

Consumer Grievance Redressal Forum, Kalyan Zone  
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301  
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Date of Grievance : 08/04/2013  
Date of Order : 02/07/2013  
Period Taken : 85 days

**IN THE MATTER OF GRIEVANCE NO. K/E/710/838 OF 2012-13  
OF MR. NIYAZ AHMED KHAN OF KALYAN (WEST), DIST-THANE  
REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM  
KALYAN ZONE, KALYAN ABOUT EXCESSIVE ENERGY BILL**

Mr Niyaz Ahmed Khan

404, Aksa Tower,

Near Memon Masjid

Valipeer Road,

Kalyan (W) 421 301

Consumer No.02025638704

(Here-in-after  
referred  
as Consumer)

Versus

Maharashtra State Electricity Distribution

Company Limited through its

Dy. Exe. Engineer, Sub Divn.-3

Kalyan (W)

(Here-in-after  
referred  
as Licensee)

(Per Shri. Sadashiv S. Deshmukh, Chairperson)

1. This 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. The 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 having residential supply from the Licensee. The Consumer is billed as per said tariff. Consumer registered with the Forum on 8/4/2013 for Excessive Energy Bill.
3. The papers containing above grievance were sent by Forum vide letter No. EE/CGRF/Kalyan/0232 dated 8/4/2013 to Nodal Officer of Licensee. The Licensee filed its reply on 31/5/2013 and 3/6/2013.
4. Matter is taken up for hearing. Consumer in person attended. He made submissions. On behalf of Licensee, Nodal Officer-Mr Patil, Asst. Engineer-Mr Bharambe, Dy. Executive Engr.-Mr. R.M. Kale, Jr. Engineer, Mr. Avinash Katakwar, and Mr. Karade, is present along with Asst. Accountants, Mrs. Jogade & Accountant-Ms. Dakshata Madav who attended and made submissions.
5. On the basis of factual aspects available in the file and disclosed from the submission following position is noted. It is as under:
  - a) Consumer is having supply for residential premises from 1/7/10.
  - b) Consumer claims that till Nov.’11 whatever bills are issued are paid promptly.
  - c) It is contended that bill for Dec.’11 was issued showing consumption of 7105 units charging Rs.63,879.93 ps. This aspect was disputed by

the Consumer and he approached IGRC on 30/1/13. IGRC decided the matter on 12/3/2013 rejecting the contention of Consumer .

d) Consumer approached this Forum on 8/4/13 and Licensee filed reply dated 31/5/13 on 3/6/13. On behalf of Licensee it is contended that bill issued in Dec.'11 is covering period from Jan'11 to Mar'11 and from Jun.'11 to Dec.'11 and there was a mistake in recording reading and the accumulated units reflected in Dec.'11 to the extent of 7105 and bill was issued. However it is further corrected in the month of Feb.'12 by applying B-80 dividing it for previous months. Accordingly it is contended that the working out of liability is done reducing Rs.31,086/- is correct and the disputed bill for Dec.'11 is corrected.

6. Both sides made submissions and on behalf of Licensee stand is taken that Consumer's meter was changed in Dec.'10, however, it was not entered in the CPL and in the system till Nov.'11. Even replacement report is also not prepared but in Dec.'11, when this flaw was noted, recording actual units, seen in the meter changed, bill is prepared. Further it is submitted that said bill is dealt applying B-80 in Feb.'12 and relief is granted reducing the liability recalculating the consumption from Dec.'10 and hence, mistake though crept in is rectified. Accordingly on behalf of Licensee officers stucked up to his own stand.
7. Precise dispute now revolves around date of meter changed. Admittedly old meter was bearing no.01013066 and new meter number is 14746467. New meter number is reflected for the month of Nov.'11 onwards and old meter continued till Oct.'11.
8. Precisely Consumer claims that new meter is installed in the month of Dec.'11 and initial reading ought to have been '1'; instead of it, reading starts from

7106 which is not correct. He made submissions; if at all claim of Licensee is to be accepted that said meter was installed long back then during every reading photograph of the reading is taken and it will prove that factual aspect if photos are brought before this Forum. We had tried to have information from the Officers of Licensee that there would have been in all probability meter replacement report showing the date when the meter was replaced and what was the reading. Secondly it was also brought to the notice of the Officer that whenever any new meter is being provided it is from the stock of meters available for which a separate register may have been maintained wherein the date of meter taken out and provided to the particular party would have been noted therein. Simultaneously reading of that meter could have been there which would have been useful. At the same time reading of old meter at the time of replacement is also of more relevance which could have been noted in the replacement report; if not when such meter is kept in a stock by making entries in the register.

9. In the light of our observation, on behalf of Licensee register of meter received in the meter testing lab placed before us and it is disclosed that meter no.147416467 is tested on 11/10/2010 and they placed before us the photo reading of the said meter for the month of Apr.2011 July 2011, Aug. 2011, Sept.2011, Oct.2011, Nov.2011 pertaining to the same meter. They expressed inability about exact date when this meter was replaced in the premises of Consumer. As replacement report is not prepared on that date, whereby reading of old meter not available. The register of meter distributed in the section is not available. Accordingly it is contended, in all probability new meter installed in the Consumer premises is in Dec.2010 and it is as per the factual position considering the fact that bill of Dec.'2010 is not in dispute and it is admitted. Even it is stated that as per CPL whatever was the reading available in Dec.2010 for old meter is considered further, for final calculation though at one

stage it was said to be 3245 which is ignored. It is further contended that the new meter was having reading of '01' when it was installed but for 4 months in the CPL it is not reflected but photograph is there for Apr.2011 and therein the reading is reflected as 2486 again photographs are available from July 211 and readings are as under:

<b>Month</b>	<b>Units</b>
April 2011	2486
July 2011	4362
Aug. 2011	4914
Sept. 2011	5461
Oct. 2011	5934
Nov. 2011	6570

Accordingly in Dec. 2011 actual reading was noted as 7106 and bill was prepared for total units 7105 considering that units were not reflected in CPL for his meter right from Dec.'2010. it is further contended that though in December 2011, bill was issued showing its quantum to the tune of Rs.63,789.93 ps., subsequently it is considered by the Department and referring to B-80 form it is re-scheduled and credit is given for Rs.31,086.71 ps. in the bill for Feb.2012 and at that time arrears were shown to the extent of Rs.40,180.82. Accordingly it is claimed that though actual reading was not recorded after Dec.2010 though meter was replaced; when this flaw was noticed calculation is done; resorting to B-80, credit is given and bill worked out is correct.

10. On behalf of Consumer he gave vent to his feelings that why reading was not taken properly of the meter installed, why in CPL average is continued. In this regard on behalf of Licensee it is submitted that meter replacement report not prepared on the date when replacement was done is a fact. It is a mistake which

continued; said dues not reflected ultimately in the system and in the CPL; but when noticed it is got corrected, rectified and relief is given to the Consumer spreading the dues for 14 months.

11. Consumer has raised one more point disputing the reading from Jan.'12 onwards. In Jan.'12, it is of 510 units, in June'12 it is of 874 units. Meter was accu-checked on 25/7/2012, it was found okay. On behalf of Licensee it is submitted that this second aspect is already clear from the accu-check report and hence there is no force in it. Though this aspect was not taken before IGRC and is not taken before this Forum in the Grievance Application but on noticing reference to those months in the Order of IGRC we found it fit to verify the position calling both sides. Notices were issued to that effect, however, Consumer did not turn up; the Officers of Licensee, Asst. Engineer-Mr. Bharambe attended and placed before us the file of IGRC. We verified and confirmed that this particular aspect was not raised even before the IGRC. Accordingly we find no force in the claim.
12. It is clear that Consumer's meter was changed in Dec.'10. Actually meter changed report or meter replacement report is prepared. The old meter reading exactly what it was seen reflected. However in the CPL, reading is recorded showing old meter which is not disputed and it is of 300 units and last reading was 2171. Though said meter continued in CPL and reading is reflected which is not correct highest reading for that meter is shown as 3245. Secondly it is a fact that replaced meter in the month of Dec.'10, interest in CPL till Nov.'11; in Dec.'11 units are having the reading as 7106 and replacing '1' units which was at the initial stage of installation; consumption is recorded as 7105 and total bill was for Rs.63,879.93 ps but this aspect is further dealt by the Licensee in the month of Feb.'12 and therein referring to Form B-80, the distribution/adjustment of 7105 units is done for previous months up to Dec.'10 in the background of actual reading was not reflected in the CPL. At the relevant time

as noted above the photographs reading pertaining to said meter for the month of April July, August, September, October and November 2011 are available; those copies are placed on record but admittedly those are not reflected in the CPL. Apparently, it is a mistake; actual reading is not noted. It is also a fact that meter changed is taken note of in the CPL for the month of Jan.'11 & Feb.'11. Accordingly mistake occurred is factual aspect. It ought to have been avoided. Though in Dec.'11 units of 7105 shown but in Feb.'12 it is correct and this cannot be ignored. As stated above the mistake could have been avoided but as facts disclosed it crept in and rectified. Accordingly rectification is also bonafide one and liability was shown which Consumer not discharged and raised a dispute. We find from this aforesaid analysis; though dispute is raised liability worked out is correct, no flaw is there in it.

13. Consumer tried to contend that interest on the said amount ought not to have been applied. On behalf of Licensee it is submitted that while reducing the liability for the B-80 form is reduced to the extent of 31086. It includes all aspects and even interest. Accordingly we find interest is not thrust upon Consumer from Dec.'10. However as arrears worked out in Dec.'11 were not paid, we find there is no scope to uphold the contention of Consumer for giving any relief in the form of waiver of interest.
14. Consumer has raised a dispute before IGRC pertaining to his consumption from Jan '12 onwards and he applied to the IGRC on 31/1/2013 ; IGRC decided the matter on 12/3/2013 and it is noted in the order of IGRC that Consumer's meter was accu-checked on 25/7/2012 during which it was noticed that meter was correct. In this light IGRC rejected the application of Consumer. No doubt in the grievance brought before us precisely when aspect is not written, Consumer was not able to point out from his grievance application the details pertaining to it and under such circumstances his claim found not passed on appropriate ground.

15. In the light of the above we find there is a mistake on the part of Licensee in not entering replacement of meter; not recording the reading appropriately of a new meter and entering it in CPL; these are the consequences of mistake committed; but mistake is ultimately rectified and due relief is given drawing Form No.B-80. Under such circumstances we find Consumer's expectation cannot be said to be perverse; these are found legitimate but as mistake is rectified in time, that too in the month of Feb.'12, Consumer approached IGRC on 31/1/2013; no any grievance in fact was surviving as on that day as Licensee has corrected the mistake and appropriate liability was worked out.
16. For above said reasons we find this grievance is to be dismissed or rejected.
17. This matter could not be decided in time as the Officers of Licensee were directed to find out the record pertaining to replacement of meter from other relevant register. That position was clarified on 18/6/2013.

Hence the order.

**O-R-D-E-R**

Grievance of Consumer is hereby rejected.

Date : 02/07/2013

**I Agree**

**I Agree**

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

**(Chandrashekhar U. Patil)**  
**Member Secretary**  
**CGRF Kalyan**

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

Note :

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”.