



**Consumer Grievance Redressal Forum, Kalyan Zone**  
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301  
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**IN THE MATTER OF GRIEVANCE NO. K/E/480/566 OF 2011-2012 OF  
M/S. ANIL M. SHAH, VASAI (EAST) REGISTERED WITH CONSUMER  
GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT  
EXCESSIVE BILLING.**

M/s. Anil M. Shah,  
Gala No. 05,  
Shakti Industrial Estate,  
Golani Complex, Waliv,  
Vasai (East), Dist. : Thane – 401 208

(Here-in-after  
referred  
as Consumer)

Versus

Maharashtra State Electricity Distribution  
Company Limited through its  
Dy. Executive Engineer  
Vasai Road (East) Sub-Dn.  
Vasai, Dist. Thane.

(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. consumer of the licensee with C. D. 54 KVA. The Consumer is billed as per Industrial tariff. Consumer registered grievance with the Forum on 29/01/2011 for Excessive Energy Bills. The details are as follows: -

Name of the consumer :- M/s. Anil M. Shah

Address: - As given in the title

Consumer No : - 1)001840851334 – 65 HP

Reason of dispute : Excessive Energy Bills.

- 3) The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/060 dated 29/01/2011 to Nodal Officer of licensee. The licensee filed reply vide letter No. DYEE/VSI/B/1121, dated 18/02/2011.
- 4) The forum heard both the parties on 21/02/2011 @ 15.00 Hrs. in the meeting hall of the Forum's office. Shri Harshad Sheth, Shri Vinit Sheth representatives of the consumer & Shri Purohit Nodal Officer, Shri M. S. Patil, Asstt. Acctt., and Shri J. P. Keni Sub-Engineer, 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 each party in respect of each grievance shall be referred while deciding each of the grievances to avoid repetition.
- 5) The consumer has taken electricity connection from the Distribution Licensee (DL) to the industry situated at Shakti Ind. Estate, Golani

Complex, Waliv, Vasai (East) in the year 1998. According to consumer since April 2009 their production activities are stopped thereby electricity consumption was low. In the month of June 2009 since meter No. 01952661 was faulty it was replaced still consumption units shown 1353, in August 2009 new meter shown consumption of 115 units however, bill of 12822 units of the amount of Rs. 64,427.75 was issued. It is contended in May 2008 consumption was 388 units, from June 2008 to January 2009 every month zero consumption shown, July 2009 53 units and August 2009 12822 units shown, however in Sept. 09 75 units, Oct. 09 52 units and without adjustment as per the MERC Regulation 2005 bill for the amount of Rs. 70,190/- issued, however as officials of the licensee threatened to disconnect supply, consumer paid the amount under protest on 01/11/10. It is contended without taking reading and adjusting the faulty meter units bill as above issued of excessive amount hence licensee is liable to pay compensation of Rs. 3,000/-. By letters dt. 24/09/09, 07/06/10 and 04/11/10 consumer requested the licensee to revise the bill amount but not responded. Consumer moved the I.G.R. Cell but in vain, hence lodged the grievance with prayer to direct licensee to revise the bill and to pay compensation for harassment.

- 6) Licensee vide reply dated 18/02/2011 contended that as per meter replacement report there was "No Display" therefore recovery was made of 12705 units but as per verification of CPL consumption was 17037 units and as such less recovery of 4215 units of the amount of Rs. 22,985.98 was made and the consumer is liable to pay this less recovered amount.
- 7) Consumer in support of his case filed energy bills dated 17/08/2009, 10/09/2009, 04/11/2010, check reading reports of meter No. 953069 dt.

07/01/2009, and meter No. 07347150 dt. 14/11/2009, bill receipt dated 01/11/10 and copies of applications made to Dy. Executive Engineer. By application dated 04/11/10 consumer pointed out that from April 2009 their production activities were stopped, meter was replaced in June 2009, in August 2009 12822 units for the amount of Rs. 64,427.75 added by way of adjustment without any supporting documents, in Oct. 2010 zero consumption bill with arrears Rs. 70,190/- was given but since officials of the licensee threatened to disconnect supply, they paid the bill on 01/11/2010. Learned representative for the consumer urged with force that considering faulty meter as per Clause 15.4 of MERC Regulation (Electricity Supply Code) 2005 consumer will have to be billed for the period for which meter has stopped recording upto a maximum period of three months based on the average metered consumption of last 12 months immediately preceding three months prior to the month in which billing is contemplated. He further urged that as per the SOP reading is to be taken at least once in two months but not taken months together, therefore licensee is liable to pay compensation inviting our attention to Appendix 'A' of Clause 7(i) of MERC Regulation (Electricity Supply Code) 2005. On perusal check reading report issued by Virar Sub-Division of the meter No. 07347150 dt. 14/11/2009 mentions "No Use" and that another check reading report dt. 07/01/09 of meter No. 953069 also mentions "No Use". According to licensee as per CPL total consumption units comes to 17037 however actual recovery is made of 12705 units i.e. less 4215 units of the amount of Rs. 22,985.98 and the same is necessary to be recovered from the consumer.

- 8) It is seen from the consumer's application dt. 04/11/2010 addressed to the Dy. Executive Engineer Vasai in the month of July 2009 meter No. 01952661 was replaced as it was faulty, however check reading reports referred to above do not pertain to this meter No. 01952661. Reports mention meters were "No Use" thereby nothing to show meters installed in the premises of consumer were defective attracting Clause 15.4 of Regulation 2005 referred to supra. CPL produced on record at some places scored and to the right side on page No. 11 calculation is made by ink showing balance units 4215 of the amount of Rs. 22,985.98. It is not understandable as to on what basis this calculation is made and how total difference of 4215 units come. Vide Clause 6.13 of Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006, licensee is under obligation to furnish issue-wise comments on the grievance failing which the Forum to proceed on the basis of the material record available. In the case in hand, licensee filed very cryptic reply on 18/02/2011 and that record available is not sufficient to pass appropriate order as required vide Clause 6.18 of the Regulation. Under the circumstance it is apt to direct the licensee on going through the provisions of Electricity Act 2003 and the Regulation and the SOP referred to supra, to raise and issue a fresh energy bill and consequently bill under dispute of the amount of Rs. 70,190/- will have to be quashed and set aside. Resultantly grievance application will have to be partly allowed.
- 9) As large number of cases filed by the consumers from Vasai Circle this Forum was busy with those cases therefore delay is caused in deciding this case. Hence the order :

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

- 1) The grievance application is partly allowed.
- 2) Disputed Energy Bill for the amount of Rs. 70,190/- is quashed and set aside and the Licensee is directed to raise and issue a fresh bill in the light of the discussion made supra in para 08 within 30 days and compliance should be reported to the forum within 45 days from the date of receipt of this decision.
- 3) The Consumer can file representation against this decision with the Hon. Electricity 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”.*

- 4) 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 : 10/05/2011

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

(R.V.Shivdas)  
Member Secretary  
CGRF Kalyan

(S.N. Saundankar)  
Chairperson  
CGRF Kalyan