



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/0154/0176 OF 08-09 OF SMT. KESHARBEN M. DEDHIA REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT EXCESSIVE BILLING.

Smt. Kesharben M. Dedhia
Devji Darsi Building,
Near Shahad Railway Station
Shahad

} (Here in after referred to as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its
Dy. Ex. Engineer, O&M Sub-Division
No. I, Kalyan (West)

} (Here in after referred to as licensee)

2. 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).

- 3). The consumer is a L.T. consumer of the licensee connected to their 415-volt network. The Consumer is billed as per residential tariff. Consumer registered grievance with the Forum on dated 03/01/2009 for excessive billing against theft case.

The details are as follows: -

Name of the consumer :- Smt. Kesharben M. Dedhia

Address: - As above

Consumer No : - 020100003296

Reason of dispute: Excessive energy bill against theft case.

- 4). The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/005 dated 03/01/2009 to Nodal Officer of licensee. They replied vide letter No. DYEE/Sub-Dn.I/Kalyan/106, dated 20/01/2009.
- 5). The Forum Members heard both the parties on 29/01/2009 @ 15 Hrs. in the meeting hall of the Forum's office. Shri S. M. Dedhia, Shri Pravin Thakkar, Shri Shakil Ansari, Shri Pradeep Niphadkar, Consumer's Representatives & Shri Devis, Jr. Engr. Shri Bhojane, Asstt. Engr. Shri Pachpohe Dy. Executive Engineer, Sau. S. A.Khatavkar, UDC., Shri C. S. Sakpal, LDC representatives of the licensee attended hearing.
- 6) Mr. S.S. Ansari, Consumer's Representative (CR) represented that the consumer tariff is LD-1 being entire use of connection is for tuition purposes in the residential basis. On 10.12.08 the MSEDCL people disconnected the supply without notice. On

enquiry with the licensee it is informed to them that reason for disconnection for want of payment of arrears. MSEDCL issued a supplementary bill of Rs.1,52,645/- for 24 months. He has been asked to be present in the laboratory and witness the testing of meter. The consumer further stated that as per MERC rules, while taking meter following procedures should be followed by the licensee which are not done.

- a). Meter should be tested in consumer's presence.
 - b). A copy of MR-II report is to be given to the consumer
 - c). Details of meter No., meter seal No., condition of the meter, lab. No. etc. should be given to the consumer.
 - d). Meter should be sealed in the presence of consumer and with his signature.
 - e). 15 days disconnection notice should be given.
 - f). While giving supplementary bill meter testing report should be attached alongwith bill.
 - g). As per rules the compounding charges to the LD-1 category is Rs.10,000/- License has charged Rs.20,000/- For this category licensee can not charge on the basis of connected load.
 - h). The charges levied is on higher side and period taken as 24 months also against the rules.
 - i). They should not charge on the total connected load, as all the items are not working at time.
- 7) a) Consumer's Letter dated 30/10/07 to licensee.
b) Consumer's Letter dated 31/07/08 to licensee.

- c) "X" form received by licensee on 16/10/08
 - d) Since the licensee not replied, the consumer approached to CGRF on 03/01/2009.
- 8). All above are not observed. Moreover, there is sanction of Govt. regarding educational institute under LD-1. The licensee can not charge under commercial tariff. This issue will not come under Section 126 or 135 because all these actions of MSEDCL are illegal and unjustifiable. Therefore wrong charging of commercial tariff should be withdrawn, whatever amount recovered should be refunded and the concerned officers of the licensee should be imposed Rs.1000/- per week till the reconnection or they may put into the jail.
- 9). On the above, the licensee replied that an electric connection was released in the name of Mrs. Kesharben M. Dedhia, for residential purpose on 27.04.99. When the meter was accuchecked on **14.9.07** in routine checking drive, the meter found 86 % slow and the usage of supply is found for tuition classes instead of residential purpose. On 24.9.07 the meter was tested in the laboratory in presence of consumer. When opened the meter it is observed that meter has been bypassed inserting loop wire inside meter. The consumer has witnessed and signed the meter testing report dated 14.9.07, meter replacement report dated 17.9.07 and Panchanama dated 24.9.07. Therefore, consumer's statement that all the tests carried out are in their absence are wrong. The consumer has been booked under I. E. Rule 2003, Section 135, and assessment bill issued for 24 months of Rs.1,52,645.59 and compounding charges of Rs.20,000/- on the basis of

connected load of 2 KW appeared in the CPL (whereas at accucheck report the CL recorded as 5 KW) and considering the commercial category. The consumer paid arrears bill of Rs.1,52,645.59 on 12.12.07 vide Receipt No.7704378. He paid the compounding charge amount of Rs.20,000/- on 30.7.08 vide receipt No.6569962 under protest. All procedure as per rules is observed in this case. There is no need of giving disconnection notice, as the supply is not disconnected.

- 10). The consumer then approach the licensee and demanded to withdraw wrong charging of commercial tariff and the amount whatever recovered under 135, which was not possible therefore the consumer approached the CGRF and got registered this case.
- 11). At the time of hearing Forum got verified the consumer's signatures on testing report dated 14.9.07, meter replacement report dated 17.9.07 and Panchanama dated 24.9.07 and identified the same.
- 12). Forum asked the consumer that you have taken the supply for residential purpose and using for tuition purpose. When the purpose is changed the tariff will also change. In reply Consumer's Representative said they have got certificate from Govt. in this effect and using the supply 50% for residential and 50% for educational purpose.
- 13). Forum observations: Regarding consumer's demand on Point No.6 above forum's observations are as below:
 - (i). (a). The consumer was present at the time of accucheck, he signed the same and copy also given to him.

- b). The consumer has signed the MR-II report No.1291 dated 17.9.07 submitted by licensee to forum copy of which also provided to the consumer.
 - c). The licensee has fulfilled the demand of the consumer.
 - d). The licensee has fulfilled the demand of the consumer.
 - e). As per licensee's reply, there is no need to give disconnection notice, as the supply has not disconnected by the licensee.
 - f). The licensee has fulfilled the demand of the consumer.
 - g). This being a theft case, this is coming under the purview of the licensee.
 - h). This being a theft case, this is coming under the purview of the licensee.
 - i). As per licensee reply the connected load in CPL is 2 KW whereas the same in the accucheck report is 5 KW.
- (ii). The purpose of supply is residential only whereas it is used for commercial purpose. He has not mentioned anywhere about the Certificate for educational institution or submitted such certificate to the licensee or to the forum earlier. On objection taken by licensee about the change of purpose, he protested with this statement. If the usage is changed other than purpose given in the application while taking connection, the tariff will change and the

licensee charge accordingly. As per Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005. Clause No. 13 : **Classification and Reclassification of Consumers into Tariff Categories**

:The Distribution Licensee may classify or reclassify a consumer into various Commission approved tariff categories based on the purpose of usage of supply by such consumer :

Provided that the Distribution Licensee shall not create any tariff category other than those approved by the Commission.

In this case the licensee inspected the consumer's premises on 14/09/07 & found the purpose is changed as commercial (for Tuition Classes) instead of residential purpose.

(iii). The accucheck, Panchanama and opening of meter at lab. All these three events are witnessed by consumer and signed. The meter was 86% slow and found some alterations made inside the meter to minimize the consumption. This is clear cut theft of energy. Therefore, Licensee has followed all rules and procedures under it.

14). After going through all above facts, forum come to the conclusion that this is crystal clear case of theft of energy under I.E. Act 2003, Section 135. Therefore, this issue is not coming under the purview of the forum, so this case is dismissed unanimously. Hence no order is passed.

- 15). Consumer can file appeal against this decision with the Ombudsman at the following address. *“Maharashtra Electricity Regulatory Commission, 606/608, Keshav Building, Bandra - Kurla Complex, Mumbai 51”*

Date : 12/02/2009

**(V.V.Kelkar)
Member
CGRF Kalyan**

**(M.N.Patale)
Chairman
CGRF Kalyan**

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