



Consumer Grievance Redressal Forum, Kalyan Zone

Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) - 421301

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Date of Grievance: 30/03/2013

Date of Order : 03/05/2013

Period taken : 34 days

**IN THE MATTER OF GRIEVANCE NO. K/E/708/834 OF 2012-2013
IN RESPECT OF SHRI SURENDRANATH AYODHYA PRASAD
BAJPAI OF KALYAN (WEST) REGISTERED WITH CONSUMER
GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN
ABOUT EXCESSIVE ENERGY BILL**

Shri Surendranath Ayodhya Prasad Bajpai,
A-202, Mahavir Complex,
Building No.1, Santosh Mata Road,
Kalyan (West) - 421 301
Consumer No. 020020620036



Here-in-after
Referred
As Consumer

Versus

Maharashtra State Electricity Distribution
Company Limited through its
Dy. Exe.Engineer, Sub-Division-III, Kalyan (W)
(Per Shri. Sadashiv S. Deshmukh, Chairperson)



(Here-in-after
referred
As Licensee)

1. Consumer Grievance Redressal Forum has been established under "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 vide powers conferred 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 L.T. Residential consumer of the licensee. The Consumer is billed as per the L.T. residential Tariff. Consumers registered grievance with the Forum on 30/3/2013 for Excessive Energy Bill.
3. The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/0205 dated 2/4/2013 to Nodal Officer of licensee. The licensee filed reply dated 26/4/2013.
4. Consumer present. His son represented him. On behalf of Licensee Shri Kadi, Dy. Exe.Engineer, Nodal Officer-Shri Patil attended. We heard both sides.
5. On the basis of submissions made and record available, following factual aspects are disclosed:
 - a. Consumer is having connection No.020020620036 from 3.7.1995.
 - b. Consumer complained to the Officers of Licensee on 24th August & 31st July 2012 about excess bill being received and for testing of the meter. He deposited an amount of Rs.100/- towards meter testing on 24.7.2012. it is disclosed by the Officers of Licensee that meter was tested on 1/9/12 in presence of Consumer and in the said accu-check the meter was found OK.
 - c. Consumer not happy with the said report, approached the Licensee on 16/1/13 & 11/3/13 seeking the testing in laboratory and its report.
 - d. In between the Consumer has approached IGRC on 28/1/2013. The IGRC decided the matter on 12/3/2013 wherein the grievance is rejected observing meter is accu-checked in the presence of Consumer it was found OK and said meter is not traceable that observation is made in the light of Consumer's claim for testing in laboratory.
 - e. Aggrieved by it Consumer approached this Forum on 13/3/13.
6. On behalf of Licensee reply dated 26/4/13 is presented which speaks that meter which was accu-checked was OK and reading is found in CPL from

Mar. to Aug. '11 on the average it was of 300 to 400 units and from Mar. '12 to Oct. '12 it was to the extent of 400 to 500 units and accordingly the bills are issued as per the reading. It is specifically mentioned that Consumer's old meter is already dealt as a scrap and it is not available for testing in the laboratory.

7. C/Rep vehemently contended that all the while, he was seeking testing of the meter in laboratory which is not provided to him. He had orally approached and orally made grievance about it and ultimately placed it in writing on 16/1/13, 8/1/13 and 11/3/13. He contended that it being a electronic meter, there may be changes due to various reason hence checking in laboratory is of utmost importance which is not provided and he is denied the said report to have it tested in the laboratory.
8. On the other hand the Officers of Licensee submitted there is no difference in the accu-check and laboratory check hence cannot be any challenge to accu-check report. Accordingly, the Dy. Exe.Engineer, Mr. Kadi contended that the bills issued were correct and there is no any force in the grievance submitted before this Forum.
9. Admittedly the Consumer has sought testing of meter and at laboratory at his instance the meter was accuchecked and he has deposited an amount of Rs.100 on 24/8/2012 and meter is accu-checked on 1/9/2012.
10. As Consumer was not happy, he persuaded the officers but he was not successful. On behalf of Consumer it is submitted that on 15/10/2012 he tried to place a letter on the record of officers which as not accepted and we sought it on record and it is available. Accordingly, it cannot be ignored that Consumer was very well seeking testing of meter in laboratory.

11. When matter was taken before IGRC vide application dated 28/1/13 is not traceable then in the order dated 12/3/13 it is observed that meter is not traceable and it was in connection with the Consumer's prayer for testing of the meter in laboratory. However in the reply filed before this Forum it is contended that meter is scrapped. The two versions that meter is not traceable and meter is scrapped are not matching with each other. If anything about scrapping of meter is dealt in a particular manner, then definitely its record should be there and when any dispute is there when checking is sought by the Consumer disputing the working of the meter then reasonable care is to be taken to ensure that his right is not totally frustrated by the act of making the meter to disappear. Irrespective of any reasons which Licensee may have towards disappearance of meter or towards its dealing in scrap, the right of Consumer to have a further testing is denied and hence we find this is one more aspect which cannot be undermined.

12. On behalf of Consumer it is contended that though Consumer has utilized the supply from the year 1995 the consumption prior to disputed period, i.e. Apr. '12 reading was not high. We have gone through the previous reading of April. '11 to Mar. '12 highest reading in month of May was of 518 units and in Oct. '12 it was 185 units. Further on behalf of Consumer it is submitted that after change of the meter on 6/9/12 consumption has not crossed 200 units. On the basis of CPL made available to us and bills available with the Consumer it is seen for the period from 6/9/09 onwards till the bill of Mar. '13 consumption is in between 121 units and 214 units, and on this basis the C/R submitted that meter itself was defective, it was fast, and hence relief be granted considering it.

13. As against the aforesaid arguments, on behalf of the Licensee it is submitted, admittedly the old meter is not available for the checking in laboratory and there is no reason to disbelieve the accu-check report which was in presence of Consumer and accordingly they maintained their stand.
14. Considering the rival contentions of both the sides it is clear that as per SOP, Consumer is always at liberty to seek testing of meter in laboratory or even if he makes a prayer for checking in any other Government approved laboratory, then also his right cannot be taken away. Unfortunately the disputed which is must for testing is not available, there is no fault with Consumer and hence we find that aspect cannot be read totally against the Consumer. We find meter is not available and when Consumer is claiming that bill reading for the month of April 2012 to September 2012 is of higher units then we are required to consider it for charging as per the average units consumed per month, considering the period from Apr. '11 to Mar.'12 as per the CPL which is not in dispute. Accordingly, the consumption for previous period, i.e. Apr.'11 to Mar.'12 are as under:-

Apr.'11	456
May '11	518
June '11	348
July '11	393
Aug '11	416
Sept '11	325
Oct '11	185
Nov '11	380
Dec '11	308
Jan '12	419
Feb '12	264
Mar. '12	420
Total	4432

15. Accordingly, the total comes to 4432 units and thereby average comes to $4432 \div 12 = 369$. At this stage we find dispute is of six months period, i.e. from Apr.'12 to Sept.'12 and for these six months the average consumption is to be treated per month as 369 units. Consumer has paid the bills from time to time and now Licensee is required to revise the bills applying this mode. The amount already paid if remains excess it be returned to the Consumer or adjusted in the ensuing bills. Accordingly, this grievance is to be allowed.

I agree

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

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

View of Member Secretary (Shri R. V. Shivdas) :

I have gone through the above reasoning. I am not agreeing to it. The action of Licensee as per IGRC order (SE/KCK-I/IGRC/Case No.56/2012-13/886 dated 12/3/2013) is correct.

**(R.V. Shivdas)
Member Secretary
CGRF Kalyan**

Hence the order by majority

O-R-D-E-R

1. The grievance of Consumer is allowed.
2. The bills issued for the period from April 2012 to September, 2012 by the Licensee be now revised and those bills treating consumption per month as 369 units for the said period by the Consumer and while revising bills and

claiming dues, amount already paid if in excess it be adjusted in the ensuing bills or refund to the Consumer.

3. The Licensee is to comply this Order within 45 days from this date. As this order is dictated in presence of both sides, compliance be reported within sixty days.
4. 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”.

5. 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”

Date : 03/05/2013

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

(Sadashiv S. Deshmukh)
Chairperson
CGRF Kalyan

Note:-

On 29/04/2013, this matter is decided dictating it in presence of both sides and it is signed on 03/05/2013 after transcribing.