

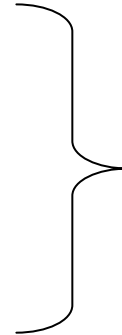


Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
Ph- 2210707, Fax – 2210707, E-mail : cgrfkalyan@mahadiscom.in

Date of Grievance : 15/01/2013
Date of Order : 17/04/2013
Period Taken : 93 days

IN THE MATTER OF GRIEVANCE NO. K/E/683/806 OF 2011-2012 OF
M/S. SHRI GANESH BALIRAM PATIL, GANDHARI, KALYAN,
REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM
KALYAN ZONE, KALYAN ABOUT EXCESSIVE ENERGY BILL.

Shri Ganesh Baliram Patil
Hanuman Mandir,
Gandhari
Kalyan (West) : 421 301
Dist-Thane



(Here-in-after
referred
as Consumer

Versus

Maharashtra State Electricity Distribution
Company Limited through its
Dy. Executive Engineer, Kalyan Sub-
Division-II [West],



(Here-in-after
referred
as licensee)

(Per Shri. Sadashiv S. Deshmukh, Chairperson)

- 1) This 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. The regulation has been made by the Maharashtra Electricity Regulatory Commission vide powers conferred 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.-II Commercial consumer of the licensee. The Consumer is billed as L.T.-II Commercial tariff. Consumer registered grievance with the Forum on 15/1/2013, for Excessive Energy Bill.
The details are as follows :
Name of the consumer :- Shri Ganesh Baliram Patil
Address: - As given in the title
Consumer No : - 020400101869
Reason of dispute : Excessive Energy Bill
- 3) The set of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/050 dated 15/1/2013 to Nodal Officer of Licensee. The Licensee filed reply on 5/2/2013 through Nodal Officer.
- 4) In this matter we heard consumer in person and Shri Baxi, Dy. Exe.Engineer, we have gone through the reply of Licensee dated 21/2/2013 and subsequent bill dated 11/3/2013 issued by him for Rs. 21,025 for 2295 units as per commercial rate.
- 5) On the basis of submissions made and documents on record following facts are disclosed:

- a) Meter provided to Consumer on 17/11/2011 towards his brick kiln for his commercial use.
- b) Bill for Feb. 2012 for the first time issued and consumption is shown as zero. He is provided bill for Rs.60, the details of his bill are as under till Sept. 2012 as per CPL:

Month Of 2012	Units consumed	Net Bill amount Rs.
Feb	0	59.10
March	0	90.20
April	0	121.30
May	85	302.20
June	85	32,356
July	85	33,791
Aug.	85	34,836
Sept.	4,693	82,237

- c) Engineer of Licensee inspected the Consumer's meter on 24/4/2012 and directed for assessment U/s 126 of Electricity Act (EA) and on its basis bill for July 2012 dated 23/7/2012 issued for Rs.787.95 adding to its arrears of Rs.33004, total of Rs.33,790 contending that Consumer has changed the use of supply from CL (Commercial) to RL (Residential) Towards said dues Jr. Law Officer of Licensee issued notice on 24/7/2012 calling upon Consumer to pay it in 15 days or to face disconnection.
- d) Towards said demand Consumer complained to Chief Engineer, Kalyan on 31/7/2012 contending that he is having commercial supply for brick kiln which he had till April-May 2012, paid the bills received but from May 2012 none was residing there, meter was in bore room.

- e) Consumer meter resulted in P.D. on 28/8/2012 due to non-payment of dues. P.D. report dated 28/8/2012 speaks about last reading as 6624 units.
 - f) On this count Consumer approached IGRC on 30/8/2012.
 - g) Till then Consumer received bill for Sept 2011 dated 24/9/2012 for Rs.47,357.95 + arrears Rs.34,879.50 = Rs.82,240/-.
 - h) IGRC passed order on 12/11/2012 setting aside action u/s 126 and directed to work out plain liability only on the basis of commercial tariff.
 - i) In compliance to the IGRC order officers of Licensee issued Revised bill dated 7/1/2013 for Rs.61,973/-.
 - j) Consumer approached CGRF on 15/1/2013. On receiving its notice on behalf of Licensee officer attended, filed reply on 5/2/2013 maintaining the stand and bill revised as per IGRC order.
- 6) This matter was taken up on 5/2/2013 & 25/2/2013. During hearing on 25/2/2013, Consumer disputed the reading in the meter, i.e. 6623 consumption and sought meter testing. Accordingly meter tested on 5/3/2013 in presence of both sides. At that time abnormal results are noted. Considering it bill revised by officers of Licensee and revised bill worked out to Rs.21,025/- which is also disputed by Consumer contending that when meter is abnormal the reading noted cannot be accepted.
- 7) On behalf of Licensee, it is submitted that the officer carried inspection and initiated action u/s 126 but IGRC set aside that action in compliance to it revised bill issued calculating due only on the basis of commercial tariff though previously it was issued on the basis of residential tariff. It is contended that the dispute of faulty meter was not raised previously but

considering the Meter testing report bill is again revised on 12/3/2013 making it limited to Rs.21,025/- for 2225 units which includes reading of 1931 in May 2012 and other period of 3 months on average basis for 295 units. However this liability is challenged on the basis of meter testing result of abnormal working.

- 8) At this stage it needs to be noted that though commercial connection provided on 17/11/2011 & bill issued from Feb applying residential tariff, reading was zero for Feb Mar, April, but from May to August consumption is shown 85 units per month but the CPL for the month of May 2012, previous reading is shown 1846 and current reading shown as 1931. At no point of time previously actual reading was shown. For April 2012 bill was of Rs.121.25 and Consumer has paid it on 2/5/2012 which is reflected in CPL.
- 9) As noted above at the time of P.D. and in the report dated 28/8/2012 reading is noted therein as 6624. Precise question comes up about the defect in the meter disclosed on 5/3/2013 and relief available to Consumer. We find as per report dated 5/3/2013 meter functioning is found abnormal and this abnormality comes in the classification of defective meter. This defect though noticed on 5/3/2013, its roots are in the action u/s 126 of EA initiated by the Officers of Licensee on 26/4/2012, i.e. when inspection was done. The said action found not proper by the IGRC and it is set aside on 12/9/2012. Accordingly the action of Licensee in between on the basis of report dated 26/4/2012 becomes non operative. But even the revised bill issued as per IGRC is also disputed by Consumer in the light of the fact that during testing the meter is found defective. Accordingly the dispute relates back to 26/4/2012 when inspection was done by the officers of

Licensee and liability was raised u/s 126 of EA against Licensee . on behalf of Licensee it is contended that it is just and proper to consider the fact of defective meter from May 2012 itself during which previous reading was 1931 units and in it, addition of three months average units is to be added 295 units hence bill issued for 2,226 units (1,931 + 295) for Rs.21,023/- is correct, it be upheld.

- 10) We find when the action commenced from the Licensee side on 26/4/2012 it is the base. Precisely, when abnormality developed in the meter, is, not known. It is disclosed during testing done on 5/3/2013. The meter resulted in P.D. on 28/8/2012 but CPL for May 2012 speaks consumption of 85 units. The reading of units 1846 is for the previous period but the said quantum is not reflected in the previous reading. Hence, previous 1836 units shown in May 2012 plus consumption of 86 units in May 2012, thereby it is worked out to the tune of 1,931 units which is found doubtful. We are not able to say in fact the said meter was normal from beginning i.e. from December 2011. From December, 2011 till April 2011 reading is zero. Though status of meter as per meter reader's report entered in the CPL is normal, actual consumption is not shown. Under these circumstances we are required to treat this defect in meter from 26/4/2012. If that is considered, then calculation for 3 previous months is to be taken into consideration and it will cover the period from January 2012 to March 2012. To the Consumer for the first time bill was issued in February 2012 itself. Hence relief about defective meter is to be given from said bill of February 2012.
- 11) Now question comes up what can be the consumption to be treated in the light of abnormal trend of meter for considering previous three months

calculation. We find, in the meter testing definite data when defect developed is not stated. Simply it is stated that its working is abnormal. We find at least on record reading of May 2012 is available it is of 85 units. Hence we find said 85 units is to be considered as a base for calculating from February 2012. till the date of meter resulted in P.D. i.e. 28/8/2012 the said consumption to be considered as per commercial tariff and bill are to be revised. While revising the bills the amount paid by Consumer from time to time is also to be deducted.

- 12) In this matter, Licensee resorted to action u/s 126 of EA but it is nullified by IGRC and now we find the disconnection of supply to Consumer is found not legal in this light.
- 13) We find the action of officers who proceeded to deal the aspect u/s 126 it cannot be branded as malafide. Though it is not legal we find that it seems to be the wrong impression carried by the Officer. Under such circumstances we find Consumer is entitled to restoration of supply.
- 14) Though we concluded that Licensee is to revise the bill and said revised bill is to be paid by Consumer and Consumer is entitled to restoration of supply, now restoration is to be directed forthwith as illegality is noticed. At the same time Licensee is required to revise bills as directed above, it may take time, and hence with the intent to ensure that interest of Licensee is not affected, it is just and proper to direct the Consumer to deposit the amount of Rs.10,000/- tentatively towards dues and as soon as said amount of Rs.10,000/- is deposited his connection is to be restored by Licensee. Further in the revised bill this payment of Rs.10,000/- be considered and if any more amount is required to be deposited it is to be

demanded / recovered by the Licensee and if it happens to be surplus it be adjusted in ensuing bills. Hence we are required to allow this grievance.

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 bill amounting to Rs. 21,025/- issued by Dy. Exe.Engineer, Sub-Division-II, Kalyan of Licensee is correct.

(R.V. Shivdas)
Member Secretary
CGRF Kalyan

- 15) This matter could not be decided in prescribed time as Forum was to cope up with the existing staff in the background of stenographer retired and stenographer not available, skilled worker had no knowledge of stenography.

Hence the order by majority

O-R-D-E-R

- a) Grievance of consumer is upheld.
- b) The bill issued by Officers of Licensee dated 11/3/2012 is set aside.
- c) Licensee is directed to issue revised bill in the light of aforesaid discussion treating consumption as 85 units per month from beginning and it is to be

worked out as per commercial tariff. While working out the dues, amount deposited by consumer to be deducted. Such revised bill be issued within a month from the date of receipt of this order.

- d) Licensee to restore supply to the Consumer forthwith subject to Consumer depositing an amount of Rs.10,000/- which is a tentative amount towards revised bill and while preparing a revised bill this amount of Rs.10,000/- if paid, be adjusted. If anything is surplus, it be adjusted in the ensuing bills and if it is short, it be recovered. Accordingly, restoration should be done as soon as Consumer produces receipt of Rs.10,000/- paid. The Officers of the Licensee to ensure that Consumer be allowed to deposit this amount as soon as he approaches for depositing the amount.
- e) Compliance is to be reported by the Licensee within 45 days from the date of receipt of the order.
- f) The consumer if not satisfied, may file representation against this order before the Hon. 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”.

- g) 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

