



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/056/0065 OF 06-07 OF
SHRI BHOLASHANKAR R. DUBAY REGISTERED WITH THE
CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE,
KALYAN ABOUT THE ACCURACY OF METER.

Shri Bholashankar R. Dubey

(Here in after

Shop No. 12, Daryaimahal Apartment,

referred to

Vasundri Road, Shivshakti Flour Mill,

as consumer)

Manda (W) Tal- Kalyan, Dist- Thane.

Versus

Maharashtra State Electricity Distribution
Company Limited through its
Const. Sub-Division

(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 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 L.T. consumer of the licensee connected to their 415-volt network. Consumer is billed as per industrial tariff. The consumer registered his grievance with the forum on dated 18/05/2006.

The details are as follows: -

Name of the consumer: Shri. Bholashankar R. Dubay.

*Address: - Shop No. 12, Vasundhari Road, SNO 8 8 Flourmill
Manda (W)*

Consumer No: -. 020110101865.

Amount of dispute: - Rs. 5570/-

Period of dispute: - July 2005 to November 2005.

*Reason of dispute: -The meter No. 10668 of L & T make installed
by the licensee at consumer's premises on
22/04/2005 was found slow by 67.6% when
tested at consumers premises by licensee*

on 16/07/2005. The licensee removed the said meter on 18/11/2005 and charged the consumer 2167 units for the amount and period mentioned above.

- 3) The batch of papers containing above grievances was sent by forum vide letter No. 554 dated 18/05/2006 to Nodal Officer of licensee. The letter, however, remained unreplied.
- 4) Two members of the forum heard both the parties on 22/06/2006. Shri Bholashankar R. Dubay, consumer and Shri P.S.Date Assistant Engineer, Shri V.Y. Kamble Assistant Engineer represented licensee. All three members of the forum heard both the parties on 10/07/2006. Shri Bholashankar R. Dubay, consumer and Shri P.S.Date Assistant Engineer, Shri V.Y. Kamble Assistant Engineer represented licensee.
- 5) The consumer in his application grievance has narrated chain of events of making payments of electricity bill on different dates. The consumer in the said application has also claimed that licensee has charged him excessive & exorbitant bill.
- 6) The consumer sought relief from the forum on the following points
 - (i) To refund amount charged based on test results of meter on 16th July 2005.
 - (ii) To refund the cost of meter i.e. Rs. 2250/- charged by the licensee in the last bill of May 2006 because the meter cost Rs.225/- was already recovered by the licensee at the time of

releasing new connection and was paid by him vide receipt no.745197 dt.11/4/05.

(iii) Till dispute is decided and settled the licensee shall be restrained not disconnected his electric supply.

- 7) During hearing on 22nd June 2006, the consumer was asked to narrate grievance. The consumer Shri Bholashankar Dubey disputed the testing of metering done by licensee at his premises on 16th July 2005 on the grounds that the meter was not tested in his presence and his signature was obtained on meter testing report afterwards.
- 8) In order to solve the dispute regarding signature on the meter testing report, Shri Dhurke who had visited the spot while testing the meter was called by forum for cross examination. Shri Dhurke, after cross-examining agreed that the signature of the consumer i.e. Bholashankar Dubey was obtained on the meter testing report afterwards. The consumer also claimed that he had given a letter for checking of the meter to the licensee and accordingly they came for checking of the meter. The consumer was asked to produce same letter but he failed to do so.
- 9) Nodal officer during hearing on 22nd June 2006 pointed out that the meter no.10668 of L & T make installed at the consumer's premises on 16th April 2005 was tested by their staff at the consumer's premises on 16th July 2005 as per scheduled program of checking of meters in that area. The said meter was checked through accucheck meter and it was found to be 67.6 %

slow. The meter testing report prepared on site on 16th July 2005 shows the signature of Bholashankar Dubey but as mentioned in para 7 above the licensee took this signature of the consumer afterwards.

- 10) During hearing on 22/6/2006 it was pointed out by the licensee that consumer has filed civil suit in the court for action of disconnection of supply. The copy of the said suit no.317/2005 filed by the consumer on 25th July 2005 in the City Civil court was produced by the consumer on 10th July 06 to the forum. The study of the papers of the said suit shows that consumer has approached Civil Court, on the action of licensee of disconnection of his supply on 20/7/2005. The study of the said papers indicate that the grievance 67.6 % slow running of the meter of L&T make having sr.no.10668 installed at the consumer's premises on 22nd April 2005 and tested at the consumers premises on 16th July 2005 has not been disputed any where in the suit no.317/2005. The forum has therefore taken up this case has as per para 6.7 (d) of MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulation, 2006.
- 11) The study of the record further shows that the licensee replaced the said meter by meter no.1095016 of Shen Zhen Kaifa Tech Co.Ltd. meter on 18/11/2005.
- 12) Shri Kamble Assistant Engineer of the licensee during hearing on 22/06/2006 submitted to the forum a credit note of RS. 2250/- prepared by him giving credit of cost of meter to the consumer.

He further said that this credit of Rs. 2250/- would get reflected in consumers bill of June 2006.

13) In order to check the accuracy of the meter No. 10668 of L & T make, the forum decided to test the meter in the licensees laboratory in presence of consumer to which consumer agreed. The above said meter was tested in the licensees laboratory on 10/07/2006 in presence of the following person

- i) Shri I.Q. Najam (Chairperson CGRF)
- ii) Smt. V.V. Kalkar (Member CGRF)
- iii) Shri D.B. Nitaware (Member Secretary CGRF)
- iv) Shri M.R. Mehetre (Ex. Engineer Testing of licensee)
- v) Smt. Anita Talele (Junior Engineer Testing of licensee)
- vi) Shri V.Y. Kamble (Assistant Engineer of licensee)
- vii) Shri P.S. Date (Assistant Engineer of licensee)
- viii) Shri R.J. Kulkarni (Sub-Engineer of licensee)
- xi) Shri Bholashankar Dubey (Consumer)

The meter was tested with Rotary Sub Standard meter by connecting all three phases and neutral and was found to be 67% slow. Thereafter supply to each phase of the meter terminal was given step by step and meter was tested and it was found that the meter was showing display on 'R' phase while there was no display on Y and B phases. The examination of body of the meter revealed following observations.

- i) Two rivet seals fixed by the meter manufacturer i.e. L & T were found tampered.

- j) Three lead seals fixed by the licensee there in No. 103 were found intact.
- k) Two paper seals fixed by the licensee bearing No.5828 and 5829 were found tampered.
- l) The meter reading before start of the case was found to be 3215.

In order to compare this L&T meter a new L&T meter was called for and the forum examined setting of new L&T meter and following observations were noted.

- I) All the five seals fixed on the meter were having mark of manufacturer i.e. L&T. It indicates that manufacturer fixed rivet seals on meter.
 - II) Careful comparison of the body seals of both the meters i.e. disputed meter and new L & T meter and comparison of final meter reading i.e. 3213 when the meter was removed on 18/11/2005 and the meter reading before start of the test of the meter on 10/07/2006 i.e. 3215 give reasons to believe that the disputed meter was tampered when it was in possession of the licensee.
- 14) In view of the observations noted in para (13) above, forum is of the opinion that authenticity of the test of meter on site at consumer's premises on 16th July 2005 is doubtful.
- 15) The forum also observed that the supply of the above consumer was disconnected on 20/7/2005 but the energy bills are continued to be sent to the consumer till today and the meter under dispute was also replaced by the meter (as mentioned in

para no (11) on 18/11/2005. The reasons of sending electric bill for the period beyond 20/7/2005 and replacing meter after disconnecting the supply is best known to the licensee.

- 16) The forum, therefore, cannot conclude, giving benefit of doubt to the consumer of the observations made in para (14) above, that the meter is 67% slow.
- 17) After carefully going through the entire material available on record and observation made above para we are inclined to unanimously pass the following order.

O-R-D-E-R

- 1) Observations of the licensee that meter No.10668 of L & T make installed at consumer's premises on 22nd April 2005 was found to be slow by 67.6% when tested at consumer's premises on 16/7/2005, is set aside. The assessment bill based on above test results of the meter of 2167 units i.e. of Rs.5570/- of the period from July 2005 to November 2005 is also set side and quashed.
- 2) No order is passed to refund the cost of meter i.e. Rs.2250/- charged by the licensee in the last bill of consumer of May 2006 as the licensee has given in writing to the forum that they are taking corrective action of giving credit of Rs.2250/- in the bill of June 2006.

3) No order is passed on disconnection of electric supply as the matter is subjudice and pending in Hon City Civil Court, Kalyan in the matter of suit no.317/2005 filed by the consumer on 25th July 2005.

Date 17/7/2006. Csonsumsr

(D.B. Nitnaware)

(V.V.Kelkar)

(I.Q.Najam)

Member Secretary

Member

Chair person

CGRF Kalyan

CGRF Kalyan

CGRF Kalyan