



**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/063/0073 OF 06-07**  
**OF VASSMAL KANDANMAL REGISTERED WITH CONSUMER**  
**GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN**  
**ABOUT THE EXCESS BILLING DUE TO SLOW METER**  
**RUNNING & PENALTY ON EXCESS LOAD USED THAN**  
**SANCTIONED.**

Shri Vassmal Kandanmal

(Here in after

Plot No 33,Saw mill

referred to

Ambarnath, 421501

as consumer)

**Versus**

Maharashtra State Electricity Distribution  
Company Limited through its

(Here in after  
referred to

Deputy Executive Engineer,

as licensee)

Ambarnath Sub Division III.

Ambarnath (W), 421501

- 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 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 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 08/09/2006.

The details are as follows: -

*Name of the consumer: Shri Vassmal Kandanmal*

*Address:- As above*

*Consumer No:-. 021520051098*

Reason of dispute: - Excess billing due to slow meter running & levy of penalty on excess use of load than sanctioned.

- 3) The batch of papers containing above grievance was sent by forum vide letter No.0673 dated 08/09/2006 to Nodal Officer of licensee. The letter, however, remained unreplied.
- 4) All three members of the forum heard both the parties on 28/09/2006 & 10/10/2006. Shri M. S. N. Murthy, Nodal officer, Shri P.S.Date Assistant Engineer, Shri J.T.Ingle Deputy Executive Engineer. Shri R.B.Ghude UDC of licensee & Shri J.K.Chachlani consumer's representative attended hearing on 28/9/06. All above persons & Shri L.B.Khetre Assistant Accountant of licensee attended hearing on 10/10/06.
- 5) Shri Chachlani repeated following grievances mentioned in his application registered with forum on 8/9/06.
  - i) He said that he received a supplementary bill dated 25/4/05 of Rs 17043/- based on assessment of 17.7% slow meter running & penalty on excess connected load.
  - j) He also said that licensee was charging higher fixed charges based on excess connected load than sanctioned load of 17 HP from May 2005 onward till date.
- 6) Shri Ingle of licensee said that their flying squad visited consumer's premises on 24/3/05 & found Elymer make meter No 649305 running slow by 17.7 % when tested by accu check method at site & also found 22.4 HP connected load as against sanctioned load of 17 HP. He further said that a supplementary bill of 17043/- for a period of six moths prior to date of detection of 24/3/05 based on assessment of 17.7% slow meter running & penalty on excess connected load was then sent to consumer on 25/4/05.

- 7) Shri Ingle also said that consumer was charged higher fixed charges based on excess connected load than sanctioned load of 17 HP from May 2005 till date.
- 8) On being cross examined by forum during hearing on 28/9/06 about supplementary billing procedure adopted by licensee, Nodal Officer agreed that he would reexamine the case & would prepare revised supplementary bill on or before 7/10/06 for slow meter running & excess connected load than sanctioned load of 17 HP as per instructions contained in Order 2 of 2003 of Maharashtra Electricity Regulatory Commission (MERC) & provision of Supply Code 2005 of MERC. He also agreed to inform forum about the status of meter No 649305.
- 9) Shri Chachlani during hearing on 28/9/06 agreed that he is prepared to pay supplementary bill as per test result of 24/3/05.
- 10) Shri Ingle made submission vide letter dated 7/10/06 addressed to forum that the meter No 649305 has been replaced by MD meter 1027103 on 14/10/05.
- 11) Shri Ingle revised the bill of Rs 17043/- mentioned in para 6 above, based on 17.7% slow meter running for a period of three months prior to date of detection of 24/3/05 as credit bill of Rs 8519/- & further prepared a debit bill of Rs 5608/- based on 17.7% slow meter running for a period from date of testing i.e. 24/3/05 to date of replacement of meter i.e. 14/10/05.
- 12) Shri Ingle also submitted a revised bill withdrawing higher fixed charges charged on higher connected load of 22.4 HP for a period of 11 months from May 2005 to March 2006 & fixed charges charged on connected of 21 HP for a period of 6 months

from April 2006 to September 2006. The total amounting to credit of Rs 13674/-

- 13) Shri Ingle said that a MD meter has been installed at consumer's premises on 14/10/05 & it was inspected on 14/12/05. The MD recorded in November 05 & December 05 was found to be (after conversion from KVA to HP) 21 HP & 20 HP respectively. He submitted debit bill based on this observation amounting to Rs 3052/-
- 14) Based on bills mentioned in para 11, 12 & and 13 above (credit Rs 8519, debit Rs 5608, credit Rs 13674, debit Rs 3052) a credit Rs 13533/- was worked out & a provisional bill of Rs 53498 was given to consumer on 7/10/06.
- 15) Shri Ingle also submitted that Elymer make meter number 649305 removed on 14/10/05 is available with them.
- 16) Shri Chachlani after receipt of above bill disputed accuracy of meter tested on 24/03/05 by licensee at site & requested forum to test the meter & agreed to settle claim based as per test result. It was then decided, as per request of consumer, to test the meter on 16/10/2006 in the laboratory.
- 17) The meter was tested on 16/10/2006 in the testing laboratory of licensee at Kalyan in presence of Shri M.G. Datir Junior Engineer Shri P.S.Date Assistant Engineer, Shri J.T.Ingle Deputy Executive Engineer of licensee, Shri Chachlani consumer's representative and all three members of the forum and the results obtained are given in table below.

**Meter details: -**

**Make:** Elymar, **Capacity:** 10-40 Amp, **Serial No.** 649305, **Type:** SM 301, **Meter condition:** Neutral link found open at terminal, **Meter body seal:** Two seals provided by manufacturer were found intact. One seal provided by licensee in was also found intact.

**Test Result:** -

**Primary load current:** - 20 Amp, **Power factor:** - 0.6 lag, **Primary voltages:** -240 volts.

Test	KWH on meter	KWH on RSS
Reading after test	25440	1.03 kWH
Reading before test	25439	
Difference	1.00	

**Percentage error of meter**  $= (1.00 - 1.03) / 1.03 * 100 = -2.9126\%$  slow. During test, meter was found to be within permissible limit of error as per rule 57 of Indian Electricity Rules. 1956.

- 18) Now point of decision before the forum is
- i) Was meter No. 649305 in service, at consumer's premises during the period from 24/03/2005 to the date of replacement on 14/10/05, defective?
  - ii) If yes, whether assessment by forum is necessary?
- Replies of the above questions are: -
- i) No
  - ii) Question does not arise.

The contention of licensee mentioned in para 9 that the meter is slow by 17.7 % in no way takes us to conclusion that the meter

during service at consumer's premises was defective. The reading on meter is conclusive proof of the quantity of energy supplied to the consumer. If for no fault of consumer or the licensee a meter has ceased to be correct for any reason whatsoever, the rights & liabilities of both consumer & licensee cannot remain unsettled for any period beyond what is permitted by law in force. Only for that limited period the readings on the meter cannot be taken as conclusive proof of energy supplied to the consumer. In the present case meter had not ceased to be correct during its service on the installation of the consumer. The question of assessment of energy by forum, therefore, does not arise.

- 19) The entire position narrated above leads us to conclusion that action of licensee of preparing bills on the basis of 17.7 % slow running of meter is faulty & need to be reversed.
- 20) After carefully studying the entire development of the episode & thereafter summarizing it, the forum has unanimously reached to a final conclusion to pass the following order for taking further action.

### **O-R-D-E-R**

1. The Elymar make meter number 649305 tested on 16/10/05 in the licensee's laboratory in presence of forum members is, hereby, declared correct.
2. The supplementary bill dated 25/4/05 of Rs 17043/- prepared by licensee based on:-

i) 17.7 % slow running of meter for a period of 6 months prior to date of testing of 24/3/05

ii) and penalty on connected load

is, hereby quashed & set aside.

3. The question of giving credit of Rs 8519/- in the above said bill of Rs 17043/- as worked out by licensee as mentioned in para 11 above, therefore, does not arise.
4. The supplementary bill of Rs 5608/- prepared by licensee based on 17.7 % slow running of meter for a period from date of testing i.e. 24/3/05 to date of replacement of meter i.e. 14/10/05 is also quashed & set aside.
5. The action of licensee in withdrawing higher fixed charges charged on higher connected load of 22.4 HP for a period of 11 months from May 2005 to March 2006 & fixed charges charged on connected of 21 HP for a period of 6 months from April 2006 to September 2006 amounting to credit of Rs 13674/- is correct & upheld.
6. The licensee has installed MD meter at consumer's premises on 14/10/05 & it was inspected on 14/12/05. The MD recorded in November 05 & December 05 was found to be (after conversion from KVA to HP) 21 HP & 20 HP respectively. The action of licensee in preparing debit bill based on this observation amounting to Rs 3052/- is also correct & upheld.
7. A credit of interest & delayed payment charges if already charged on:-
  - i) 17043/- &



- ii) on amount of fixed higher fixed charges charged during the months of May 2005 to September 2006 should also be given in consumer's bill.
8. The provisional bill amounting to Rs 53498/- given to consumer on 7/10/06 should be revised as per order contained in above paras. The revised bill should be sent to consumer before next billing cycle.
9. Consumer can file appeal against this decision with the Ombudsman at the following address.

Maharashtra Electricity Regulatory Commission, 606/608,  
Keshav Building, Bandra Kurla Complex, Mumbai 51

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

10. Consumer, as per section 142 of Indian Electricity Act 2003, can approach Maharashtra Electricity Regulatory Commission at the following address

Maharashtra Electricity Regulatory Commission,  
13<sup>th</sup> floor, World Trade Centre, Cuffe Parade, Colaba, 400005.

for non-compliance, part compliance or delay in compliance of this decision issued under "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressed Forum & Ombudsman) Regulation 2006".

**Date:- 18/10/06**

**(Sau V.V.Kelkar)**

**(I.Q.Najam)**

**Member**  
**CGRF Kalyan**

**Chair person**  
**CGRF Kalyan**

**(Nitnawre)**  
***Member Secretary***  
**CGRF Kalyan**