



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
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Date of Grievance : 06/05/2013
Date of Order : 13/11/2013
Period Taken : 191 days

IN THE MATTER OF GRIEVANCE NO. K/E/714/844 OF 2013-14 OF SHRI DILIP J. THAKKAR OF MANDAWANE VILLAGE, KARJAT, DIST- RAIGAD REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT EXCESSIVE ENERGY BILL

Shri Dilip J. Thakkar,
Plot No.10, River Touch Resort,
Mandawane Village, Karjat,
Dist. Raigad
Consumer No. 026770308380

(Here-in-after
referred
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its
Exe. Engineer (Adm), Pen Circle

(Here-in-after
referred
as Licensee)

Appearance : - Consumer - Not appeared in person but responded by e-mail and letters.

For Licensee - Shri Khandare, Exe. Engineer, Pen Circle, Pen
Shri Ghulane, Asst. Engineer, Pen Circle, Pen
Mr. D.B. Deshmukh, Officer

(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 Residential supply from the Licensee. The Consumer is billed as per said tariff. Consumer registered grievance with the Forum on 15/3/2005 for Excessive Energy Billing.
3. The papers containing above grievance were sent by Forum vide letter No. EE/CGRF/Kalyan/0283 dated 17/5/2013 to Nodal Officer of Licensee. The Licensee filed its reply dated 26/6/2013 received in this Forum on 27/6/2013 along with CPL. Even further, reply placed on record dated 3/9/2013, 17/9/2013 and Consumer responded those contentions through his e-mails dated 10/9/2013, 28/9/2013, 28/10/2013.
4. In this matter, we have no benefit of personally hearing the Consumer who is busy in his professional work and relied on his replies and sought order. We heard the Officers of Licensee and gone through the reply filed by them. On the basis of the facts disclosed, following details are noted:-
 - a) Consumer is having Residential supply to his Residence at Karjat which he claimed it as second home, from 15/3/2005.
 - b) Consumer has paid the bills which were issued to him from time to time up to November 2011.
 - c) Consumer received bill of December 2011 covering the period from 20/11/2011 to 20/12/2011 wherein consumption of units shown to the tune of 2011 and total bill was for Rs.20,267/-; along with arrears, it is shown to the extent of Rs.22,399/-. On this aspect, he had addressed letter to the Officers of Licensee, i.e. Karjat Office on 27/7/2012. Thereafter he has

addressed letter dated 28/1/2013 to the Karjat Sub Division of the Licensee and even he had approached Hon'ble Electricity Ombudsman, Mumbai with his Grievance Application dated 30/4/2013 in response to which Hon'ble Electricity Ombudsman, Mumbai directed the Consumer to approach this Forum by letter dated 6/5/2013. Accordingly, he approached his Forum by sending his grievance through Speedpost dated 11/5/2013 which is received by this Forum on 15/5/2013.

- d) On receiving the grievance notice was issued to both sides on 11/5/2013 for attending this matter on 10/6/2013
- e) Consumer was not available on 10/6/2013, he had requested to fix the matter after receiving the Say of the Licensee hence matter was adjourned to 26/6/2013.
- f) On 26/6/2013, the Officers of Licensee attended; placed on record a short reply along with CPL contending that billing is as per the meter reading; there is no abnormality, hence matter be disposed off. Consumer on that day was not present; hence matter was adjourned to 23/7/2013. At the same time, the Officers of Licensee was directed to forward the copy of Say to the Consumer.
- g) Thereafter this matter was rescheduled for hearing and fixed on 6/8/2013. Thereafter it was adjourned to 19/8/2013, then to 27/8/2013. However, on 26/8/2013, Consumer has addressed a submission to this Forum contending that his house at Karjat is a holiday home wherein he is visiting once in two/three months staying there for one or two days and hence, bill received is totally disproportionate as against his routine bill was Rs.2,000/- per month. On 27/8/2013, matter was adjourned to 3/9/2013 and further it was adjourned to 17/9/2013. On 3/9/2013 on behalf of Licensee detailed reply

was again placed on record clarifying that bills are as per the readings, reading is correct, complaint is delayed one and is after-thought. Its copy was directed to be served on the Consumer and on receiving it, Consumer replied it on 10/9/2013 wherein he made it clear that Licensee is directed to explain how for two months, there is increase in the consumption disproportionately. Accordingly, when matter was taken up on 17/9/2013, on behalf of Licensee further submissions are given contending that meter of Consumer is tested and during testing, it is found it is within the class of accuracy, there is no any abnormality and hence, the reading recorded and billed is correct. Along with it, testing report copy is also placed on record; its copy was also directed to be served on the Consumer who was not present and adjourned date was communicated to the Consumer as it was fixed on 30/9/2013.

- h) On receiving the intimation of adjourned date of 30/9/2013 and reply of Licensee, the Consumer addressed a letter to this Forum on 28/9/2013 and communicated that contention of the Licensee is not correct; though reading was normal except for the disputed period, the Consumer was trying to enquire into it and when he was satisfied, he has filed the complaint which is not after-thought. Secondly he contended that when the Officers of Licensee claimed that meter is replaced and tested, it shows that said earlier meter was defective; was giving wrong readings and those erratic readings led to huge bills. He contended that he should not be taxed or penalized for this act of administration. He once again requested to decide the matter on the basis of material placed on record. Accordingly on 30/9/2013, this Forum reserved it for orders.
- i) During the process of preparing for Order, this Forum perceived that as there is a development of meter being tested, and found okay, it was

necessary to bring it to the notice of the Consumer the provisions pertaining to the meter checking, vide MERC Supply Code 14.4 and hence, he was communicated vide letter dated 22/10/2013, through e-mail which he responded on 28/10/2013. In his reply, he stated as under:-

“....it is very kind of you to draw my attention to the provisions for testing and maintenance of electric meter.

My case is that, my meter was replaced by the Licensee only after my complaint of excess billing as the early meter was erratic whereby it gave reading which lead to excessive billing of Rs.40,000/- and Rs.60,000/- for 2 – 3 months. This was extremely excessive as compared to earlier bills of within Rs.100/-. Now after replacement of meter the billing has come back to normal.

Hence it proves my point that excessive amount was charged to me only because of effective meter and not because of my excessive consumption. In that case the excessive amount charged to me should be refunded to me, this is my request....”

Consumer has even enclosed one paper cutting to highlight the fact that some owners of such second homes in the vicinity of Karjat have made a grievance about such inflated bills. Consumer has forwarded with his letter dated 11/11/2013 one more paper cutting dated 9/11/2013 of similar nature.

- j) Accordingly, though Consumer was made aware of the provision of meter testing and he can seek testing of meter through NABL, and if he chooses, he may consider it and in case he chooses for testing, he is required to deposit the amount of testing which is to be refunded to him in case report is in his favour, however, he has not opted for such testing of meter through NABL.

5. The aforesaid factual aspects clearly demonstrates that Consumer received bills for the month of Dec. 2011 of 2011 units, for Jan. 2012 of 566 units, and for Feb. 2012 he received bill for units 4300. Accordingly, for the month of Dec. 2011 bill was for Rs.20,267/- and for Feb. 2012 it was for Rs.42,005/-. Accordingly these two months are in dispute and this aspect, the Consumer claimed that it is due to erratic reading reflected. Further he contended that it is a defective meter which is replaced subsequently after his complaint and for the said defective meter he cannot be penalized.

As against it, on behalf of Licensee it is submitted that bills are issued as per the readings reflected. It is contended that in the initial reply, copy of CPL was submitted and it was contended that bills are issued as per the readings and there was no abnormality. Further, it is contended that even the said meter was replaced and tested which was found okay, there was no any defect at all and it supports the contention that there is no fault / defect in the meter and bills issued are as per the reading. An attempt is also done to place on record the various electric gadgets available in the house of the Consumer.

The aspect of subsequent testing of meter, the Officers of Licensee is trying to read it in favour of the Licensee and Consumer is trying to brand it as a subsequent act due to his complaint and it supports his plea that it was defective.

However, one thing is clear, the Licensee taken a liberty to confirm the position of the disputed meter or its working by subsequently testing it in its laboratory and result was found okay and there was no any defect as such. This particular aspect was brought to the notice of the Consumer and as stated earlier, he came up with a contention that the defect itself is clear from this report and hence the meter is replaced. When these two pleas were available, for this Forum for consideration, we found fit to make aware the Consumer about

the aspect of meter testing and his choice if he intends for testing of the said meter in the NABL. Accordingly, the relevant extract of the regulation was forwarded to him seeking his reaction to which he clarified that matter be decided as per his contention. In other words he has not sought testing of meter through NABL.

6. We are now confronted with a position that initially both sides were sticking up to their contention that as per the Consumer meter was erratic and as per the Licensee there is no abnormality and reading is as reflected in the meter whereas at a latter stage, the Officers of Licensee got the said meter replaced and tested and found it was okay. This particular development brought to the notice of the Consumer along with the provisions of Regulation about his option to have the meter tested through NABL which he has not chosen and now we find that the Consumer is coming up with a plain contention that previously or subsequently, there was no any such heavy consumption of energy reflected and hence, it is a defect in the meter; it is erratic, and as per the Licensee reading reflected in the meter is correct; meter is not defective or it was not erratic which is confirmed in testing. The contentions of both sides are clear but question is whether meter is defective or erratic. Consumer is seeking an inference in his favour about the working of the meter whereas the Officers of Licensee are contending that they are banking on the reflected reading in the meter which on testing found not defective. Herein, the Officers of Licensee, though at a belated stage, thought it fit to have the meter tested and testing report is okay. Replacement of the meter stated by the Officers of Licensee whereby it was taken for testing, hence, question comes up whether only this replacement is to be read as contended by the Consumer treating it as a defective meter. This could have been upheld if there would have been some effort from the Consumer side to have a technical report from NABL about the meter's working. To draw inference is one thing, but when this is a technical

aspect it was necessary to have a rebuttal with a technical testing which is not resorted to by the Consumer. In this light, we find that the Consumer is relying on the basis of inference, the Officers of Licensee are relying on the basis of readings reflected and meter testing report which is found okay.

7. Considering the aforesaid facts and the analysis worked out, it is clear that though meter's working is inferred by the Consumer as erratic or defective, it is not supported with any technical report. On the other hand, Licensee succeeded in relying on the testing report which demonstrated that there is no any defect in the meter. In result, we are not able to uphold the grievance of the Consumer. Consumer tried to highlight the common grievance of many such Consumers by placing on record two paper cuttings, but a generalized statement will not prove the independent case. Hence, no more comments are required on it. In result, this grievance is to be dismissed.
8. This matter could not be decided within the prescribed time as the parties engaged in taking dates due to various reasons, which is clear from aforesaid details.

Hence the Order

O-R-D-E-R

The grievance of the Consumer cannot be upheld.

Date : 13/11/2013

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”

- c) It is hereby informed that if you have filed any original documents or important papers you have to take it back after 90 days. Those will not be available after three years as per MERC Regulations and those will be destroyed.