



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/446/503 OF 2010-2011 OF
SHRI CHANDRAKANT LAXMAN NIKAM, ULHASNAGAR : 421 001
REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM
KALYAN ZONE, KALYAN ABOUT EXCESSIVE BILLING.

Shri Chandrakant Laxman Nikam
Barrack No. 104 / B,
Room No. 10, Camp No. 01
Ulhasnagar : 421 001

(Here-in-after
referred
as Consumer)

Versus

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

(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. The Consumer is billed as per Residential tariff. Consumer registered grievance with the Forum on 20/11/2010 for Excessive Energy Bills. The details are as follows: -
Name of the consumer :- Shri Chandrakant Laxman Nikam
Address: - As given in the title
Consumer No : - 021510012329
Reason of dispute: Excessive Energy Bills.
- 3) The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/726 dated 20/11/2010 to Nodal Officer of licensee. The licensee filed reply vide letter No. DYEE/Sub.Dn.I/Billing/575, dated 24/12/2010.
- 4) The Chairperson and member of the forum heard both the parties on 14/12/2010 @ 15.00 Hrs. in the meeting hall of the Forum's office. Shri Chandrakant Nikam Consumer & Shri Kale, Nodal Officer, Shri Sunil Kadam, Dy. Ex. Engr. and Mrs. S. J. Patil, Asstt. Acctt. 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) Complainant Chandrakant Laxman Nikam owned and possesses Room No. 10 in which meter No. 2800508789 was installed. According to him he was regularly paying the charges as per the meter reading recorded by the officials of the licensee. On 11/02/2008 consumer had requested the

officials of the licensee at Ulhasnagar to check the meter as the bill was excessive and that all of a sudden, on 04/09/10 Dy. Ex. Engr. Flying Squad Unit Kalyan alongwith his staff removed the said electric meter which was in running condition and on 09/09/10 when he approached the official concerned, he learnt that the meter was faulty hence removed. According to consumer he was given bill of huge amount of Rs. 57,610/- directing to pay the same immediately else supply will be disconnected and accordingly on 20/09/10 he paid the bill amount under protest and the supply was continued. It is the contention of consumer that since 1994 he is residing in the room wherein the said meter was installed and that on request also in the year 2008 the meter was not replaced and it was removed all of a sudden on 04/09/10 raising bill of Rs. 57,610/- stating the meter was tampered, is improper and illegal and it amounts to utter negligence, carelessness on the part of the officials of the licensee and consequently they are liable to pay compensation in as much as by this negligence consumer and his family members suffered mental torture and inconvenience. According to the consumer he had no reason to tamper the meter as alleged therefore he complained to that effect, however none paid heed and moved the I.G.R. Cell but in vain, hence lodged this grievance to direct the licensee to refund the charged bill Rs. 57,610/- with compensation of Rs. 1,00,000/- and the cost of complaint Rs. 5,000/- totaling to Rs. 1,62,610/-.

- 6) Licensee strongly opposed the contentions raised above. It is contended that meter installed in the room of complainant was inspected by the Flying Squad Unit Kalyan on 04/09/10 at 4.00 p.m. and meter body was found tampered. Under spot inspection report it was removed in the presence of

the wife of the consumer and the Panchas and on examination in the lab. on 09/09/10 in the presence of consumer and the panchas meter's counter gear No. 750 Rev/Kwh plate was changed to 3000 Rev/Kwh thereby the meter was running slow 75.25% and panchanama to that effect was prepared alongwith test report. It is further contended that the consumer tampering the meter committed theft of electricity and accordingly bill for the amount of Rs. 57,610/- was raised and issued and the consumer paid the same on 20/09/10 and the supply continued. It is further contended that since consumer committed theft of electricity, F.I.R. No. 98/10 for the offence under Section 135 of Electricity Act 2003 has been lodged with Police Station Kalyan on 05/09/10. According to licensee since the grievance falls within the purview of Section 135 of the Electricity Act, this Forum has no jurisdiction to entertain and decide the grievance.

- 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 this Forum has jurisdiction to take cognizance of the grievance vide Clause 6.8 (b) of Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations 2006” ?	NO
b)What Order ?	As per Order below

Reasons

- 8) According to the complainant as seen from the complainant application Flying Squad Unit Kalyan visited the premises on 04/09/10 and removed the meter installed in his house which was in running condition. Spot Inspection report dt. 04/09/10 mentions meter body was tampered and when it was checked in the Lab. on 09/09/10 was running 75.25% slow. Panchanama dt. 09/09/10 depicts that on internal inspection meter's counter gear 750 Rev/Kwh was changed as 3000 Rev/Kwh thereby tampering the meter theft of electricity was committed. On the premise learned representative for the licensee submitted that F.I.R. has been lodged bearing No. 98/2010 for commission of theft of electricity under Section 135 of the I. E. Act and the same is pending for trial before the Hon. Court and therefore this Forum has no jurisdiction to decide the grievance.
- 9) We have gone through the record. Panchanama placed on record dt. 09/09/10 as mentioned above states meter installed in the premises was removed as it was tampered and when it was opened in lab. was running 75.25% slow and that counter gear was changed with intention to interfere with the proper or accurate metering of electricity. Report dt. 24/12/10 filed by Dy. Ex. Engr. clearly point out F.I.R. bearing No. 98/10 has been lodged against the consumer on 05/09/10 for theft of electricity and the same is pending before the Hon. Court. This prima facie shows grievance under reference since falls within the purview of Section 135 of Electricity Act excludes the jurisdiction of this Forum vide Clause 6.8 (b) of Maharashtra Electricity Regulatory Commission (Consumer Grievance

Redressal Forum & Electricity Ombudsman) Regulations, 2006. In view of this the Forum has no jurisdiction to entertain the grievance and it will have to be disposed off. Point is answered accordingly and hence the order :

- 10) Since large number of cases filed by the consumers from Vasai Circle this Forum was busy with those cases in addition to this members of the Forum had to hold sittings at Vasai also, therefore delay is caused in deciding this case. Hence the order.

ORDER

- 1) Grievance application stands disposed off for want of jurisdiction vide Clause 6.8 (b) of Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006.
- 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 Bldg, Bandra Kurla Complex, Mumbai 51”
Representation can be filed within 60 days from the date of this order.

Date : 08/02/2011

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

(S.N. Saundankar)
Chairperson
CGRF Kalyan