



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/068/0078 OF 06-07 OF**  
**SMT SHANTADEVI SHANTILAL JATALE REGISTERED WITH**  
**CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE,**  
**KALYAN ABOUT THE REFUND OF EXCESS AMOUNT PAID DUE TO**  
**ERRONIOUS BILLING.**

Smt Shantadevi Shantilal Jatale

(Here in after

Plot No 491 Sai Section,

referred to

Ambarnath (E)

as consumer)

**Versus**

Maharashtra State Electricity Distribution  
Company Limited through its Deputy  
Executive Engineer Ambarnath  
Sub Division Ambarnath

(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 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 residential tariff. The consumer registered her grievance with the forum on dated 18/10/2006. The details are as follows: -  
*Name of the consumer: Smt Shantadevi Shantilal Jatale*  
*Address: - As above*  
*Consumer No: - 021520350583*  
*Reason of dispute: - Refund of excess amount of Rs 128470 paid due to wrong billing.*
- 3) The batch of papers containing above grievance was sent by forum vide letter No.0710 dated 18/10/2006 to Nodal Officer of licensee. The letter, however, remained unreplied.
- 4) All three members of the forum heard both the parties on 09/11/2006. Shri Shantilal Jatale representative of consumer and Shri M. S. N. Murthy Nodal Officer, Shri N. A. Bellary Deputy Executive Engineer, Shri P.S. Date Assistant Engineer & Shri D. S. Singh Junior Engineer & Shri K. S. Mukane LDC of licensee attended hearing.

- 5) Shri Shantilal Jatale during hearing on 9/11/06 said that he intends to rely on submission made by consumer in her application to forum.
- 6) Consumer in her application had stated that: -
- (i) Users of energy recorded through meter numbers 9000206803 (bill sent to consumer of Rs 128470/- as meter found tampered) & 9001267201 (fixed after replacement of above meter) are two senior citizens aged 69 years (applicant) & 74 years (applicant's husband).
  - (ii) Average monthly power consumption during the year 2003 & 2004 when meter numbers 9000206803 & 9001267201 were in service were 219 units & 168 units respectively.
  - (iii) Assumed power consumption based on use of load was 170 to 190 units per month.
- 7) Consumer alleged in her application that it is a normal practice of licensee's staff to temper with meter & its seals under the pretext of inspection. She further mentioned in her application that on 14/2/06 @ 15.00 hours Shri D.S. Singh Junior Engineer with his assistant tempered seal of Gautam Hospital in absence of doctors in spite of objecting by nursing staff & they came without any identity & authority letter from licensee for inspection.
- 8) She further alleged in her application that licensee's staff by doing so collects money from senior citizens & white colored people by threatening on the grounds of slow meter running, power theft, police complaints & false publicity in news papers of having collected revenue for department. She attached with her application newspaper cutting dated 20<sup>th</sup> April 2004 of Sakal Marathi paper where news of trap of one

Junior Engineer at Dombivali led by Anti Corruption Bureau Thane was published.

- 9) Shri Murthy said their staff on 6/2/04 inspected consumer's premises & it was found that the seals of meter were tampered & meter was running slow by 50.56 %. The consumer was sent a bill of Rs 128470/- as per section 126 of Electricity Act, 2003 (EA, 03). He paid the said bill on 09/02/04 without any protest. As per provision contained in regulation 6.6 of Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulation, 2006 (MERC, 2006) it is a time barred case as cause of action had arisen on 6/2/04 & consumer filed application of grievance with forum on 13/10/06 & as such forum cannot admit this case. He further said that consumer can file an appeal as per section 127 of EA, 03.
- 10) Forum members asked Murthy to submit his say in writing on or before 16/11/06 to which he agreed.
- 11) Shri Murthy Nodal Officer made following submission vide letter No. 4457 dated 15/11/2006.

The meter installed at consumer's premises, when checked on 06/02/2004 was found to be 50.56% slow and meter seals were found tampered. Y and B phase PT links were found open and excess load of 8.86 kw over and above sanctioned load of 3.7 kw was found. Dr. Gautam Jatale signed the site inspection report prepared by licensee's staff. Licensee has issued the bill of Rs. 1,28,470/- as per their condition of supply at Sr. No. 31(e) as per practice. MERC's electricity supply code and other condition of supply regulation came into force from 20/01/2005. As consumer has paid the bill no further action was taken by licensee. Consumer submitted an application to licensee on

21/03/2006 and subsequently approached to forum. In above context Mrs Jatale is not admissible to admit her case in CGRF as per clause No. 6.6 of MERC, 2006.

- 12) Nodal Officer claimed during hearing on 09/11/2006 that the consumer has been sent a bill of Rs.1, 28,470/- as per section 126 of EA, 2003. The study of this bill of Rs.1, 28,470/- shows that the licensee has prepared that bill of 36 months preceding the date of inspection i.e. 6/02/2004 on the basis of 50.56% slow running of meter No. 9000206803 and excess load found at consumer premises. Section 126 of EA, 2003, stipulates that the assessing officer (in the present case assessing officer declared by the Government for assessing consumption of L.T. consumer is Deputy Executive Engineer of the licensee) can provisionally assess the electricity charges payable by consumer who is indulging in unauthorized use of electricity through tampered meter. Licensee claimed that seals of meter were found tampered and meter was running slow by 50.56 % as found during inspection of consumer's premises on 06/02/2004. Sub Section 5 of section 126 of EA, 2003 further lays down that such unauthorized use of electricity should be presumed as continuing for the period of three months immediately preceding the date of inspection in the case of residential consumer. The reason of preparing a bill of 36 months instead of three months as mentioned above, immediately preceding the date of inspection, is best known to licensee. In the letter dated 15/11/2006, the reason of mentioning MERC's electricity supply code of 20/01/2005, when the bill was prepared by licensee and sent to consumer on 6/02/2004, is also not understood by the forum. Nodal Officer said that consumer can file an appeal as per section 127 of EA,

2003 against the assessment of above bill of Rs. 1,28,470/-. It is to be noted that the appellate authority in this case is Chief Engineer (Electrical) P.W.D Mumbai. The appeal is required to be made by the consumer within 30 days from the date of assessment of above bill of Rs. 1,28,470/-. The consumer cannot file an appeal against this assessment of Rs. 1,28,470/- of dated 06/02/2004, as it is time barred as more than 30 days have passed.

- 13) Regulation 6 of Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulation, 2006 prescribes the procedure for redressal of grievance. Regulation 6.6 of above said regulation 6 reads as under.

*The forum shall not admit any Grievance unless it is filed within two (2) years from the date on which the cause of action has arisen.*

The cause of action in this case is on 06/02/2004 i.e. the date when licensee's staff inspected the premises of consumer and found that the seals of meter were tempered and meter was running slow of 50.56%. The consumer has filed grievance with forum on 13/10/2006 (received application by forum on 17/10/2006 and registered on 18/10/2006). The forum, therefore, decides not to admit the case for further proceeding and decision as it is a filed by consumer after two years from the date on which a cause of action has arisen.

- 14) Consumer can file appeal against above 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 this order.

**Date: - 16/11/06**

**(Sau V.V.Kelkar)**  
**Member**  
**CGRF Kalyan**

**(I.Q.Najam)**  
**Chair person**  
**CGRF Kalyan**

**(D.B.Nitnawre)**  
***Member Secretary***  
**CGRF Kalyan**