



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
Ph: – 2210707 & 2328283 Ext: - 122, E-mail : cgrfkalyan@mahadiscom.in

IN THE MATTER OF GRIEVANCE NO. K/E/330/371 OF 2009-2010 OF SHRI BANKELAL B. MANTRI KALYAN (WEST) , REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT EXCESSIVE ENERGY BILL.

Shri Bankelal B. Mantri
A/5, Pushpanjali CHS.,
Gandhi Chowk , Kalyan (West)

(Here in after
referred to
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its Dy. Executive
Engineer, Kalyan West 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 25/03/2010 regarding the Excessive Energy Bill. The details are as follows: -

Name of the consumer : Shri Bankelal B. Mantri

Address: - As above

Consumer No : 020020383811

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/135, dt. 26/03/2010 to the Nodal Officer of the Licensee, and the Licensee through Dy. Executive Engineer MSEDCL Kalyan West Sub/Dn No. II filed reply vide letter No. DYEE/KLN(W)/Sub.Dn.II/825 dt. 06.04.2010.

- 4) The Chairperson and Member of the Forum heard both the parties at length on 12/04/2010 @ 16.00 Hrs. in the meeting hall of the Forum's office. Shri B. R. Mantri Consumer Representative, Shri D. B. Nitnavare Nodal Officer, Shri S. S. Bakshi, Dy. Ex. Engr., Mrs. S. N. Ratnaparkhi Asstt. Acctt., 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. Consumer received bill for the month of June 2009 for consumption of 1556 units of the amount of Rs. 9250/- vide meter No.834615. According to consumer, this bill amount was unreasonable and excessive therefore by letter dtd. 22.6.09, he requested to the officials of the licensee to check the meter and if needed be replaced . Thereafter also he received bills for excessive amounts. On 02.07.09 this meter was accuchecked and thereafter officials of the licensee removed the meter and replaced meter No. 12758575 on 19.1.2010. During accucheck old meter was found defective i.e. +100 error. Though the meter was defective, licensee issued bills of excessive amounts. Consumer assailed the same before the officials of the licensee but in vain. Hence by lodging this grievance the consumer prayed to direct the licensee to issue bill as per the Rules and Regulations withdrawing the excessive bills issued earlier.
6. Licensee contented that the old meter after accucheck was kept in the Section office at Parnaka but it was lost/stolen/missed, therefore it could not be tested in lab consequently bill issued earlier were not revised. The Junior Engineer, Parnaka Section lodged complaint to that effect with Police Station Bazarpeth Kalyan vide report No.187/2010 dt. 5.4.2010. It is contented that for want of lab testing report bill can not be revised only based on meter accucheck report.
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 the electricity bills issued by the licensee vide old defective meter need to be revised ?	Yes
b). What Order ?	As per Order below

Reasons

- 8) At the out set it is to be noted that the consumer complained on the bill for the month of June 2009 and the old meter was replaced on 19.1.2010 and based on the old meter reading licensee issued bills for the months June 2009 till Jan.2010. Admittedly old meter bearing No. No.834615 was accuchecked on the complaint of consumer on 2.7.09 and it was found 100% error. According to licensee without the lab testing report, bill can not be revised only based on accucheck report. It is to be noted that as per the report of the Junior Engineer, dtd 5.4.10 the old meter has been missed/lost/stolen and still it is untraced. When the meter during accucheck found 100% defective consumer can not be asked to go on paying bill as per defective meter. Maharashtra Electricity Regulatory Commission (Electricity Supply Code and other Conditions Of Supply) Regulations 2005 Clause No.15.4 speaks as to how bill to be prepared in the event of defective meters, therefore there is no substance in the contention of licensee that they can not revise the bill without the lab testing report. Consumer complained on defective meter in the month of June 09, meter was accuchecked in the month of July 2009 and was replaced on 19.01.10. One can understand to pay bill for one or two months in so far as excessive billing, but certainly can not be asked to pay for months together.

In this contingency, Clause 1 of cl.10.4 of the Regulation referred to above comes in to play which states *“Subject to the provisions of Part XII and Part XIV of the Act, in case of a defective meter, the amount of the consumer’s bill shall be adjusted, for a maximum period of three months prior to the month in which the dispute has arisen, in accordance with the results of the test taken subject to furnishing the test report of the meter alongwith the assessed bill”*.

9. In the case in hand according to licensee meter which was accuchecked and found 100% error is now lost/missed/stolen as seen from the vide report dt. 05.04.09. As to how the meter in the office of Parnaka Section has been lost/stolen/missed is to be looked into seriously by the concerned authority and if need arises stringent action is required to be taken against the erring officials.
10. It is seen from the report of Dy.EE Kalyan dtd.6.4.10 in case of defective meter when testing lab report is wanting slab benefit dividing 1556 units of June 09 in six months revised bill can be issued. When we are governed by the Regulation referred to above, it has to be applied in terms and spirit and not as per the whim. Therefore as per cl.15.4.1. amount of consumer bill is to be adjusted for a maximum period of three months, prior to the month in which the dispute arose. In this context the Dy.EE vide its report 17.4.10 correctly pointed out that withdrawing the bills already issued as per average consumption of 213 units referred in Regulation as above, bill amount comes to Rs.39510.26. It is therefore apparent bills issued vide old meter reading need to be revised and the licensee has now correctly revised in the light of Regulation referred to supra and the licensee can very well be directed to issue revised bills to the consumer adjusting immediately adjusting the amount excess paid in the ensuing bill. In this view of the matter we find substance in the

grievance application and the same deserves to be allowed. Point is answered accordingly and hence the order:

ORDER

- 1) .Grievance application is allowed.
- 2) .Licensee to revise the bills issued to the consumer vide report of Dy.Ex.Engr. dtd. 17.4.10 adjusting the amount excess paid in the ensuing bill, within 60 days from the receipt of this decision.
- 3) Licensee to take appropriate action against the erring officials in so far as missing /lost/stolen of old meter No. 00834615 and report compliance.
- 4) .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.

- 5) 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”.

Date : 10/05/2010

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

(S.N. Saundankar)
Chairperson
CGRF Kalyan