

- 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 H.T consumer of the licensee connected to their 22 Kv network. HTPI tariff. The consumer registered his grievance with the forum on 22/12/2005.

The details are as follows.

Name of the consumer: M/s. Spectra Industries Limited

Address: Same as above

Consumer No. 018019010054

Disputed period :- December 2002 to May 2003

- 3) The consumer received the supplementary bill letter No. SE/KCKII/HTB/1944 dated on 12/08/2005 for the amount of Rs.12,94,220/- towards the supplementary bill for 393072 units.(For the last six months prior to the declare of failure of CT's at the time of testing on 31/05/2003 as the meter was suspected to be running slow by 31.7% due to faulty CT's.
- 4) Consumer representate his grievance to licensee vide letters dated 14/09/2005, 30/09/2005,10/10/2005, 26/10/2005, 3/11/2005, 5/12/2005 and afforest supplementary bill is still under dispute

On 14/09/2005 consumer requested to licensee for the zerox copy of the letter dated from 5/06/2003 and 8/07/2003 from the licensee and copy of test reports of CT's consumer also requested licensee for handing over the MRI data for the period July 2002 to June 2003.

On 30/09/2005 consumer again wrote to licensee stating that so far now he has not received any document for which he has requested to the licensee. He once again requested to licensee for the records in order to come for settlement of the supplementary bill and if they are not in a position to give the data they should withdraw the supplementary bill. One more reminder was sent to the licensee on 10/10/2005 to either settle the issue or withdraw the supplementary bill

On 26/10/2005 reminder was sent the licensee for producing the relevant documents (which he neither had been received so far, for the settlement of his supplementary bill and further he requested not to disconnect the power supply till the settlement of supplementary bill

On 3/11/2005 consumer acknowledge the receipt of some documents form licensee and he authorities Mr. A.K. Gupta as his representative to deal with all the matters related to supplementary bill

On 7/11/2005 consumer sent his reminder for getting the require following data-

- a) The zerox copy of both the test reports of faulty R&B CT's tested on 31/05/2003 in his factory
- b) The zerox copies of the test report of the testing carried out in the testing laboratory for establishing the % of less recording i.e. found to be recording only 31.7% in faulty status and 215% to be added to the recorded consumption in faulty status as mentioned in the testing Dn. letter No. EEE/Tech/HT/MR-9/443 dated 8/07/2003.
- c) The zerox copies of the Test Report of the Routing Half Yearly testing carried out by the Testing Engineers during April 2002 to May 2003.
- d) The zerox copies of the original CT Test Reports of both above mentioned R & B CTS when tested before installing in our factory.

Consumer had requested the licensee for the joint testing of faulty CT's in presence from both the sides and showed his willing ness to make the payments based on fresh calculations.

On 5/12/2005 consumer again requested for the joint testing establishing the percentage of less recording and settlement of the supplementary of bill. He also pointed out that the electricity bill sent for the month of November 2005 also includes the supplementary bill amount. He showed his willingness to pay for the calculated additional unit after joint testing.

- 5) The consumer had requested to the licensee to accept the current bill for the month of November 2005 which was not accepted by the licensee so consumer had not alternative but to make payment for the month of November 2005 through his legal adviser on 13/12/2005.
- 6) The consumer approach as the forum with a request to issue an interim advance stay order against disconnection by MSEDCL for the non payment of supplementary bill till the issue of payment of supplementary bill is settle.
- 7) Testing of the CT's was done on 31/05/2003 and the finding of the testing was communicated to Executive Engineer, MSEB, and O&M division vice letter No. EET/KC/KLN/HT/RM-9/372 dated 05/06/2003 and it was recommended for the replacement of CT's with preintimation to testing division and assessment of the consumption to be done as per the board's rules.
- 8) Based on the reports of Executive Testing letter Tech/HT/RN-9/433 dated on 2/07/2003 replacement of CT's was carried on 24/06/2003 and supply was restored after checking the metering system. It was again reported by Superintending Engineer, Murbad Sub-Division that R phase CT is damage by lightening on 23/06/2003. Staff was deputing from testing division and the defective CT's was removed and after making necessary modification in the meter circuit the supply was restored again. Necessary assessment for the power consumption for the

period the metering was faulty was to be carried out by O & M Division office.

9) In response to consumer's letters 7/11/2000 and 13/12/2005 Superintending Engineer, O & M circle, Kalyan has replied to the consumer vide letter No. SE/O&M II/HTB/8438 dated 15/12/2005 and main points of letters are as follows

i) Zerox copy of the documents given to consumer.

1. Load test dated 13/05/2002
2. Tech/HT/RM-9/433 date 2/07/2003
3. NC/1 dated 20/06/2003.
4. NC-1 dated 24/06/2003.
5. EET/KC/KLN/HT/RM-9/372 dated 05/06/2003
6. Load test dated 31/05/2003.
7. NC-1 dated 31/05/2003.

10) Companies representative Mr. Kulkarni was present at the time of testing of CT's on 31/05/2003 and he had accepted and note down the discrepancies and signed the test reports. The assessment was proposed in the report.

Joint inspection of the faulty CT's unit to be done by licensee which are taken out from the consumer's premises was not possible as the same has been repaired and installed at other premises.

11) In reply to consumer's letter dated 14/09/2005 and 30/09/2005 SE/O&M circle II Kalyan has replied to consumers vide letter No. SE/KCKII/HTB/1005/2873

dated on 27/10/2005 and forwarded the following comments.

- 1) Testing Division Letter No. EE/KC/KLN/HT/RMA/372 dt.5/06/2003 and 443 dt. 8/07/2003.
 - 2) Load test report Dt. 31/05/2003.
 - 3) Check report of CT and PT Dt. 31/05/2003
 - 4) Consumer was advised to come up to licensee office for the verification MRI data for the period May 2002 to 2003 and make the necessary payment for the supplementary bill.
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- 12) The consumer has received the bill of Rs. 14,43,021/- out of which there was debit bill adjustment of Rs. 12,94,216/-. As the consumer tried to make the part payment of Rs. 1,42,484/- towards the electrical charges for the month of November 2005, but licensee did not accept the same. The consumer got then payment done of current monthly bill through his advocate and then approaches the forum and his grievance was registered on dated 22/12/2005.
 - 13) The forum vide letter No. KLNZ/CGRF/402 dated 22/12/2005 directed the licensee not to disconnect the consumer's power supply for the non-payment of disputed amount till the decision is pending in CGRF.

Through the same letter all the relevant documents were forwarded to Nodal Officer for his Para wise reply & comments, which remain unreplied from him so far.

- 14) The hearing held on 9/01/2006 at 15.00 hrs. The consumer representative Mr. Gupta repeated his grievance and the raised the following points
 - a) Details of the assessment for period from Dec 2002 to May 2003 are not clearly mentioned.
 - b) Test results of the faulty CT's are not made available.
 - c) As per letter from MSEDCL 5/06/2003 it is mentioned that R&B phase CT's were declared faulty, while vide letter dated 31/05/2003 it is mentioned that CT's are kept under observation and for further testing. These two things are contradictory to each other.
- 15) During the hearing licensee and consumer indicated their willing ness to resolve the issue though eh proceeding of ICGRF in the following manner A hearing of ICGRF is being arranged on 18/01/2006 at 15.00 hrs. By licensee in the office of ICGRF Kalyan as stated by Shri Randive Nodal Officer and subsequently order will be issued by 20/01/2006, after receiving copy of the order issued by ICGRF Mr. Gupta will confirm to this office about acceptance of the order. Which was consented by forum.
- 16) Hearing was held on 18/01/2006 at ICGRF and it was mutually agreed that the method of assessment shall be

best one average consumption recorded by the meter during three months preceding and after failure of metering equipment in September 2002 to November 2002 and September 2003 to November 2003 which was communicated to forum on 20/01/2006 vide letter No. SE/O & M/ KCII/259. It was also communicated to forum that the final assessment will be intimated within 15 days to the consumer.

- 17) The consumer has also given his consent to the methods of assessment for the supplementary bills vide his letter 9/01/2006 and 21/01/2006. Even though it was agreed that the licensee will give the final assessment to the consumer by first week of February 2006 but there was no communication from licensee side till 19/02/2006. The consumer again reminded to licensee (with a copy to forum on 20/02/2006) that he has not received final assessment and they are receiving the current bill as before along with the supplementary bill.
- 18) The forum's Member Secretary Shri D.K. Padalkar brought to the notice to Nodal Officer dated on 22/02/2006 vide letter no. KLNZ/CGRF/0461 the failure on his part to issue the final assessment bill to the consumer as agreed in the hearing held on 18/01/2006 he directed Nodal Officer to give the compliance to the forum within three days failing which the hearing will be fixed in forum to resolve the issue.

- 19) As there was no communication from Nodal Officer till 2/03/2006 so hearing was fixed on 9/03/2006 at 15.00 hrs at forum's office and same was communicated to both the parties.
- 20) At the time of hearing on 9/03/2006 Member Secretary remain absent so the hearing was adjourn up to 17/04/2006.
- 21) On 9/03/2006 the consumer has questioned the validity of supplementary bill received by him and showed his willingness to accept mutually agreed assessed supplementary bill and requested to issue the final assessment bill at an early date.
- 22) In response to consumer letter dated 9/03/2006 licensee had given the calculation for the assessed bill for June 2003 and August 2003 vide their letter No. SE/O&M/KCII/Tech/0904 dated 17/03/2006 however; the licensee has not given fresh final assessment bill to the consumer as agreed in the ICGRF hearing.
- 23) The consumer has not agreed for the details given in licensee's letter No SE/O&M/KCII/Tech/0904 dated 17/03/2006 retreated his requested to give the final assessment bill as agreed mutually by both in CGRF He has also submitted the calculation to the assessed consumption to the licensee.
- 24) The 3rd hearing held on 17/04/2006 at 15.00 hrs. in forum's office. Both Forum's members (Member Secretary and Member), consumer representative Shri

R.A. Muni, Shri Rajadatta Mayekar, Shri A.K. Gupta, license's representative Shri H.K. Randive Nodal Officer and K.S. Mohite Junior Engineer attended the hearing

- 25) The forum member asked for the clarification on the authenticity of consumer representative signature on the test report and acceptance of the test report for the test carried out on 31/05/2003.
- 26) Consumer representative confirmed the signature on the report were of companies representative was present at the time of testing and the consumer accepted the finding of the test carried out on metering system
- 27) The forum asked to the licensee to furnish the details of the assessment bills for the disputed period between December 2002 to May 2003 based on the finding on the test report.
The licensee submitted zerox copies of bill dated 07/07/2003 and 6/09/2003, which contain the consumption of assessed unit during the disputed period.
- 28) The licensee stated that they have prepared final assessment of the consumption during the disputed period and has been explained to the consumer on the basis of the calculation mutually agreed by both him ICGRF.
- 29) The consumer representative accepted the above-explained consumption assessed the calculation of the final assessment and agreed to make the based on this calculation.

The consumer representative vide letter dated 17/04/2006 has withdrawn his grievance as the same has been resolved by the licensee with mutual understanding it is also been agreed that the licensee will give a credit of 37273 units in the final assessed bill which is accepted by the consumer and which will be issued within one week time to the consumer as mentioned by the consumer in his letter.

Forum's observation.

- 1) The grievance registered on 22/12/2005 the first hearing was held on 9/01/2006 and Member Secretary Shri. J.P. Soni retired on 31/01/2006. On 9/01/2006 based on the request from both the party the case was transferred to ICGRF with a specific scheduled. The time schedule was not followed strictly by licensee and hence the decision was delayed
- 2) As the Member Secretary Shri J.P.Soni has retired and the R.G. Maheshwari designated as Member Secretary of the forum he will be attending the hearing on 17/04/2006.
- 3) The licensee has not taken any initiative to resolve the consumer grievance. The licensee acted on the consumer grievance only after it was registered in forum on 22/12/2005.

- 30) The consumer representative submitted letter to forum on 17/04/2006 stating that the case be withdrawn and hence no order passed as regards the assessment bill.

O-R-D-E-R

1. The order issued to desist from disconnection of supply vide letter No. 402 dated 22/12/2005 vacated after the date of issue the decision.

Date: - 24/04/2006

(V.V.Kelkar)

(R.G.Maheshwari)

Member

CGRF Kalyan

Member Secretary

CGRF Kalyan