



Consumer Grievance Redressal Forum, Kalyan Zone  
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**IN THE MATTER OF GRIEVANCE NO. K/E/324/361 OF 2009-2010 OF SHRI  
RADHYESHYAM RAMCHANDRA GUPTA, NALLASOPARA (EAST)  
REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM  
KALYAN ZONE, KALYAN ABOUT EXCESSIVE ENERGY BILL.**

Shri Radhyeshyam Ramchandra Gupta  
Annapardhi Chawl, Nagindas Pada,  
Virar Road, Nallasopara (East),  
Tal: Vasai, Dist : Thane - 401 209

(Here in after  
referred to  
as Consumer)

**Versus**

Maharashtra State Electricity Distribution  
Company Limited through its Dy. Executive  
Engineer, Nallasopara East Sub/Division

(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 residential tariff. The consumer registered grievance with the Forum on 20/02/2010 regarding the Excessive Energy Bill. The details are as follows: -  
Name of the consumer : Shri Radhyeshyam Ramchandra Gupta  
Address: - As above  
Consumer No : 001901108681  
Reason for Dispute : - Regarding Excessive Energy Bill
- 3). The batch of papers containing above grievance was sent by Forum vide letter No. EE/CGRF/Kalyan/0078, dt. 20/02/2010 to the Nodal Officer of the Licensee, and the Licensee through their Dy. Ex. Engr. Nallasopara East Sub/Dn. filed reply vide letter No. DYEE/Nallasopara Sub.Dn/East/692, dt. 11/03/2010.
- 4) The Members of the forum heard both the parties at length on 11/03/2010 @ 16.00 Hrs. in the meeting hall of the Forum's office. Shri Rajubhai Kothari Consumer and Shri Harilal & Shri Girish Patel Consumer Representatives, Shri Nitin Pewekar, Dy. Ex.Engr., Representative of the licensee, attended hearing. Minutes of the 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). According to consumer he was paying electricity bill regularly, inspite of this in the month of February 2007 he received bill of excess amount, therefore he complained to that effect to the office of licensee at Nallasopara. On 06/02/2007 as per the direction of Jr. Engineer he deposited amount for the testing of meter. Accordingly his meter was taken away for testing, however till today he did not get report of the said

meter though repeatedly demanded. It is contended charging excessive amount licensee disconnected electric supply of consumer without giving notice. According to consumer on 26/10/07 he complained to the Dy. Executive Engineer for getting correct electric bill and old meter testing report, however, he did not receive any response. It is the contention of consumer that since the officials of the licensee did not pay heed to his request and as he was put to trouble and harassment, he lodged complaint to the IGRC on 10/11/09 but hearing could not be taken place. It is the grievance of consumer that licensee charged excessive electricity bill and disconnected electric supply illegally, consequently he suffered mental and physical trouble, therefore the licensee be directed to restore the electric supply and he be paid compensation / penalty of Rs. one lakh for the illegal act and further to direct to give him meter testing report as per the provisions of Law.

- 6) Licensee opposed the contentions of consumer contending that from May 2002 till January 2006 electric bills were issued as per meter reading. In the month of March 2006 meter was changed. From September 06 till January 2010 bill of reading 5469 units of Rs. 45,070/- was issued, however consumer did not pay the same and since 06/02/2007 he is in arrears of electricity bill. It is contended that on depositing testing charges Rs. 100/- by consumer on 04/03/06 the then Jr. Engineer changed the meter, however due to his transfer old meter was not sent for testing and the same is untraceable. According to licensee explanation of the then Jr. Engineer on the old meter is called and action is being taken against the erring officials.

- 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 complainant/consumer proves that licensee gave him incorrect electricity bills ?	NO
b)Whether complainant/consumer proves that his electric connection was discontinued illegally ?	NO
c)What Order ?	As per Order below

**Reasons**

- 8) Complainant is the consumer since 23/11/2001, according to him Distribution licensee issued incorrect electricity bills which he challenged with the officials of the licensee at Nallasopara but he was not responded. Needless to say complainant who alleges on incorrect bills must show as to how the bills were incorrect. Nothing of the sort on record to show that any of the bill was incorrect. He did not bother even to file a single bill on record much less incorrect. It is very easy to make allegation on illegality but burden lies on the person who alleges. In the absence of any document on record hardly can be said that licensee issued incorrect bills.
- 9) According to consumer licensee issued incorrect bills therefore he complained and consequently meter was changed. By way of say dt. 11/03/2010 Dy. Ex. Engr. Nallasopara pointed out that as per meter reading bills were issued till March 2006. On perusal the CPL filed on record shows meter No. 717868 was changed in the month of September 2006 by meter No. 1971394. Consumer was duty bound to file bill on record to show that atleast till August any of the bill was incorrect but he failed in doing so by which it can squarely be said that the bills till then were

correct. However, after change of meter if any incorrect bills in so far new meter is issued by the licensee, can be corrected as per the meter reading and that licensee is under obligation to issue correct bills as per correct reading.

- 10) As stated above in the month of September 2006 meter was changed vide meter No. 1971394. To this effect also complainant has not pointed out when electricity from this meter was discontinued. CPL shows this meter was live. So also by the say dt. 11/03/2010 licensee pointed out that the meter is live, if this is so burden lies on the complainant to show when his electricity was discontinued. He could have file on record document to this effect but he failed which point out his supply is on, consequently question of giving any direction to this effect to the licensee does not arise. In view of this it is apparent complainant or consumer failed to prove that licensee issued incorrect bills till the change of new meter and that his electricity was discontinued illegally.
- 11) So far old meter No. 717868 which was replaced in September 2006 as seen from the CPL according to the Dy. Ex. Engr. Nallasopara as seen from the say dt. 11/03/10 the same is untraceable and action is being taken against the concerned erring official. Complainant is eager to seek report of this old meter. Missing or untraceable of the property of licensee is a matter of serious concern and consequently necessary action is required to be taken against the erring official. Licensee can therefore very well be directed to take serious note of the missing/untraceable property of licensee and to take appropriate action against the erring official and to report the same to the Forum. In view of discussion supra we are of unanimous view that complainant consumer failed to prove that he was

given incorrect bills and his electricity was disconnected illegally by the licensee. Points are answered accordingly and hence the order :

**ORDER**

- 1) Grievance application stands dismissed.
- 2) Licensee to issue electricity bills as per correct meter reading.
- 3) Licensee to take appropriate action against the erring officials in the matter of missing/untraceable of the meter No. 717868 and to report compliance within 60 days from the date of receipt of the order.
- 4) Stay Order issued by this Forum vide No. EE/CGRF/Kalyan/125, dt. 17/03/2010 is hereby vacated.
- 5) 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.

- 6) Consumer, as per section 142 of the Electricity Act, 2003, can approach Maharashtra Electricity Regulatory Commission at the following address:-

*“Maharashtra Electricity Regulatory Commission, 13th floor, World Trade Center, Cuffe Parade, Colaba, Mumbai 05”*

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” within 60 days from the date of this order.

Date : 19/04/2010

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

(R.V.Shivdas)  
Member Secretary  
CGRF Kalyan

(S.N. Saundankar)  
Chairperson  
CGRF Kalyan