Kalyan vide letter dt. 08/02/10 pointed out that without taking action against the consumer under Section 135 of the Act, direction of replacement of meter was given by the Member Secretary. Vide Section 135 (1-A) the licensee may upon detection of theft of electricity immediately disconnect the supply of electricity and proviso to this states that the Officer of the licensee shall lodge complaint in writing relating to the commission of the offence of theft in Police Station having jurisdiction within 24 hours. Further this proviso states that on depositing or payment, the licensee to restore the supply line of electricity within 48 hours of such a deposit or payment. Member Secretary of the Forum established under Section 42 (5) of the Act whereas, the Dy. Executive Engineer, Sub-Division No. I, Kalyan who pointed out that without taking action meter of the consumer was replaced in fact, was and is duty bound to investigate and to book the person concerned under Section 135 of the Act. To discharge the duty Member Secretary visited the site obviously not for investigating as to who committed the crime. Dy. Executive Engineer, Sub-Division No. I, Kalyan was and is not prohibited to take action against the so called thief. In this

view of the matter we find no force in the submission of Dy. Executive Engineer, Sub-Division No. I, Kalyan that due to replacement of meter consumer is not booked under Section 135 of the Act.

- 16) On going through the record as a whole, it is apparent that incorrect electricity bills were issued by the licensee for which licensee can be directed to take meter reading correctly so that the bills are issued correctly to avoid further complications in the matter. With this the instant grievance application apt to be partly allowed and hence the order :

ORDER

- 1) Grievance application is partly allowed.
- 2) Licensee is directed to take correct meter reading so as to issue correct bills to the consumer.
- 3) The Consumer can file representation against this decision with the Ombudsman at the following address.

“Office of the Electricity Ombudsman, Maharashtra Electricity Regulatory Commission, 606/608, Keshav Bldg, Bandra Kurla Complex, Mumbai 51”

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

Date : 12/03/2010

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

(R.V.Shivdas)
Member Secretary
CGRF Kalyan

(S.N. Saundankar)
Chairperson
CGRF Kalyan