



Consumer Grievance Redressal Forum, Kalyan Zone  
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301  
Ph- 2210707, Fax - 2210707, E-mail : cgrfkalyan@mahadiscom.in

No. K/E/743/888 of 2013-14

Date of Grievance : 16/11/2013

Date of Order : 15/01/2014

Period Taken : 60 days.

**IN THE MATTER OF GRIEVANCE NO. K/E/743/888 OF 2013-14 IN RESPECT OF SHRI ASARAM BHAU BORSE OF KHADAKPADA, KALYAN(W), DIST-THANE REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN REGARDING EXORBITANT BILL.**

Shri Asaram Bhau Borse,

Buildig No.4, flat No..402,

Siraj Park, Kadakpada,Kalyan (W),421 301,

District-Thane

,..... (Hereafter referred

Consumer No.020024201032

as consumer)

Versus

Maharashtra State Electricity Distribution

Company Limited though its

Deputy Executive Engineer, Kalyan (West),

Sub.Divn.-II

.... (Hereinafter referred  
as Licensee)

Appearance : For Consumer – In person.

For Licensee - Shri Bharambe- Assistant Engineer,

(Per Shri Sadashiv S.Deshmukh, Chairperson)

1] Maharashtra Electricity Regulatory Commission, is, constituted u/s. 82 of Electricity Act 2003.(36/2003). Hereinafter for the sake of brevity referred as 'MERC'. This Consumer Grievance Redressal Forum has been established as

per the notification issued by MERC i.e. “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006” ( Initially said regulations were upto 2003 and again modified and finalized in the year 2006) to redress the grievances of consumers vide powers conferred on it by Section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, (36/3003). Hereinafter it is referred as ‘Regulation’. Further the regulation has been made by MERC i.e. ‘Maharashtra Electricity Regulatory Commission (Electricity Supply Code and other conditions of supply) Regulations 2005’. Hereinafter referred as ‘Supply Code’ for the sake of brevity. Even, regulation has been made by MERC i.e. ‘Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2005.’ Hereinafter referred ‘SOP’ for the sake of convenience.

2] The papers containing above grievance were directed to be served on Nodal Officer vide letter No.K/E/CGRF/Kalyan/490 dated 18//11//2013. Licensee appeared through its Officer , filed reply on 2/12/2013.

3] We heard both sides at length, we have gone through the contentions of both sides. On its basis, following factual aspects disclosed:-

4] Consumer is having supply from 21/1/2009. Consumer is provided with bills till May 2013 which he paid and there is no dispute till the end of May 2013. However, dispute cropped up for the bills issued in the month of June –July and August 2013.

a] Consumer has made grievance with the Officers of Licensee by writing letter on 20/7/2013, deposited Rs.100/- on 23/7/2013, seeking accu-cheack of the metre. Accordingly meter is tested on 30/8/2013. Thereafter meter was changed on 17/9/2013. Consumer thereafter, addressed letters to the Officers of Licensee on

16/9/2013,17/9/2013, 19/9/2013 and 13/10/2013, making grievance about the units shown for the disputed period which are abnormal.

b] Consumer ultimately approached IGRC by filing application on 24/9/2013 which is decided on 24/10/2013, consumer's prayer is rejected by IGRC

c] Accordingly, aggrieved by order of IGRC, consumer approached this Forum on 16/11/2013. He made grievance that meter itself is defective, reading is not proper and though no supply is there, still meter is showing its further working. He has also disputed the details reflected in the meter. Accordingly, he claimed that due to the threat of disconnection, he paid amount for the disputed period to the tune of Rs.1830/- on 12/6/2013 and 8090/- on 17/9/2013. He contended that this recovery is totally not correct. It is of a defective meter and Officers of Licensee not taking care to deal his complaint appropriately.

d] In reply, Officers of Licensee contended that on receiving the grievance of consumer, already meter is tested, meter is found o.k..Report is available and it's copy is provided to the consumer during the process. It is also explained that for dues, consumer was persuade to pay it, from time to time, but he did not pay it, he was made aware that failure to pay, may, result in disconnection and accordingly it is contended that amount is deposited. Even consumer has attended meter checking, conducted by the Officers of Licensee and meter is not defective. Accordingly, Officers of Licensee claimed that order of IGRC is correct, bills issued are correct, there is no defect in the meter and hence grievance be rejected.

5] In this matter, from time to time, we dealt the aspect. Consumer submitted that prior to the disputed period and even after the disputed period, trend of consumption itself speaks and though there was no any such occasion during the disputed period for using more electricity, but still the consumption is shown high, i.e. for the month of June, 2013, it shown is high as under:-

<u>Months</u>	<u>Units shown as consumed</u>
June 2013	306
July 2013	583
August 2013	483
September 2013	72

Accordingly, he contended that safely inference can be drawn that it is a case of defectives meter. We brought to the notice of consumer that already there is meter testing report from the Licensee side, it reflected that meter is totally in working condition, there is no any defect noticed and made him aware that as against actually reflection of units consumed, in the meter, supported with meter testing report filed by Licensee, his claim is of inference and hence aspect involves technical testing and hence he may consider, seeking testing from NABL. During the discussion, initially he conceded to it, accordingly, Licensee issued letter to him for depositing of amount towards it. Consumer replied that fees for such testing are high, he cannot bear. Such letter he has given on 10/12/2013 and even he has made it clear before this Forum during hearing. In result, he has not opted for testing of the meter through NABL.

Perceiving the fact that consumer contended, about the meter tested by Licensee in his absence, with consent of Officers of Licensee, meter was directed to be tested once again in the laboratory of Licensee and said report is received and placed before us. Such testing is conducted in presence of consumer on 24/12/2013 and in the said report, it is clarified that meter is found ok and there is no defect.

On behalf of consumer, all the while, one more contention is raised before the Officers of Licensee and even before this Forum that he has noted MD as 21.14 and this is sufficient to hold that meter is defective. He also contended that it is not explained by the Officers of Licensee, how 21.14 can be the MD. Officers of Licensee explained that said figure is not of MD, it may be pertaining to a time factor or other parameters seen when meter was running. It is contended on behalf of the Officers of Licensee if, MD is of 21.14 then consumption of unit will be more than 400 units and hence it cannot be read as MD and the inference drawn by the consumer is not correct. We find that meters now installed are given different details in the course of its movement. It starts even with time factor, even with the consumption etc and hence the figure which consumer is trying to high light, is not of MD. Accordingly, his contention is not accepted.

Accordingly, consistently meter testing report is not showing any defect. Under such circumstances, the question comes up whether claim of consumer can be accepted and can be held that consumer's meter is defective. We find, it is not possible to hold that meter is defective as meter is tested, not once but twice, it is found ok. Consumer has not opted for having testing from NABL, though initially he agreed. Accordingly, we are left with no other option but to reject his claim that meter was defective. After testing in the lab it is not found defective. The consumption reflected in the meter, accordingly is to be upheld.

6] Secondly, is contended by consumer that he was required to pay the amount under the threats of disconnection and there was no any notice. This aspect is narrated in a peculiar manner, but on record, there is a letter addressed to him on 1/10/2013, by Dy. Exe.Engineer, wherein it is made clear that from time to time he was asked to deposit due amount which he has not followed and he was made aware, if payment not done , supply will be disconnected. In fact no any such notice is given. But actually as per letter dated 1/10/2013, it is placed on record that consumer was intimated about it. It is a fact that consumer deposited that

amount and claimed that it is under threat. However, now as noted above, the demand raised by Licensee is in tune with factual recording of units reflected in meter and payment was to be done. We are able to perceive that consumer felt said payment is not proper and claimed that it is a high handed act. We find, this Forum cannot go in seeking any proof by calling witnesses, testing them on the test stone of cross-examination etc. Hence, we are not able to record any finding about the allegations of consumer which can be appropriately dealt at the administrative side by Chief Engineer of Licensee.

8] In view of the above, we find, there is no any material available to uphold the contention of the consumer and hence it is to be rejected. Hence the order.

Dated: 15/01/2014

### **ORDER**

Grievance of the consumer is hereby rejected.

**I Agree**

**I Agree**

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

**(Chandrashekhar U. Patil)**  
**Member Secretary**  
**CGRF Kalyan**

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

#### **Note:-**

- a) The consumer if not satisfied, may file representation against this order before the Hon. 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”.*

- b) 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”*

- c) It is hereby informed that if you have filed any original documents or important papers you have to take it back after 90 days. Those will not be available after three years as per MERC Regulations and those will be destroyed.

Grievance no.K/E/743/888 of 2013-14



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Ph- 2210707, Fax - 2210707, E-mail : cgrfkalyan@mahadiscom.in

No. K/E/743/888 of 2013-14

Date : 02/12/2013

**MINUTES OF THE HEARING OF THE CASE OF GRIEVANCE NO. K/E/743/888 OF 2013-14 IN RESPECT OF SHRI ASARAM BHAU BORSE OF KHADAKPADA, KALYAN(W), DIST-THANE HELD IN THE MEETING HALL OF THE FORUM'S OFFICE ON 2<sup>ND</sup> DECEMBER, 2013 AT 12.30 HRS REGARDING EXCESSIVE ENERGY BILL**

1. Following persons were present.

S.No.	Name	Organisation
1	Shri Sadashiv S. Deshmukh	CGRF
2	Shri Chandrashekhar U. Patil	
3	Sau S. A. Jamdar	
4	Shri Bharambe, Asst. Engineer	MSEDCL
6	Shri Asaram Bhau Borse	Consumer

2. Matter taken up today.
3. It is a Single-phase supply for residence. Date of connection is 21/01/2009. Till May 2013, the Consumer paid the bills and there is no dispute about it. However, dispute cropped up when he received bill for the month of June, i.e. of 306 units and July 583 units followed by the bill of August for 483 units.
4. On this count the Consumer addressed letter to the Dy. Exe.Engineer on 20/7/2013 received in the office of the Licensee on 22/7/2013. As per the meter replacement report the meter is replaced on 26/7/2013. The Consumer continued his grievance by writing various letters to the Officers of Licensee and even approached IGRC on 25/9/2013. IGRC passed order on 24/10/2013 and thereafter the Consumer approached this Forum on 6/11/2013.
5. The Licensee filed reply today, i.e. 2/12/2013. The Consumer contended that meter is not tested in his presence as contended by the Licensee, secondly, he contended that amount is recovered from him under threat of disconnection.
6. On the other hand the Licensee submitted meter was very well tested in presence of the Consumer and he was given option of getting the said meter checked through a recognized laboratory to which he has not responded;

accordingly it is contended that as per test report, meter is okay and bills issued are correct .

7. The Consumer contended that he has noted M.D. as 21.14 and this itself speaks about the defect in the meter and it is not explained how this can be the M.D. to it the Officers of Licensee contended that the said figure is not of M.D, it may be of time and if there is M.D. to such extent then from it consumption of units will be more than 400 units, accordingly it is contended that this aspect is not acceptable.
8. Question remains when prior to June 2013 the Licensee's consumption was less than 150 units, but for the disputed period of 3 moths it has increased to 3-4 times. Subsequently, in Sept. 2013 it is again shown as '72'. Accordingly it is contended that meter was replaced as there was a dispute, Consumer has deposited amount towards it and hence it was taken out and tested and when its report is okay, the Officers of Licensee are supporting the bills issued. We pointedly asked the Consumer explaining the position that when one test report is available on any technical aspect, we are required to deal that aspect also and if he is finding it proper he may seek a testing of the said meter in the laboratory, i.e. NABL. We would not expect re-response immediately but he is given time to think over it and to make submissions.
9. It is necessary to record that disputed bills are already paid by the Consumer and he has contended that the said payment was under imminent threat of disconnection. In the application, etc. he has quoted the incident as how the lineman came to disconnect, how he contacted his higher authority and how the higher authority responded when there is no such necessity. In this light he is seeking refund of excess amount paid.
10. The Consumer is already made aware and if he intends meter to be tested in NABL and towards it he is required to deposit towards testing fees, and if report comes in his favour he is entitled to recover it from the Licensee.
11. Now matter stands adjourned to 9/12/2013 at 12.15 hrs.

Date : 02/12/2013

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

(Chandrashekhar U. Patil)  
Member Secretary  
CGRF Kalyan

(Sadashiv S. Deshmukh)  
Chairperson  
CGRF Kalyan