



Consumer Grievance Redressal Forum, Kalyan Zone  
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301  
Ph: – 2210707 & 2328283 Ext: - 122

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**IN THE MATTER OF GRIEVANCE NO. K/E/304/336 OF 09-10 OF SHRI  
BADRI PRASAD OJHA ULHASNAGAR REGISTERED WITH CONSUMER  
GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT  
EXCESSIVE ENERGY BILL.**

Shri Badri Prasad Ojha  
Barrack No. 138/B,  
Room No. 8, Ulhasnagar-421 001

(Here in after  
referred to  
as Consumer)

**Versus**

Maharashtra State Electricity Distribution  
Company Limited through its Dy. Executive  
Engineer, Ulhasnagar Sub/Dn. No.- I

(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 LT consumer of the Licensee. The Consumer is billed as per Residential tariff. The consumer registered grievance with the Forum on 07/10/2009 regarding Excessive energy bill. The details are as follows: -

Name of the consumer : Shri Badri Prasad Ojha

Address: - As above

Consumer No : 021510022022

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/846, dt. 07/10/2009 to the Nodal Officer of the Licensee, and the Licensee through Nodal Officer MSEDCL Kalyan Circle-II filed reply vide letter No. SE/KCK-II/Tech/3792, dt. 15/10/09.

- 4) The Chairperson & Member Secretary of the forum heard both the parties on 11/11/2009 @ 15.00 Hrs. in the meeting hall of the Forum's office. Shri Badri Prasad Ojha, consumer & Shri Purohit Nodal Officer, Shri V. D. Kale Asstt.Engr., 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) During the routine theft drive meter installed in the premises of consumer was checked on 15/06/09, and was found 80% slow. According to the consumer since it was installed before 40 years, it became defective,

however, the staff of the licensee removed the same showing seal broken and current coil burnt therefore assessed recovery of 12 months i.e. 1259 units and issued bill dt. 25/06/09 for the amount of Rs. 11,880/- vide Section 126 of the Electricity Act 2003 is improper and erroneous therefore consumer contended that the licensee be directed to revise the bill and the bill amount be reduced.

- 6) In contra, licensee averred that during the drive meter was checked and when opened on 16/06/09 during investigation it was found 80% slow, seal broken and current coil burnt. It was the case of unauthorise use of electricity, therefore as per Sub Clause 5 of Section 126 of Electricity Act, the assessment was made of the unauthorized use of electricity and as the period was not ascertained, 12 months preceding the date of inspection consumption of unit comes to 1259 and the bill for the amount of Rs. 11,880/- was issued therefore, the bill amount cannot be reduced as prayed by the consumer.
- 7) On perusal of the record and hearing both the parties following points arise for the consideration of Forum and findings thereon for the reasons recorded below :

| Points   | Findings           |
|--|--------------------|
| a)Whether the licensee is justified in recovering electricity bill of Rs. 11,800/- vide Section 126 of Electricity Act ? | Yes                |
| b) What Order ?  | As per order below |

Reasons

- 8) According to the consumer electric meter installed in his premises was about 40 years old, was running 80% slow and it was defective, however, the staff of the licensee treating the meter tampered made double assessment of the bill i.e. of 1259 units is wholly improper and erroneous. Admittedly during routine drive meter installed in the premises of consumer was checked on 15/06/09. It is seen from the accucheck report of energy meter dated 15/06/09, the meter so checked was found 80% slow and when opened, it's seal was broken and current coil burnt clearly indicative of tampering of meter. Panchanama placed on record dt. 16/06/09 points out the position of meter as mentioned above. Going through the record nowhere find consumer complained against any of the staff nor any ill will or bias is shown. Staff have no reason to mishandle the meter, therefore, it is apparent that meter so checked was tampered for the obvious motive to minimize the consumption, attracting the ingredients of Section 126 of E. Act.
- 9) Since consumer unauthorisedly used the electricity by the meter which cannot be ascertained, vide Clause 5 of Section 126 of the E. Act, consumption for a period of 12 months i.e. 1259 units and the charges thereof as mentioned in the bill can said to be correctly assessed by the licensee. On this background submission of the consumer that the assessment was improper and bill amount needs to be reduced in view of the discussion supra is devoid of substance. As such licensee is justified in assessing the bill vide Section 126 of the E. Act. Point is answered according and hence the order :

**ORDER**

- 1) Grievance application stands dismissed.
- 2) 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 Building, Bandra Kurla Complex, Mumbai 51”*

Representation can be filed within 60 days from the date of this order.

Date : 04/12/2009

(R.V.Shivdas)  
Member Secretary  
CGRF Kalyan

(S.N. Saundankar)  
Chairperson  
CGRF Kalyan