



Consumer Grievance Redressal Forum, Kalyan Zone  
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301  
Ph: – 2210707 & 2328283 Ext: - 122

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**IN THE MATTER OF GRIEVANCE NO. K / E / 692 / 818 OF 2012-2013 OF SMT. CHHAYA NARESH BHATIA, ULHASNAGAR REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT EXCESSIVE ENERGY BILL**

Smt. Chaya Naresh Bhatia  
At – Flat no. 802, Hill Top,  
Section No. 17, Takadi Area,  
Ulhasnagar : 3, Dist-Thane  
Consumer No. 02153056009



Here-in-after  
Referred  
As Consumer

Versus

Maharashtra State Electricity Distribution  
Company Limited through its  
Dy. Exe.Engineer, Ulhasnagar Sub  
Division – III, Ulhasnagar



(Here-in-after  
referred  
As Licensee)

(Per Shri. Sadashiv S. Deshmukh, Chairperson)

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 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. – I (Residential) consumers of the licensee. The Consumer is billed as per Residential Tariff. Consumers registered grievance with the Forum on 16/2/2013 for Interruption in Supply.

The details are as follows :

Name of the consumer :- Smt. Chhaya Naresh Bhatia

Address: - As given in the title

Consumer No : - 02153056009

Reason of dispute : Excessive Energy Bill

3. The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/0109 dated 16/2/2013 to Nodal Officer of licensee. The licensee filed reply on 8/3/2013.
4. In this matter we heard Consumer Representative (C/R), Mr. Rajput and Shri Giradkar, Nodal Office, Shri Shendge, Dy. Exe. Engineer for Licensee. We have gone through the bill submitted by Dy. Exe.Engineer on 8/3/2013.
5. On the basis of arguments advanced and material placed on record following facts are disclosed:-
  - a) Late Naresh Bhatia who was the Consumer of Licensee died on 9/1/2012. After his death present Applicant, Smt. Chhaya stepped in and Licensee issued bills to her.
  - b) Consumer's initial meter no. 5068107 was replaced by installing the new meter no.3348712 on 15/3/2011.

- c) Further the said meter no.3348712 was accu-checked on 4/8/011 and noticed that there is “no display”. Further inspection report speaks for suggestion of immediately changing the meter. Accordingly on 4/8/2011 the said meter was changed and in its place meter no. 2575844 was installed. The meter which was taken out, i.e. meter no.3348712 was further checked on 30/8/2011 in the laboratory and it was noticed that body of meter found tampered. There was a hole on the top of the body. The said report of checking is submitted with letter dated 2/9/2011 and direction was given for taking action u/s 135 of Electricity Act.
- d) As per aforesaid letter dated 2/9/2011 on disclosure of tampering of meter the officers of Licensee, dealt it u/s 135 of Electricity Act. Treating it as theft and issued bill dated 8/9/2011 for Rs.1,46,440/-. On receiving the said bill Consumer paid it on 12/9/2011. Even Consumer sought reconnection of meter, deposited an amount of Rs.150/- towards it and an amount of Rs.3,110 towards meter charges. The said amount is paid on 12/9/2011. Further Consumer shown willingness to deposit compound charges and sought bill vide letter dated 15/9/2011 for Rs.32,000/- said amount deposited by Consumer on 30/9/2011.
- e) As the payment was sought by Licensee resorting to action u/s 135 of Electricity Act it was paid off, compounding charges were also paid hence action u/s135 is not further continued by the Licensee.
- f) Consumer i.e. late Naresh on 29/9/2011 complained to the Dy. Exe.Engineer, Ulhasnagar, for revising the bill issued on 13/9/2011 for Rs.48,860, though it is action u/s 135, an amount of Rs.146,440/-

was deposited. The said letter is replied on 21/4/2012 by Superintending Engineer, Kalyan communicating that out of the said sum credit is given for Rs.33,198 as bill dated 13/9/2011 was issued by mistaken reading.

- g) The aforesaid letter dated 29/9/2011 was not replied in time and in the meantime, Naresh died on 9/1/2012 hence his son Hardeep approached chief Engineer, Kalyan on 3/2/2012 making grievance about the illegal act of officers for action u/s 135 of EA leading to death of his father Naresh. It is also contended that the said act was illegal as the recovery of Rs.146,440/- was for the period about 24 months; though the said meter which was said to be tampered was installed on 14/5/2011 and was taken out on 4/8/2011 then tested on 30/8/2011. It was contended that said recovery ought to have been for the period during which said alleged tampered meter was installed and taken out i.e. from 14/5/2011 to 4/8/2011. Secondly objection is raised that though amount as claimed u/s 135 of EA with compounding charges of Rs.32,000/- were deposited; in spite of it bill for Rs.48,860 issued on 13/9/2011. The Chief Engineer (Commercial) directed the said letter dated 3/2/2012 to Superintending Engineer on 5/3/2012.
- h) In this regard Mr. Rajput, C.R. had filed application under R.T.I. Act, on 17/2/2012 with Exe.Engineer, Ulhasnagar who directed it to the Dy. Exe.Engineer. The said Application replied on 16/10/2012 with copy of the register of meter replacement and rest of the information was refused; contending that it was not available
- i) Mr. Rajput, C.R. had filed application under R.T.I. with MERC on 26/11/2012, it was replied by MERC on 26/12/2012 directing him to

seek information from Licensee and to take recourse to CGRF and representation of Ombudsman, etc. The said application was forwarded to Public Information Officer of Licensee's Headquarters.

- j) Consumer Chhaya through her son Hardeep forwarded complaint in terms of aforesaid (f) on 10/9/2012 to MERC with copy to Licensee and its officers. MERC forwarded the said complaint to the Managing Director of Licensee on 14/9/2012. Even she had addressed letter of same nature to Chief Engineer (Commercial) of Licensee on 30/10/2012. It is seen in light of above facts in the Dy. Exe.Engineer Ulhasnagar on 8/11/2012 sought guidance from Exe.Engineer, Ulhasnagar stating facts and aspects; alleged tampered meter was installed on 14/5/2011; taken out on 4/8/2011, and ; during testing on 30/8/2011 it was found tampered, as hole was noticed on the top of the meter; and on that basis recovery was sought, under such circumstances whether such recovery can be for more than that period, i.e. 14/5/2011 to 4/8/2011. It is specifically states that an amount of Rs.146,440/- is worked out, not limited to the period from 14/5/2011 to 4/8/2011. It is a fact that the said letter is not replied; and no guidance is provided.
6. In view of the above chronological instances it is clear that against Consumer, Licensee initiated action u/s 135 of EA. Consumer without any resistance deposited the amount sought. Towards the said act, even he paid compounding charges. In this light it is clear that if once sec. 135 of EA is invoked and compounding charges are paid by Consumer; then jurisdiction of this Forum is ousted. In this light, we find in this matter pertaining to the action u/s 135, no any view can be expressed. However the C.R. vehemently

contended that u/s 135, period covered ought to have been from 14/5/2011 to 4/8/2011 and the amount charged is not correct. In spite of official communication to that effect by Dy. Exe.Engineer it is not responded by higher-ups and in this light the direction is sought from this Forum. But we find that as jurisdiction is barred, we are not able to give any such direction. However, we hope that appropriately in the light of letter dated 8/11/2012 of Dy. Exe.Engineer, Ulhasnagar, definitely the Exe.Engineer or the concerned will be consciously dealing with it. In result for want of jurisdiction we have to dismiss this grievance.

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

Hence this order

O-R-D-E-R

- a) Grievance of Consumer towards the action u/s 135 of EA is dismissed for want of jurisdiction.
- b) the grievance about the bill dated 13/9/2011 for Rs.48,860/- is already cured by Licensee vide letter dated 21/4/2012 by communicating that said bill was issued due to mistake in noting the reading and credit is given for Rs.33,198/-.
- c) We hope that guidance sought by Dy. Exe.Engineer, Ulhasnagar vide letter dated 8/11/2012 from Exe.Engineer, Ulhasnagar will be

properly and consciously dealt.

- d) 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”.*

- e) 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”*

Date : 17/4/2013

**I Agree**

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

**I Agree**

**(R.V.Shivdas)**  
**Member Secretary**  
**CGRF Kalyan**

**(Sadashiv S. Deshmukh)**  
**Chairperson**  
**CGRF Kalyan**