



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/038/0044 OF
05-06 OF DR. MRS. V. R. VAIDYA WITH CONSUMER
GRIEVANCE REDRESSAL FORUM KALYAN ZONE,
KALYAN ABOUT THE ARREARS OF ENERGY CHARGES
LEVIED IN THE BILLS OF SEPTEMBER 2005.**

Dr. Mrs. V. R. Vaidya Here in
after Plot No. 7 S No. 34, H No. 1/P
referred to
Gandhare Barave Road, as consumer
Kalyan – 421306

Versus

Maharashtra State Electricity Board, through its (Here in
after
Assistant Engineer, Sub Division - IV referred to
Kalyan 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 of Rs. 1,29,465/- levied by the licensee in her bill of the month of September 2005. Consumer registered grievance with forum on 13/12/2005. The consumer No. is 020024035094
- 3) The batch of papers containing above grievance was sent by forum vide letter No. 0386 dated 13/12/2005 to Nodal Officer of licensee. The letter, however, remained unreplied.
- 4) Two members (Chairperson and Member) of forum heard both the parties on 29/12/2005 from 15 hours to 16 hours in the meeting hall of the forum’s office. Dr. Mrs. V. R. Vaidya and Dr. R.S. Vaidya represented consumer and Shri N.L.H. Rao, Nodal Officer and Shri P.G. Kulkarni Assistant Engineer represented licensee.

- 5) Dr. R.S. Vaidya repeated following submission made in consumer's application registered with the forum on 13/12/2005.
- (i) The controversial and exorbitant bill of Rs 1,29,465/- shows a very huge amount payable on residential 3-phase meter, which after having a look at previous bills, seems highly inflated and highly inappropriate.
 - (ii) There is no bill for period of 12/05/2005 to 13/07/2005.
 - (iii) A bill most recent to this controversial bill was issued on 31/05/2005 and was for a period upto 11/05/2005 and shows an amount of Rs 950/- for approximately a 2 months period.
 - (iv) On receiving the controversial bill on 23/09/2005, a complaint letter was sent to licensee on 03/10/2005 seeking redressal about this bill.
 - (v) After the abovementioned complaint letter there were three to four inspection by the staff of licensee firstly on 17/10/2005.
 - (vi) A bill immediately following this controversial bill has been issued for a period between 14/09/2005 and 15/10/2005 for a period of 1 month showing charges of Rs 5979:57 and arrears of Rs 1,30,906:30/-
 - (vii) The bills of this meter prior to 31/05/2005 shows the meter as "Inaccessible"
- There is no reason for this meter to be inaccessible as both meters are displayed prominently on the ground

floor of our hospital building and being a hospital it is always open and accessible all through out the year.

- (viii) This fact that the meter was inaccessible was brought to the notice of licensee vide letter dated 01/12/2004. However, no action was taken then.
- (ix) Also, during the course of inspection in the month of October & November 2005, this was brought to the notice of licensee that the readings of commercial and residential meters are exactly interchanged, which they agreed and said they will take the corrective measures soon.
- (x) No communication was received from licensee till 05/12/2005, when another reminder was sent to licensee 05/12/2005 regarding getting the proper bill.
- (xi) On 06/12/2005, the bill which also has been marked as "Provisional Bill" of Rs 1,39,198/- and a covering letter which admits that " you were not billed as per your actual consumption" and "the units billed in your energy bills for September 2005 are accumulated units for the past 17, months" i.e. from January 2004 to May 2005," was received.

Contention and Observations;

- i) How can meter displayed prominently be "Inaccessible"?
- j) How does it suddenly become accessible in September 2005?

- k) How did it suddenly start showing “Accumulated Units?”
- l) What is the basis for us to believe that the figure of accumulated units is correct?
- m) Why was no action taken on letter dated 01/12/2004?
- n) Why and how the readings of commercial and residential, meters exchanged and were not corrected till it was brought to the notice of licensee’s officers on their third round of inspection.
- o) Do the meter reading staff cannot even take and mention proper readings? Then, how are we to believe the sudden accumulated readings of September 2005?
- p) Do the abovementioned observations not imply that the licensee’s staff is “careless and untrustworthy”? as even after letter of 01/12/2004 no action was taken and the meter readings of commercial and residential meters were not restored.

Appeal: -

Taking into consideration the above mentioned facts and observations, it is earnestly and very politely requested to please render justice and direct the licensee to issue a proper bill that will be based on some logistic reasoning.

Also, requesting forum to direct licensee not to “disconnect” the power supply till judgment is finally given as we are running a maternity hospital.

Addendum: -

One of the bills, according to licensee was of Rs 39,867/- and was issued between 31/05/2005 and the controversial bill of 23/09/2005. No bill was received between 31/05/2005 and 23/09/2005.

- 6) On the above submission of consumer, Shri Rao submitted that Dr. Mrs. Vaidya is having two meters using energy for commercial and residential purpose respectively but are charged at residential and commercial tariff wrongly. The details are as given in table below.

Name	Meter No.	Consumer No.	Tariff charged	Tariff applicable
<i>Dr. Mrs. Vaidya</i>	<i>15056</i>	<i>020024035094</i>	<i>Residential</i>	<i>Commercial</i>
<i>Dr. Mrs. Vaidya</i>	<i>11063</i>	<i>020024035086</i>	<i>Commercial</i>	<i>Residential</i>

Latest bill of consumer No. 020024035094 i.e. of November 2005 is of Rs 1,43,588/-. Shri Rao further said that this bill includes the arrears of 22 months from 14 February 2004 to November 2005. He further added that this consumer was not billed, during this period, as per actual meter reading but was billed on average basis, as the meter was inadvertently

shown as faulty. The said consumer has now been billed as per actual meter reading and hence the arrears.

- 7) Shri Vaidya expressed that he has a doubt about accumulated units shown on meter No. 15056 and also has a doubt about accuracy of the said meter. He requested forum to test the meter. It was then decided to test the meter on 3/01/2006 at 15.00 hrs. at consumer's premises.
- 8) From submissions made by Dr. Vaidya mentioned in para 5, forum summarized grievance as follows:
 - i) Consumer No. 020024035094 was charged at residential tariff but ought to have been charged at commercial tariff.
 - j) Consumer No. 020024035086 was charged at commercial tariff but ought to have been charged at residential tariff.
 - k) Consumer No. 020024035094 was billed Rs 1,43,588/- in the month of November 2005 including arrears of 22 months from 14th February 2004 to November 2005.
- 9) Shri Rao, during hearing on 29/12/2005, was requested to submit the following information to forum with a copy to consumer before 3/01/2006 in respect of consumer No. 020024035094. He agreed.
 - i. Date of connection.
 - ii. Date of starting use of energy.
 - iii. Copies of CPL from date of connection to November 2005.

iv. Final bill charged to consumer after changing the tariff from residential to commercial for the entire disputed period from date of connection to November 2005.

10) Licensee corrected the tariff and send the revised bills to consumer vide letter 2425 dated 31/12/2005 in respect of both the consumer Nos. as follows.

i) For consumer No. 020024035094, the bill of Rs 1,43,588/- is corrected from residential tariff to commercial tariff and works out to be Rs 1,45,640/- up to the month of November 2005.

j) For consumer No. 020024035086, the bill is corrected from commercial tariff to residential tariff showing credit of Rs 3,565/- up to the month of November 2005.

11) Shri Kulkarni Assistant Engineer of licensee and his staff in presence of Dr. Mrs. Vaidya and all three members of the forum tested the meter No. 15056 on 3/01/2006 at consumer's premises and the results obtained are given in table below.

Meter details :-

Make: Secure, **Capacity:** 50/5 Amp, **Serial No.** 15056, **CT Ratio:** 50/5 Amp, **Multiplying Factor:** 1, **Meter condition:** Ok, **Meter body seal:** Two seals provided by manufacturer were found intact.

Test Result:-

Primary load current R phase:- 18.1 Amp, **Y phase:-** 11.2 Amp, **B phase:-** 7.8 Amp, **Power factor:-** 0.87 lag,
Primary voltages:- RN 229 volts, YN 231 volts, BN 232 volts, **Kw** 5.72.

1st test	Time	kWH	Consumption on accu check meter
Reading after test	15.55 hrs.	28827.742	1.002 kWH
Reading before test	15.35 hrs	28826.724	
Difference		1.018	

Percentage error of meter $= (1.018 - 1.002) / 1.002 * 100 = 1.59\%$ fast.

2nd test	Time	kWH	Consumption on accu check meter
Reading after test	16.20 hrs.	28829.2270	1.002 kWH
Reading before test	16.00 hrs	28828.2108	
Difference		1.0162	

Percentage error of meter $= (1.0162 - 1.002) / 1.002 * 100 = 1.41\%$ fast.

In both tests, meter was found to be within permissible limit of error.

12) Now point of decision before the forum is

- i) Was meter No. 15056 in service, at consumer's premises during the period from January 2004 to November 2005, defective?
- ii) If yes, whether assessment by forum is necessary?

Replies of the above questions are: -

- i) No
- ii) Question does not arise.

The contention & observation of consumer mentioned in para 5 above, though reflects on casual & careless attitude of the licensee's staff, but in no way takes us to conclusion that the meter during service at consumer's premises was

defective. 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 had not ceased to be correct during its service on the installation of the consumer. The question of

assessment of energy by forum, therefore, does not arise.

- 13) 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 faultless & cannot be reversed. The question of considering any other data and parameter does not arise as long as meter was recording correct consumption.
- 14) 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 bill prepared by licensee upto the month of November 2005 and sent to consumer vide letter No 2425 dated 31/12/05 (including arrears) as per consumption recorded by meter No. 15056 during the period from 14/02/2004 to November 2005. The action of the licensee is upheld.

2. Licensee, however, should not levy interest & delayed payment charges, if charged any, on arrears amount now claimed.
3. Licensee should send bill to consumer as per orders contained in para 1 & 2 above before next billing cycle.
4. The order issued to desist from disconnection of supply vide letter No. 386 dated 13/12/2005 of the forum stands vacated after issue of bill to consumer as per para 3 above.
5. 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: - 5/01/2006 **Licensee**

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