



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
Ph- 2210707, Fax – 2210707, E-mail : cgrfkalyan@mahadiscom.in

Date of Grievance : 12/04/2013
Date of Order : 29/07/2013
Period Taken : 108 days

**IN THE MATTER OF GRIEVANCE NO. K/E/711/839 OF 2013-14
OF SHRI HIRACHAND LUND OF DIST-THANE REGISTERED WITH
CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE,
KALYAN REGARDING EXCESSIVE ENERGY BILL**

Shri Hirachand G. Lund,
(Hiranand A. Jagasi [Sai]),
S. No.117, H. No.2,
Near Royal Garden, Village – Kamba
Tal-Kalyan, Dist-Thane
Consumer No. 020060203912

(Here-in-after
referred
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its
Asst. Engineer, Construction Sub-Division,
Kalyan

(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 Industrial supply from the Licensee. The Consumer is billed as per said tariff. Consumer registered with the Forum on 12/4/2013 regarding Excessive Energy Bill.
3. The papers containing above grievance were sent by Forum vide letter No. EE/CGRF/Kalyan/0240 dated 15/4/2013 to Nodal Officer of Licensee. The Licensee filed its reply on 13/5/2013.
4. We heard Consumers Representative, Mr. Tekchandani and Nodal Officer, Shri Giradkar, Asst. Engineer of Licensee, Mr. P.S. Watpade, Jr. Engineer-Shri R.B. Nahide, attended. Both parties are heard time to time. On the basis of material available on record and arguments advanced following factual aspects are disclosed:-
 - a) Consumer is having L.T. supply of Licensee from 30/04/2010.
 - b) Meter of the Consumer was burnt and the C.T. was burnt as per Consumer on 10/9/2012 About it Consumer intimated to the Officers of Licensee on 10/09/2012 requesting for continuing supply bypassing meter and is ready to pay average bill.
 - c) As per Consumer's request, supply was restored on 15/10/2012 as stated by the Consumer and as per Licensee it was restored on 11/9/2012. Thereafter meter was replaced on 22/10/2012.
 - d) Bill was issued to the Consumer to the tune of Rs.4,59,520/- on 16/11/2012. It was to be paid on or before 30/11/2012.
 - e) It is claimed that as payment was not done, meter resulted in P/D on 27/11/2012. However, Consumer paid the amount on the very next day of P/D, i.e. on 28/11/2012. Even he deposited an amount of Rs.500 on 29/11/2012 towards re-connection. Accordingly on 29/11/2012 connection was restored. It is claimed by the Licensee that Meter resulted in P/D on

27/11/2012 as Consumer had not paid the bill of Sept.'12 and notice was issued to him through Jr. Law Officer on 28/10/2012 wherein 15 days time is specified and in pursuance of it this P/D was done on 27/11/2012.

f) Consumer on this count approached IGRC on 15/10/2012 and it is registered on 23/1/2013 taking the details in prescribed form. IGRC decided the matter on 28/02/2013 rejecting the grievance and aggrieved by it the Consumer approached this Forum on 12/4/2013.

5. Precise dispute now pertains to charging Consumer from the date when meter burnt on 10/9/2012 till supply was restored on 15/10/2012. Though meter was replaced 22/10/2012. In this regard on behalf of Licensee it is explained that bill for the month of July '12, Aug.'12, amount was deposited respectively on 26/7/2012 & 30/8/2012. Thereafter bill was issued on 6/11/2012 including the bill for September, October & Nov.2012. It is clarified that in the month of Sept.'12, 20 days are noted and for the month of October, 13 days are noted towards working out average liability and accordingly the said average is worked out considering the previous one year consumption. Accordingly it is contended by Licensee that bill which was raised to the tune of Rs.4,56,000/- is totally correct which is paid off by the Consumer.
6. C/R submitted that he is now disputing only the period during which there was no supply to the Consumer and precisely it is from 10/9/2012 to 14/10/2012. It is submitted by the C/R that though he has given letter on 10/9/2012 for restoring the supply as it is causing heavy loss, no any effort was done immediately but only on 15/10/2012 the staff members of Licensee restored the supply. Accordingly he submitted that for this period, i.e. from 10/9/2012 to 14/10/2012 Consumer cannot be burdened with the charges, even on average basis. As against it on behalf of Licensee it is submitted that though meter was burnt, supply was all along there and there was no any aspect of absence of

supply to the Consumer. On this basis it is contended that average bill is worked out on that basis.

7. The Consumer claimed that as per his letter dated 10/9/2012, supply is restored on 15/10/2012 as per the Officers of Licensee supply was continuous and that too in the light of Consumer agreeing to pay the average bill, as stated in his letter dated 10/9/2012. On this basis the Officers of Licensee stucked up to their stand. Now dispute is about precise period, i.e. from 10/9/2012 to 14/10/2012. Both sides are sticking up to their stand.

We noted that on the letter of Consumer dated 10/9/2012 there is an endorsement of officer which needs as under:

“A.E. CSD

Please restore the supply and replace the meter

Sd

10/9/2012”

8. During hearing, question was to put to the Officers of Licensee whether there was any compliance report submitted by the staff members in terms of the directions given as per the endorsement on the letter of Consumer dated 10/9/2012. The Officers of Licensee were fair enough to make a statement that in the available bunch of papers with them, there was no such report available. However, on 17/6/2013 the Officers placed on record the report of Mr. Balaram Dhondu Gaikar, dated 15/5/2013, wherein he has stated that he has started supply of Consumer on 11/9/2012 as directed by his Officer, and has made an entry in the register. Copy of said entry of complaint register is placed on record, original register was also brought, copy of that page of the register provided to the C/R, original register was shown to C/R who has disputed it, contending that this is not an entry in the routine course, it is in different ink, page is not closed. On the next page last two lines are blank; entries are not bearing serial number and this entry is not tick-marked, etc.

On behalf of Licensee it was made clear that there is no independent report as such, submitted on 11/9/2012 when re-connection was done on 11/9/2012. The Officers of Licensee supported the entries in register contending that entries are done by different persons, at different times, hence ink used is different. It is also claimed as it is maintained in the office by different persons, no consistency is maintained mentioning serial order or the mode of writing; pages are not closed invariably at any time. Even blanks are not there on every page.

During hearing we asked C/R to place on record the production register of the said industry, about which he is claiming that there was no production in the industry from 11/9/2012 dated 14/10/2012. It was made clear to the Representative that as submitted by him, in the consumer unit, production of plastic sheets done and it is by engaging 25 staff then quantum of production should have been entered in the production register daily, there may have been the account of daily production which is required to be submitted to different authorities for ascertaining the production, sale, etc. in the form of stock book, daily production, sale, etc. and for Small Scale industry there may be requirement of regular maintenance of production level, hence he is to make the things clear by producing such relevant material to demonstrate that due to failure of electricity, production was not there during disputed period. C/R had assured to clarify this aspect on the next date.

9. Matter taken up on 26/6/2013. C/R has not brought the details of production but he sought time to produce it. However in the meantime, Consumer had undertaken some other exercise; written letter to Chief Engineer on 26/6/2013. Copy thereof is provided to this Forum and even to the Nodal Officer. Along with it he had enclosed the statement of Mr. Balaram Dhondu Gaikar who is the Jr. Technician wherein he has denied that he reconnected the supply on

11/9/2012 or he has made any entry in the complaint. Register. This was in the light of his statement filed by the Licensee on previous date which was in affirmative. However, we gave liberty to C/R to file papers on the adjourned date, i.e. to 9/7/2013.

10. On 9/7/2013 Consumer's Representative (C.R.) placed on record Xerox copy of Register containing four pages and one more letter addressed to Chief Engineer dated 8/7/2013. He was asked to file those with letter and accordingly, he has filed it with letter mentioning the aspect about copy of stock register. On perusing the said pages of stock register, i.e. Xerox copy placed on record, the Officers of Licensee claimed that original register is required to be seen before reacting about its correctness, to which C.R. replied that he will be producing it. On behalf of Licensee, officers claimed that let that register be produced forthwith and matter can be closed. However, C.R. submitted that person who maintained register was not available there and he is not aware where that register is kept. Accordingly he sought time hence, matter adjourned to 16/7/2013 for submitting the original stock register, copies of pages of which are placed on record by C.R.
11. In the meantime, C/R had presented letter on 15/7/2013 and explained inability to produce the closing stock register as factory shed damaged on 12/7/2013 during rains and flood and stated that 'closing stock occurred damaged'.
12. Accordingly matter was taken up for final hearing on 22/7/2013 and on that day, both sides appeared and without adding anything to their previous contentions sought final order. Accordingly it is clear that the Consumer expressed inability to produce original register / stock register showing the production during the respective period and the Officers of Licensee had expressed their difficulty in commenting on the bare Xerox pages of the alleged register. In the same fashion, the report of technician, Mr. Balaram Dhondu Gaikar and extract of page from the register of complaints alleged entry done therein by Mr. Balaram Dhondu Gaikar, showing supply connected on 11/9/2012 is also, challenged, he

- has given contradictory statement which is produced by Consumer. The said Mr. Balaram Dhondu Gaikar is served with notice for taking disciplinary action.
13. Accordingly, these are two peculiar developments noted for showing the fact that due to non supply of electricity there was no production in the Consumer's unit, stock register would have been the best piece of evidence. Such original register not produced on the ground that due to heavy rain, it damaged and there is no independent separate report of compliance towards the endorsement made by Exe. Engineer directing Asst. Engineer, to re-connect supply and change the meter on the application of Consumer dated 10/9/2010. The statement of Mr. Balaram Dhondu Gaikar dated 15/5/2013 is produced and he supported the entry in the register of 11/9/2012. We find the so called statement of Mr. Balaram Dhondu Gaikar or entry made in the register which is challenged on various grounds and failure of the Consumer to place on record the original stock register, makes us to take a view that both the pieces of evidence are required to be ignored, as this being not a Civil Court, exercise of ascertaining the truthfulness cannot be done here by examining or cross-examining the concerned.
14. If once these aforesaid two aspects are ignored, then question comes up whether as per the order passed on the application of Consumer dated 10/9/2012, supply was connected bypassing the meter on 11/9/2012 or as contended by Consumer it is connected only on 15/10/2012. This period is peculiar in itself, there is no any other material coming from Licensee's side precisely stating as to when the supply was connected. At the same time there is no any material from Consumer's side to stick up to the date of supply on 15/10/2012. No doubt, the Consumer tried to contend that on 15/10/2012 he had approached IGRC and on that particular grievance, the meter was replaced on 22/10/2012 but connection was started on the date of application itself, i.e. on 15/10/2012. This particular aspect is peculiar in its nature hence we tried to seek the details of IGRC grievance taken up by Consumer on 15/10/2012.

15. We have seen the files of IGRC and in fact, the Consumer's letter dated 15/10/2012 is available in the record of IGRC received on the very day and the last para of the said letter is peculiar in its nature. It reads as under:

‘Kindly, Sir, I had applied for replaced the meter but the meter was not replaced. So I want to request that immediate replace the meter and also withdraw my aforesaid bill and send minimum charges bill, yesterday lineman has come to reconnect the electric connection’

16. This particular material leads to a conclusion that Consumer had approached IGRC stating that the concerned lineman had approached for reconnection of supply a day prior to the letter and has now claimed before us from 15/10/2012 itself, supply is reconnected and it was not connected on 11/9/2012 after the meter was burnt on 10/9/2012. We find this material fact available on record leads us to take a view that during the period from 10/9/2012 to 14/10/2012, no supply was available to the Consumer though he has sought supply bypassing the meter but it is provided to him only on 15/10/2012 and consequently meter is changed on 22/10/2012. Admittedly in the report of the inspecting team the old meter was replaced. The said report is dated 31/20/2012 wherein there is a mention in the remark column:-

‘L(ii) electric supply / usage of Consumer is utilizing power’.

17. Though inspection note dated 22/10/2012 speaks about this fact it supports the plea that supply was available on 22/10/2012, even the Consumer is saying that supply was available from 15/10/2012 provided to him as soon as he approached IGRC. There is no convincing reply how the claim of Consumer in his letter addressed to IGRC dated 15/10/2012 is not correct. We find that bill charged on average basis during that period, i.e. from 10/9/2012 to 14/10/2012 cannot be recovered from the Consumer as there was no supply at all. Only the minimum charges can be taken.
18. Consumer as noted above, restricted his grievance only on the point of the period during which there was no supply, hence other aspects needs no finding. Even during pendency of the matter, C/R placed on record, the development of

meter damaged. We find said aspect is not covered in this grievance, hence it needs no any consideration.

19. This matter could not be decided in prescribed time as both sides took time to place on record the material required for deciding the matter.

Hence the order.

O-R-D-E-R

- a) The grievance of the Consumer is hereby partly allowed to the extent of Consumer charged on average basis for consumption during the period from 10/9/2012 to 14/10/2012.
- b) Licensee is directed to work out the charges afresh excluding consumption shown on average basis for the period from 10/9/2012 to 14/10/2012, towards the consumption of electric supply. However, minimum charges can be recovered during that period.
- c) Licensee to comply this aspect within 45 days from the date of receipt of this Order and submit compliance report within 60days form the date of receipt of this Order.

Date : 29/07/2013

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:-

- a) 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”.

- b) 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”