



Consumer Grievance Redressal Forum, Kalyan Zone  
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**IN THE MATTER OF GRIEVANCE NO. K/E/335/377 OF 2009-2010 OF SHRI LAXMAN RAMBHAU JOGI KAMBA VILLAGE, VARAP, REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT EXCESSIVE ENERGY BILL.**

Shri Laxman Rambhau Jogi  
H / 405. Murbad Road  
Kamba Village, P.O. Varap  
Tal : Kalyan, Pin – 421 306

} (Here in after  
referred to  
as Consumer)

**Versus**

Maharashtra State Electricity Distribution  
Company Limited through its Assistant  
Engineer, Construction Sub/Dn Kalyan

} (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 L.T. consumer of the Licensee. The Consumer is billed as per Residential tariff. The consumer registered grievance with the Forum on 20/05/2010 regarding Excessive energy Bill. The details are as follows: -

Name of the consumer : Shri Laxman Rambhau Jogi

Address: - As above

Consumer No. :- 020060649732

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/196, dt. 20/05/2010 to the Nodal Officer of the Licensee, and the Licensee through Assistant Engineer MSEDCL Construction Sub/Dn filed reply vide letter No. AE/ CSDn./ Billing/404, dt. 08/06/2010.

- 4) The Members of the forum heard both the parties at length on 14/06/2010 @ 16.00 Hrs. in the meeting hall of the Forum's office. Shri B. R. Mantri Consumer Representative, Shri V. D. Kale, A.E. Nodal Officer In-charge, Shri D. V. Bhojane, Asstt. Engr., Shri L. B. Khetre A.A., 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 will be referred to avoid repetition.

- 5) Meter No. 9002074181 was installed in the premises of the consumer at Kamba, Murbad Road. Consumer complained on faulty meter to the Dist. Licensee on 10/09/09 and to change the meter however it was not

changed, therefore again on 27/12/09 he complained to that effect. It is contended officials of the licensee checked the meter eventually on 19/01/10 and was found stopped/faulty. According to consumer he had two fans, two tube lights, two zero bulbs, one T.V. and on 20/12/09 he purchased one old fridge and inspite of low consumption he was given bill of high units i.e. 3900. It is contended bill of 3900 units for the period December 08 to December 09 i.e. for 13 months for Rs. 17,690 raised by the licensee is absolutely unreasonable, improper and incorrect. It is averred bill so raised considering average units 300 per month for 13 months from Dec. 08 to Dec. 09 i.e. plain basis. By the letter dated 20.2.09 consumer pointed out that his average consumption is about 180 units per month, considering the faulty meter for the period the bill was raised it should have been raised as per calculation shown in Clause 15.4.1 of Maharashtra Electricity Regulatory Commission (Electricity Supply Code and other Conditions Of supply) Regulations, 2005 and not as raised vide plain recovery. Again on 26.4.10 consumer apprised the licensee to revise the bill as per the ratio laid down in the Regulation as above but in vain. Consumer therefore lodged this grievance with a request to direct the licensee to revise the bill issued as above and to continue his supply. Consumer apprehends that licensee may discontinue his supply based on incorrect bill therefore he further prayed to direct the licensee to not to discontinue his supply till the disposal of grievance.

- 6) Licensee opposed the contentions made above. It is contended that meter was found defective therefore bills were given for zero units. During inspection on 19/01/10 connected load was found 2.610 KW though the sanctioned load was 0.20 KW therefore considering the

average consumption for the period Dec.08 to Dec.09 i.e. for 13 months considering average consumption 300 units per month on plain recovery basis bill was raised for Rs. 17,690/-. It is contended by the licensee that on production of old fridge purchased receipt dt.20.12.09 and meter was faulty during the material period considering the connected load and the sanctioned load in the light of average consumption bill for 2126 units revising the earlier bill for 3900 units and the consumer was directed by notice dated 23.4.10 to deposit the amount of Rs. 11300/-.By the letter dtd. 8.6.10 licensee informed that they have revised the earlier bill of 3900 units, and in this context grievance does not stand to reason.

- 7) On perusal of the record and hearing both the parties at length following points arise for the consideration of Forum and findings thereon for the reasons recorded below :

Points	Findings
a)Whether the bill in question was correctly raised ?	NO
b)What Order ?	As per Order below

### **Reasons**

- 8) Learned C. R. submitted that meter installed in their premises was stopped/faulty, therefore by applications dt. 10/09/09 and 27/12/09. consumer requested the officials of the licensee to replace the meter however,instead replacing the meter licensee raised bill for the month of Dec.08 to Dec.09 as per average consumption of 300 units for 13 months amounting to Rs.17,690/- without applying the calculation in case of defective meter as laid down in para 15.4.1 of the Regulation referred to supra. Spot Inspection Report dt.19.1.10 placed on record shows the meter

was actually checked by the officials of the licensee on 19/01/10 and was found stopped/defective. Report of the licensee dt. 15.4.10 indicates that consumer's sanctioned load was 0.20 kw however connected load was 2.610 kw i.e. consumer used more electricity than the sanctioned load. Considering this aspect, average consumption of 300 units per month for the period from Dec. 08 to Dec. 09 i.e. for 13 months bill was raised for  $300 \times 13 = 3900$  units of Rs. 17,690/- which is assailed before us. Consumer disputes this bill on the ground that his average consumption during the material period was 180 units per month, therefore consumption of 300 units per month cannot be the proper average consumption. According to consumer in case of defective meter bill is not to be raised as per plain recovery as has happened but it should be raised as per calculation shown in Clause 15.4.1. :

Clause 15.4.1 of the Regulation - Billing in the Event of Defective Meters :

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.

Provided that, in case of broken or damaged meter seal, the meter shall be tested for defectiveness or tampering. In case of defective meter, the assessment shall be carried out as per clause 15.4.1 above and, in case of tampering as per Section 126 or Section 135 of the Act, depending on the circumstances of each case.

Provided further that, in case the meter has stopped recording, the consumer will be billed for the period for which the meter has stopped

recording, upto a maximum period of three months, based on the average metered consumption for twelve months immediately preceding the three months prior to the month in which the billing is contemplated.

- 9) Forum called Consumer Personal Ledger(CPL) in connection with the consumer. These ledgers placed on record for the period from May 97 indicates Meter No. 2074181 installed in the premises of consumer was faulty. From the spot inspection report dt. 19/01/10 filed on record shows on the day meter checked was stopped and the total connected load was 2.610 KW though the sanctioned load was 0.20 kw. Learned C.R. at this juncture relied on the provision 15.4.1 referred to supra. As per the report meter was stopped i.e. defective and in case of defective meter the consumer will be billed for the period for which the meter has stopped recording, upto a maximum period of three months, based on the average metered consumption for twelve months immediately preceding the three months prior to the month in which the billing is contemplated. We have gone through the abovesaid provision in the Regulation. In the case in hand as stated above, consumer used more electricity than the sanctioned load during the material period. It is not that the meter was faulty but the electricity was consumed more than the sanctioned load, therefore hardly to our view the above said provision would attract to the case in hand.
- 10). As per the application of consumer dtd 20.02.10, his average consumption was 180 units per month. Considering the status of the meter and the connected load which was more than the sanctioned load and the position depicted in the application of consumer dtd 20.02.10, we find calculation subsequently made by the officials of the licensee vide noting dtd 15.04.10 mentioning total 2126 units during the material period is correct and proper and the licensee can be directed to revise the disputed bill accordingly. In

this view of the matter bill raised by the licensee for 3900 units being improper, incorrect and unreasonable needs to be revised. Learned representative for licensee pointed out that they have replaced the meter in the month of Jan.10, therefore apprehension expressed by the consumer that their supply would be disconnected is meaningless, consequently interim order passed by this forum dtd. 21.5.10 will have to be vacated. We find substance in the grievance application and the same apt to be allowed. Point is answered accordingly and hence the order :

### **ORDER**

- 1) Grievance application is allowed.
- 2) The licensee is directed to raise the bill for 2126 units instead of 3900 units revising the same.
- 3) Stay Order issued by this Forum vide No. EE/CGRF/Kalyan/198, dt. 21/05/2010 is hereby vacated.
- 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”*

Grievance No. K/E/335/377 of 2009-2010  
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"  
within 60 days from the date of this order.

Date : 07/07/2010

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

(R.V.Shivdas)  
Member Secretary  
CGRF Kalyan

(S.N. Saundankar)  
Chairperson  
CGRF Kalyan