



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

IN THE MATTER OF GRIEVANCE NO.K/E/051/0060 OF 06-07
OF SHRI KASHINATH BABAN PAWAR. WITH CONSUMER
GRIEVANCE REDRESSAL FORUM KALYAN ZONE,
KALYAN ABOUT THE NEW CONNECTION.

Shri Kashinath Baban Pawar (Here in after

Pawar Chawl, Nana Pawshe Chowk, referred to

Katemanwali, Kolashewadi as consumer)

Kalyan (E).

Versus

Maharashtra State Electricity Distribution (Here in after

Company Limited through its referred to

Urban Sub Dn. II, Kalyan . as licensee)

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 L.T. consumer of the licensee connected to their 415-volt network.

The details are as follows.

Name of the consumer: Shri Kashinath Baban Pawar

Address: :Same as above

Consumer No. :020850049336

Disputed amount : Rs.32,055/-

Reason of dispute : The consumer received an excessive bill

3) The consumer made the following grievance in his application.

1. The consumer approached to the licensee on 26/05/2004 for the replacement of his meter as meter No. 9010257335 was not working.
2. The consumer again approached to the licensee on 12/12/2005 and lodge the complaint against the excessive billing of Rs, 32,055/-, consumer also stated that he had no arrears as he is been paying his bill regularly. In spite of that hr has got the bill for above amount in the month of August. The consumer has paid part payment of Rs. 13000/- again this bill to avoid the disconnection.
3. The consumer again approached to the licensee on 10/06/2005 for the replacement of this meter No. 9000055867 being running fast and requested for checking of the meter.

4. The consumer reminded the mater to the licensee to check and correct his bill for disputed period and for taking the action on his previous application about meter running fast.
5. Consumer also requested not to disconnect his supply till the complaint solved and matter settled. In his letter he mentioned that he would approach the Consumer Redressal Forum if his grievance were not settled quickly by the licensee.
6. On dated 10/01/2006 the consumer has submitted a reminder to the licensee stating the following points about his grievance.
 - a) He is receiving faulty bill since last 10 to 11 years In spite of submission of an application two to three times to the licensee.
 - b) Why my meter is replaced? And what is the reason for the replacement he has also not received the meter test report and replacement slip of the meter.
 - c) He has not received the test report and replacement slip for the new meter installed in his premises.

He has also cautioned to the licensee for non-disconnection of supply without any notice. As per the Electricity Act 2003 and if it is done so, the total responsibility will lie on the licensee and concerned officer. The consumer registered his complaint in ICGRF on 10/01/2006.
- 4) The licensee wrote a letter on dated 03/02/2006 to the consumer acknowledging his application dated 10/01/2006 and stating that that the consumer would be intimated after the investigation of the complaint an after taking the appropriate action in the matter.
- 5) As there was no development in the matter from ICGRF, the consumer approached to the Consumer Grievance Redressal

Forum and his grievance was registered on 13/04/2006. The papers related to the case were forwarded to the relevant Nodal Officer for his para wise comments/reply within 15 days.

- 6) The reply was received by the forum vide letter No. SE/KCK/1/Tech No.1855 dated 08/05/2006 with the following enclosure.
- b) Panchanama report,
 - b) Consumer affidavit/acceptance for the theft of energy,
 - c) Compounding charges bill.

The Nodal Officer in his letter No. 1855 dated 08/05/2006 has stated as below (copy of which is reproduced below)

Mr. Kashinath Baban Pawar bearing consumer no. 020850049336 was connected unauthorized extension to his premises of Room No.349. Since last three years. The panchanama report, Consumer, affidavit/acceptance for theft of energy, compounding charges bills/receipt etc are enclosed along with above cited latter for ready reference. As the consumer was booked under section 135 of I.E. Act 2003 the matter is not coming under the preview of CGRF. However, this office wants to put up the more facts related with billing complaint.

1. As per the consumer application dated 26/05/2004 the faulty meter was replaced on dated 28/06/2004 the replacement report was duly signed by consumer.
2. As per consumer application dated 10/06/2005 meter No. 55867 was replaced by meter No. 143233 and removed meter tested at lab dated 13/10/2005 and results are found correct. The bill issued to the consumer on meter reading basis only. As consumer involved in dishonest use of supply/unauthorized extension of load hence the bill for the month of March 2005 is found justified.

From the above facts, the complainer has approached the Hon. Forum with illegal and unjustified demands and hide the facts of

theft / unauthorized extension of load purposely as such the complaint of Mr. K.B. Pawar may be dismissed by the Hon. Forum.

- 7) The hearing was scheduled on 11/05/2006 at 15.00 hrs in forum office and both the parties were communicated vide letter No.0522 dated 29/04/2006.
- 8) The hearing was held on 11/05/2006 at 15.00 to 16.00 hrs. At forum's office attended by forums member Member Secretary, Shri R.G. Maheshwari and Member Sau V.V. Kelkar, Shri N.L.H. Rao Nodal Officer, Shri P.S. Ghewade Assistant Engineer and Shri B.Y. Suryavanshi (Assistant Accountant) licensee's representative and consumer Shri Kashinath Baban Pawar and his representative Shri Ravi anand, Mrs. Snageeta Kamble Shri Sandeep Pasarkar
- 9) At the time of hearing consumer representative submitted an application (4 Pages) retreating his grievance and the major points which are as given below: -
 - 1) The licensee has not replaced the defective meter No. 9010257335 during the period December 1992 to November 2004.
 - 2) Again after making a fresh application on dated 26/05/2004 the meter was replaced by licensee in December 2004 (after 6 months from the date of fresh application).
 - 3) The new meter installed was also defective and it was giving very high reading of consumption, as per the statement table given in the application
New meter No. 55867

Month	Use	Bill amount	Arrears
Jan 2005	207	Rs. 634.73	-44.50
March 2005	4458	Rs. 18425.81	-----
May 2005	1012	Rs. 23 040,82	19.060.68
July 2005	1822	Rs.33298.19	24190.40

Sept 2005 357+ 1099	1474	Rs.29236.41	30743.98
Total use 8973 units for 9 months hence 997-unit use per month on average basis.			

- 4) Meter was replaced again in the month October 2005 and the average monthly consumption for the 6-month period (October 2005 to March 2006) is coming out to as an average to 64 units per months. Against the average consumption of previous meter No. 55867 of 997 units per months.
- 5) The consumer has demanded that, the average power consumption should, be calculated as per the latest meter reading and he should be given the credit against the total payment made Rs. 15630 by the consumer.
- 6) The consume has quoted the regulation No.14 (4. 3) of Maharashtra Electricity Regulatory Commission supply code under which it is mandatory for the licensee to check the meter within 60 days on receipt of the complaint. But where in, the licensee has acted in this case, after 128 days. Again on application of the consumer dated 26/05/2004, the licensee has acted after 7 months.
- 7) The consumer has alleged that test report of dated 18/10/2005 is false and it shows only one side.
- 8) In the test result only consumer meter reading are mentioned and there is no comparative reading if any standered meter accucheck meter and supply duration and voltage to meter is also not mentioned, hence this report is incomplete.
- 9) The consumer has prayed again to charge the meter reading consumption of average 264 units per month and he should be given a credit of Rs.15630/- at the time of making the fresh bill.

10) The consumer has demanded that the disciplinary action should be taken against the concerned officer of the licensee for violating the Maharashtra Electricity Regulatory Commission supply code regulation 14 (.3) and they should be punished as per the Electricity Act 2003 Section NO. 146.

11) The licensee representative stated that they will submit the reply in written on or before dated 15/05/2006 on the points raised by consume representative at the time of hearing on or before 15/05/2006.

They have also accepted that there was delay on action taken on consumer's complaint for replacement of the meter.

10) The forum asked to the consumer Shri Kashinath B. Pawar that whether any Panchanama was done at your residence. The consumer (Shri Kashinath B. Pawar) reply in affirmative and accepted that one occasions the Panchanama was done.

11) Forum asked to the licensee representative to read out the panchanama for ready reference and after reading of the panchanama no objection was raised by consumer and his representative.

12) The forum asked to the licensee's representative to show and read out the acceptance letter and affidavits given by the consumer after Panchanama. The licensee's representative did the same and forum asked to the consumer that whether the acceptance letter and the affidavit are genuine and the same has be sign by the consumer. The consumer accepted that the acceptance letter and affidavit are genuine and bare his signature.

13) The consumer submitted the rejoinder on dated 12/05/2006 after the first hearing, the details are as follows.

a) The consumer gave the thanks to the licensee for handing over the copies of relevant papers (parawise comments Panchanama and affidavit)

- b) The consumer has commented on licensee's letter No. SE/KCK/-I/Tech No./1855 dated 08/05/2006.
- c) The consumer has accepted that the meter was replaced within 1-month period however, for the second time meter replacement has taken a longer time.
- d) The consumer raised certain tech-paints in the Panchanama report such as
- e) There is no meter Nos. in the Panchanama report.
- f) Panchamnama is not written in the consumer handwriting and also the panchannama written is not mentioned in the panchanama written name is not mentioned in the Panchanama.
- g) As the compounding charges have been already paid by the consumer hence the case cannot be proceed further on the same grounds.
- h) The consumer has stressed on the point that the theft of electricity was not caught by the licensee's person during the both time of meter replacement it proves that there was no theft, at that time.
- i) The consumer has questioned about the time period/duration of the theft that was taking place and doubt is raised by the consumer representative about the pressure tactice alight have been applied by the licensee on the consumer in giving the acceptance letter and affidavit.
- j) The consumer representative also raised the doubt on the period of theft of electricity and questioned that why the theft was not caught in time The consumer representative has blamed the licensee's officer for the same and also accepted by the forum that licensee staff are not transforming their duties properly.

- k) According to the consumer representative the proposed theft period is from January 2005 to 10/08/2005 as already seen from the Panchanama report. Electricity was not available to both houses hence the consumer is field in asking for reversing he bill for the period specified.
 - l) He further stated that, in the report dated 18/10/2005 is mentioned that the intensity of the load supply and its duration is not mentioned so how much this report will be consider as realistic in the report. The % error of reading does not quoted i.e. heather it is zero or some other figure not indicated, so although the report bears consumer signature still no acceptable to him.
 - m) The consumer has therefore asked to issue a bill for the period January 2005 to 10/08/2005 as per normal consumption unit. He also want a credit amount for the bill paid from January 2005 to 29/11/2005
 - n) After due testing of the second meter, the replacement of this meter was delayed beyond 60 days period, the concerned officer shall be punished, under Electricity Act 2003 under Section 50 B and the amount recovered against the penalty should be passed on to the consumer.
 - o) The officer should also be punished under Electricity Act. 2003 section 146 for the purpose of benefits to the consumer i.e. for the improvement in the services to the consumer condition.
 - p) Benefit of doubt should be given to the consumer and assessment of theft should be calculated only from the dated of replacement meter i.e. from dated 28/01/2005.
- 14) The licensee submitted the rejoinder letter and the test report of meter No. 55867 vide No. 1292 dated 15/05/2006, stating the following points.

- i) As per the complaint of Kashinath Baban Pawar dated 26/05/2004 the meter No.10257335 was replaced on 26/06/2004 by new meter No.55867.
- j) Consumer again complained that the meter No, 55867 is running fast which was replaced on 20/08/2005 by an other meter No. 143233.
- k) Meter no, 55867 which was taken out from consumer installation was tested in licensee testing lab and was found to be working satisfactorily and accordingly the corrected bill was issued to the consumer for the period 26/06/2004 to 20/08/2005.
- l) The reading of the meter no. 55867 indicates a monthly consumption of 470 units per month which was probably combined consumption reading for the use of the electricity by consumer himself and additional unauthorized extension given by the consumer.
- m) On dated 20/10/2005 the Panchanama was carried out after inspection of the consume premise and consumer was booked under section 135 of Electricity Act, 2003 on dated 28/10/2005. The consumer consumption pattern Indicated since dated 28/10/2005, the low consumption as the uses is only for the consumer residence.

15) Forum's observation.

- 1) From the records available it is observed that consumer's meter was faulty for pretty long period (i.e. December 1992 to November 2004) this is a serious offence on the part of licensee. The consumer lodge the complaint in writing only on dated 26/05/2004 in spite of his meter not working since December 1992 to November 2004. Also it is lack ness on the part of consumer also.

- 2) The licensee replaced the meter No. 10257335 and installed a new meter Nos. 558607 on 26/06/2004 (after the one month of consumer complaint) However, the changes of meter as per meter replacement report 182 on date 26/06/2004 approved on consumer personal ladger record in the month January 2005. The procedural delay in correcting the records is found more than 6 months which is not pardonable and it is strongly recommended that licensee should look into the matter of replacement procedure procedural delay. The meter was replaced in presence on consumer on 26/06/2004 and the report is duly signed by the consumer.
- 3) It is observed from the record submitted by the licensee that even though the meter was replaced on 26/06/2004 the consumer was given the assessed billing for the month of July 2004 to November 2004 declaring the meter is faulty.
- 4) The consumer has made the complaint on dated 10/06/2005 about the abnormal fast reading of the meter No.55867. The licensee changes the above meter on 20/08/2005 by meter no. 143233 (after 70 days of the consumer complaint).
- 5) The meter no. 55867 which was removed 20/08/2005 tested by the licensee's in lab on 09/09/2005 as per their standard procedure. And the test report for the same was prepared on 18/10/2005 in their standard format of test report. Here also forum finds that the time taken by licensee is beyond the limits as recommend by the Maharashtra Electricity Regulatory Commission and is not pardonable.

- 6) The licensee has acted on the complaint of the consumer and replaced the meter in questioned within 70 days to solve the grievance of the consumer.
- 7) The incorrect bill issued to the consumer for the period 26/06/2004 to 31/03/2005 are revised by the licensee and extra amount Rs. 4156.42 charged to the consumer is deducted and correct bills are issued to the consumer.
- 8) On the verification of C.P.L of the consumer it is observed the consumer has paid the part payment Rs. 13000/- against Rs. 31017.30 in the month of October 2005,after words he has not made the payment to the licensee and like wise he found defaulter. The following amount is still out standing to wards the consumer.

1) Arrears	Rs.17073.26 (from Oct 05 to April 06)
2) DPC	Rs. 810.90
3) Interest	Rs. 2855.84
Total	Rs.20740.00

- 9) From the study of the records i.e. Panchanama dated 28/10/2005. Acceptance letter dated 28/10/2005, affidavit dated 01/12/2005 and other relevant records forums is in opinion.

- 1) Prima-facie there is the theft of electricity, as the supply was always rotated through the meter and it is not recorded the meter seal breakage or tempering of meter.
- 2) From the panchanama and minutes of hearing it is clear that the electricity supply was being used in an unauthorized manner at the consumer premises as per the Section 126 B of Electricity Act, 2003 which states as follows.

Explanation for the purpose of this section-

(b) Unauthorized use of electricity means the usage of electricity-

- i) By any artificial means; or
- ii) By a means not authorized by the concerned person or authority or licensee; or
- iii) Through a tempered meter; or
- iv) For the purpose other than for which the usage of electricity was authorized.

In the present case above (ii) and (iv) are applicable under clause explanation of section 126 B of Electricity Act 2003 the case under section 126 of Electricity Act 2003 does not come under the preview of Forum. Hence the case is unanimously dismiss

- 3) In case if the above decision is not acceptable to any one, or both the parties they can proceed further in the matter as per section 127 of the Electricity Act 2003.
- 3) The punishment for non-compliance of order or direction under section 146 of Electricity Act, 2003 cannot be applied by the forum. The provision of this section 146 can only be revoked by the courts.

16) No order is being passed by CGRF

Date: - 30/05/2006 not in perview

(V.V.Kelkar)
Member
CGRF Kalyan

(R.G.Maheshwari)
Member Secretary
CGRF Kalyan