



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/030/0032 OF
05-06 OF SAI SUKHMANI HOTEL PVT. LTD. WITH
CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN
ZONE, KALYAN ABOUT THE ENERGY CHARGES LEVIED
IN THE BILLS OF MARCH 2003 TO JULY 2003.

Sai Sukhmani Hotels Pvt. Ltd Here in after
Plot No. 1 Village Vavandal,
referred to
Mumbai-Pune High way as
consumer
Khalapur, Dist- Raigad.

versus

Maharashtra State Electricity Board, through its (Here in
after
Assistant Engineer, Khopoli Sub Division, referred to
Khopoli Dist- Raigad as licensee)

- 1) Consumer Grievance Redressal Forum has been established under regulation of “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2003” to redress the grievances of consumers. This regulation has been made by the Maharashtra Electricity Commission vide powers confirmed 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 L.T. consumer of the licensee connected to their 415-volt network. Consumer disputed charges levied by the licensee in their bills for the period from March 2003 to July 2003. Consumer registered grievance with forum on 26/09/2005. The consumer No. is 030550002171.
- 3) The batch of papers containing above grievance was sent by forum vide letter No. 0314 dated 4/10/2005 to Nodal Officer of licensee. The letter was replied by Nodal Officer vide letter No. 2049 dated 9/04/2005 of Assistant Engineer, Khopoli.
- 4) All the three members of forum heard both the parties on 27/10/2005 & 18/11/2005 from 16 hours to 17 hours in the meeting hall of the forum’s office. Shri Vinod Rao represented consumer and Shri Prabhune, Nodal Officer on

27/10/2005 and Shri Nanware JE and Shri Thakur LDC on 18/11/2005 represented licensee. Two members of forum heard licensee on 15/12/2005. Shri Prabhune Nodal Officer, Shri R.B. Mane Deputy Executive Engineer, Shri M.B. Sawant Assistant Engineer & Shri P.S. Watpade Junior Engineer represented licensee. No one was present from consumer side.

- 5) Shri Rao made following submission about extra ordinary bill of licensee vide letter dated 19/09/2005 attached to grievance application dated 26/09/2005.
- (i) Initially the licensee's average bill pattern from 2000 to 2001 was between Rs 2,000/- to Rs 5,000/- per month and between 31/01/2002 to 30/09/2002 this average was between Rs10,000/- to Rs 18,000/- and between 30/04/2005 to 31/05/2002 it was Rs 36,000/- and between 28/02/2003 to 31/07/2003 it was Rs 24,588/- Rs 49,590/-, Rs 59,514/-, and Rs 94,959/- and between 31/12/2003 to 31/01/2004 it was Rs. 1,198/- only, so we complained about this erratic bill to licensee Engineer at khopoli but no action was taken. On our approach to Executive Engineer Panvel, he directed Assistant Engineer Khopoli to fix check meter and observe for one month.
- (ii) The bill of Rs 1,198/- is also not correct bill as 30 people are staying and regular business was done for whole 30 days still licensee bill amount is Rs. 1,198/-. Hence

during this period we got wrong electric bill. So please do justice as because of this we have suffered heavy loss as well mental agony. So we request you to correct the faulty bill and waive off interest, which we have been paying since last two years.

- 6) On above submission of consumer Shri Prabhune defended that the meter No. 1997702 was tested on 27/12/2002 in presence of consumer's representatives Shri Krishna R. Deshmukh electrician and Sunil N. Manjrekar and was found to be correct and within permissible limit of error. He further added that bills sent to the consumer are as per meter reading only and hence no need to revise the bills.
- 7) The forum observed remark written by Executive Engineer on consumer's application dated 8/07/2003 as follows: -
"AE Khopoli: - Connect one check meter, observe one month consumption then we will decide for revision of bill".
The forum also observed that a meter bearing Sr.No. 109681 was issued on same date for connecting it at consumer's premises as check meter.
- 8) Shri Rao, during hearing on 18/11/2005, pointed out that this meter No. 109681 was installed by Shri Watpade Junior Engineer and old meter No.1997702 was removed.
- 9) Forum decided to examine the witness of Shri Watpade Junior Engineer and Shri Mane the then Assistant Engineer Khopoli and accordingly requested Nodal Officer to ask them to remain present during next hearing on 15/12/2005.

- 10) Consumer or his representative did not attend hearing on 15/12/2005 and forum decided to proceed in the matter on merit as per powers delegated to it vide Regulation 6.10 of Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Ombudsman) Regulations, 2003.
- 11) Shri Watpade, during hearing on 15/12/05, submitted that meter No. 1997702 was not replaced on 8/07/2003 but a check meter No.109681 was installed in parallel with it. This check meter was removed after 15 days as consumption recorded both on meter Nos. 1997702 and 109681 was found to be nearly same. Shri Watpade and Shri Mane further submitted that meter No. 1997702 was replaced by meter No. 452 on 9/03/2004 and the same meter is in service at consumer's premises.
- 12) Two members of the forum (Chairperson & Member) checked the meter No. 1997702 on 15/12/2005 and found two lead seals No. TD/Pen/LTM/B-271/13.03.02. This indicates that seals fixed to the meter prior to its installation at consumer premises somewhere between March 2002 to June 2002 are still intact. The forum also noted that the sanctioned load of the consumer is 30 Kw while last MD recorded on meter was 41.579 Kw. This is suggestive of consumer having record of using more than sanctioned load for some period of time.
- 13) Now point of decision before the forum is

i) Was meter No. 1997702 in service, at consumer's premises during the period from March 2003 to July 2003, defective?

ii) If yes, whether assessment by forum is necessary?

Replies of the above questions are: -

- 1) No
- 2) Question does not arise.

The reading on meter is conclusive proof of the quantity of energy supplied to the consumer. If for no fault of consumer or the licensee a meter has ceased to be correct for any reason whatsoever, the rights & liabilities of both consumer & licensee cannot remain unsettled for any period beyond what is permitted by law in force. Only for that limited period the readings on the meter cannot be taken as conclusive proof of energy supplied to the consumer. In the present case meter (whole current meter & current transformers) had not ceased to be correct during their service on the installation of the consumer. The question of assessment of energy by forum, therefore, does not arise.

14) The entire position narrated above leads us to conclusion that action of licensee of preparing bills as per meter readings, when meter cannot be proved to be faulty & was recording correct consumption is correct & cannot be reversed. The question of considering other data submitted by consumer for the purpose of assessment, such as consumption immediately preceding March 2003 and

- succeeding July 2003 is less than the consumption of the disputed period from March 2003 to July 2003, does not arise as long as meter was recording correct consumption.
- 15) The forum could not award decision within a period of two months from the date of receipt of grievance (grievance was received and registered by forum on 26/09/2005) as required as per clause 6.12 of Chapter II of Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation, 2003, because of the following reason.
- a) Postponement of hearing scheduled on 20/10/2005 as consumer could not attend the hearings due to either dislocation of traffic or personal problems.
 - b) Delay in recording witness of licensee's staff due to their absence on scheduled date of hearing on 18/11/2005.
- 16) After carefully studying the entire development of the episode & thereafter summarizing it, the forum has unanimously reached to a final conclusion to pass the following order for taking further action.

O-R-D-E-R

1. The forum does not find any valid reason to interfere with the bills prepared by licensee as per consumption recorded by meter No. 1997702 during the period from March 2003 to July 2003. The action of the licensee is upheld.
2. 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
Appeal can be filed within 60 days from the date of order.

Date: - 19/12/2005 Licensee

(J.P.Soni)	(V.V.Kelkar)	(I.Q.Najam),
Member Secretary	Member	Chair person
CGRF Kalyan	CGRF Kalyan	CGRF Kalyan