



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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IN THE MATTER OF GRIEVANCE NO. K/E/329/370 OF 2009-2010 OF SHRI D. A. SAKPAL, KATEMANIVALI KALYAN (EAST) , REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT EXCESSIVE ENERGY BILL.

Shri D. A. Sakpal
A/6, OM Balaji CHS.,
Chinchpada Road ,
Katemanivali, Kalyan (East)

(Here in after
referred to
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its Dy. Executive
Engineer, Kalyan East Sub/Dn No. II

(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 26/03/2010 regarding the Excessive Energy Bill. The details are as follows: -

Name of the consumer : Shri D. A. Sakpal

Address: - As above

Consumer No : 020850202550

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/132, dt. 26/03/2010 to the Nodal Officer of the Licensee, and the Licensee through Dy. Executive Engineer MSEDCL Kalyan East Sub/Dn No. II filed reply vide letter No. DYEE/KLN(E)/Sub.Dn.II/1066 dt.12.04.2010.

- 4) The Chairperson and Member of the Forum heard both the parties at length on 12/04/2010 @ 15.00 Hrs. in the meeting hall of the Forum's office. Shri D. A. Sakpal Consumer, Shri D. B. Nitnavare Nodal Officer, Shri V. M. Nemade, Dy. Ex. Engr., Shri G. M. Rathod Asstt. Acctt., Shri D. S. Pawar U.D.Clerk Representatives 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 in detail, will be referred to avoid repetition.

- 5) According to the consumer he is using CFC bulbs in his house and due to load shedding his consumption of electricity is very minimum. In spite

of this he received electricity bill of huge amount. It is therefore the contention of consumer that excessive bills need to be revised by the licensee in order to issue correct bills.

- 6) Licensee opposed the contentions made above. It is contended that on 20/12/07 the consumer complained on faulty meter therefore he was given average consumption bill. During inspection it is found consumer's user was minimum and the meter was stopped. On 15/01/2010 meter was accuchecked and was found 74.81% slow and when checked in the lab it was 83.65% slow and when opened in the presence of consumer and his representative, and Jr. Engineer, in the meter resistance was put in the current coil circuit thereby the meter was running very slow. Therefore the consumer has been charged for the offence of theft under Section 135 of the Electricity Act vide FIR No. 1462 dt. 02/04/2010. It is contended that since consumer committed theft of electricity he was given assessment bill of Rs. 26,440/- and the same has been deposited by him. According to licensee since consumer is charged for the offence of theft, this Forum has no jurisdiction to entertain the grievance vide Clause 6.8 of "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations 2006" and on this ground grievance be disposed of.
- 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 this Forum has jurisdiction to decide this grievance vide Clause 6.8 of “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations 2006” ?	NO
b). What Order ?	As per Order below

Reasons

8) According to the consumer he was consuming minimum electricity, however still he was getting electricity bills of huge amount. As against this licensee pointed out that when the meter was inspected on 20/12/07 it was found stopped and when accucheck inspection carried out on 15/01/2010 it was found running slow 74.81% and when checked in lab it was found that resistance was put in the current coil therefore it was slow. Consequently F.I.R. bearing No. 1462 dt. 02/04/2010 has been registered with Police against the consumer for the offence of theft under Section 135 of the Electricity Act. Panchanama placed on the record shows meter was opened for inspection in the presence of consumer, his representative and the panchas and then found resistance was put in the current coil, therefore the meter was sealed with the signatures of panchas. In the F.I.R. it is alleged consumer committed theft of electricity worth Rs. 26440. On going through the meter inspection panchanama and test certificate filed on record, we are prima facie of the view that the grievance falls within the purview of Section 135 of Electricity Act, excludes jurisdiction of this Forum vide Clause 6.8 of “Maharashtra Electricity Regulatory Commission

(Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations 2006”.

- 9) Grievance of the consumer is that though he consumes minimum electricity, he was getting bills of huge amount. This interlinks with the alleged offence of theft of electricity. Whether consumer committed the offence of theft under Section 135 of the Act, will be decided by the Court. Since the grievance falls within the purview of Clause referred to above, this Forum has no jurisdiction to entertain the same, therefore the grievance deserves to be disposed of for want of jurisdiction. Points are answered accordingly and hence the order :

ORDER

- 1) .Grievance application is disposed of for want of jurisdiction..
- 2) .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.

Date : 03/05/2010

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

(S.N. Saundankar)
Chairperson
CGRF Kalyan