



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/228/252 OF 2009-2010 OF
M/S. URMI CONSTRUCTION, VASAI REGISTERED WITH CONSUMER
GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT
EXCESSIVE BILLING.

M/s. Urmi Construction
Plot No. 18, Urmi Apartment,
Flat No. 102, Fatherwadi
Gokhiware, Vasai (East) Dist.Thane

(Here-in-after
referred
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its
Dy. Executive Engineer
Vasai Road (East) Sub-Dn.
Vasai, Dist. Thane.

(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 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 Residential consumer of the licensee having sanction load of 0.60 KW. The Consumer is billed as per Residential tariff. Consumer registered grievance with the Forum on 15/04/2009 for Excessive Energy Bills.

The details are as follows: -

Name of the consumer :- M/s. Urmi Construction

Address: - As given in the title

Consumer No : - 001590450452

Reason of dispute: Excessive Energy Bills.

- 3). The batch of papers containing above grievance was sent by Forum vide letter No EE/CGRF/Kalyan/344 dated 15/04/2009 to Nodal Officer of licensee. The licensee filed reply vide letter No. DYEE/VSI/(E)/B/3699, dated 07/05/2009 in the form of letter addressed to the consumer with a copy to this Forum.
- 4) The consumer has raised these grievances before the Executive Engineer (O&M) Division, MSEDCL, Vasai Division, on 29/01/2009. The said Internal Redressal Cell did not give any hearing to the consumer & also did not send any reply resolving the said grievances to the consumer. Therefore, the consumer has registered the present grievance before this forum on 15/04/2009.
- 5). The forum heard both the parties on 07/05/2009 @ 16.00 Hrs. in the meeting hall of the Forum's office. Shri Harshad Sheth, representative of the consumer, Shri Shidore, AE and Shri S.B.Hatkar, 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 and the same are not reproduced to avoid repetition.

- 6). The following grievances raised by the consumer in its letter dated 29/01/09 sent to the concerned Executive Engineer of which copy the consumer has attached with the grievance made before this forum, arise for consideration, and considering the reply dtd. 07/05/09 filed by the licensee, record produced by the parties, and submissions made by the parties, the finding or resolution on each of such grievance is given against it, for the given reasons.
- 7). The consumer claims that Shri Pallav is having charge of the flat having the above referred electric connection. Shri Pallav is working at SSF Plastics, Gala No. 08, Bitu Industrial Estate, Chinchpada in industrial area of Vasai. Shri Pallav is receiving bills on RNT (reading not taken) basis. The meter reading is 3793 since April 08. The meter photograph has not been displayed in the bills upto June 08. A photograph of meter is displayed on the bills issued from July onwards. However, the said photograph of meter on the said bills is not the photograph of the meter of consumer. Slip having number of the meter of the consumer is pasted and arbitrary meter with contradictory reading is displayed. Reading for Dec. 08 is shown as 10148 and meter status is shown as "INACCS". The above referred acts are serious offences and violation of regulations and act.
- 8) The consumer further claims that it was billed on average basis of 6 units per month till Oct. 08. The bill for the month of Dec. 08 is falsely prepared and readings are manipulated with average 1059 unit per month. For the same months, changes are made at later stage and shown exaggerated billing from Rs. 50 per month to Rs. 6900 per month from respective date

and accumulated dues of Rs. 47340 are shown in Dec. 08. It claims that it received bills on the average consumption of 6 units for the months July 08 to Oct. 08 and received bill for Dec.08 for consumption of 1271 units.

- 9) The consumer further claims that thus the licensee has issued bills for imaginary and arbitrary consumption without taking actual reading for number of months in contravention of the provisions of clause numbers 15.3, 15.3.1, 15.3.2, 15.3.5, 14.3, 15.2.5 of the MERC (Electricity Supply Code and other conditions of supply) Regulations 2005 (herein after referred as Regulations 2005 only). It has further claims that since the licensee has been issuing bills for imaginary and excessive consumption, it has not paid the same. It has prayed that (1) The licensee be directed to revise current bill by deleting all false entries of 1271 units monthly consumption, irrational proportionate electricity duty, FAC, additional charges, interest, DPC, so that it can pay the amount of such bill. (2) Compensation at the rate of Rs. 100 for the delay of first month and at the rate of Rs. 200 per month for further delay, for not taking the meter reading once in two months be awarded to it and the licensee be directed to pay the same to the consumer. (3) Consumer has given it's phone number and the licensee may intimate the probable date on which the meter reading will be taken, so that consumer shall remain present at such time. (4) The licensee be directed not to threaten disconnection of the supply to the consumer. (5) The licensee be directed to pay compensation of Rs. 5000 for harassment and threatening and physical visits torture. The grievance application has been filed by Shri Pallav, who is allegedly in-charge of the said flat having the concerned eclectic connection, as a authorized signatory for the consumer.

- 10) The licensee vide reply dt. 07/05/09, claims that the bills have been issued to the consumer as per consumption recorded by meter upto June 08. The bill for the month of Nov. 08 has been issued to the consumer by showing the current reading as 10148, and past reading as 3793 i.e. for 6355 units for five months. The said installation has been checked by it's Jr. Engineer, Gokhiware on 30/03/09 showing reading 03793 with remark as "Room locked, no use". A proposal for the revision of the bill has been prepared and submitted to competent authority for approval. On receipt of approval, minus B-80 will be fed to system and correct bill will be issued to the consumer.
- 11) As to the above referred first, third and fourth prayer - Regarding issue of suitable directions to the licensee etc. : It is clear from the copies of bills for the period April 08 to Dec. 08 filed by the consumer that in all the said bills excluding the bill for Dec. 08, the last reading in the meter is shown as 3793 and in all such bills except the bill for month May 08, the current reading is shown as RNT, the current reading in the bill for May 08 is shown as the same as last reading i.e. 3793, and in the bill for Dec. 08, the last reading is shown as 10148 and the current reading is shown as INACCS and the said bill is issued for 1059 units. Thus the said bill for Dec. 08 is apparently incorrect and other bills for the above referred other months i.e. from April 08 to Nov. 08 are issued for 6 units as average consumption without taking actual reading as the concerned flat was locked or inaccessible. Shri Pallav through whom the consumer has filed the present grievance also claims that he is not using the said flat though the said flat is in his charge. Therefore, the above referred bills appear to be result of the fact that Shri Pallav is not residing in the said flat and therefore, the meter reader is not taking actual readings in the said meter

and the bills are being issued either for average consumption or showing incorrect readings. It also appears to be result of absence of co-ordination in between Shri Pallav and the concerned employee or agency of the licensee for taking reading of the meter in the said flat, and failure on the part of licensee to take suitable action for taking actual reading of the meter by resorting to the provisions of clauses 15.3.2 of the Regulations 2005. The Jr. Engineer, Gokhiware also appears not to have taken actual reading of the said meter at the time of checking on 30/03/09 as claimed by licensee and therefore, it is doubtful as to how far the B-80 proposal for revision of the bill said to have been submitted to competent authority is correct. The licensee has not given details of the said B-80 proposal in it's reply. Considering the above facts and to set the things in right directions, licensee is directed (1) to get the reading in the said meter through proper employee in presence of Shri Pallav after giving him notice on the address to be supplied by the consumer within five days from the date on which it shall receive copy of the decision in this case and then re-submit B-80 proposal for revision of the latest bill issued to the consumer, take steps for installing the concerned meter in the portion of the said flat which will remain accessible to the employee of licensee for taking meter reading, issue bills for current consumption with a note regarding the arrears for which B-80 proposal will be sent, accept the amounts of such bills and not to take action of disconnection in case the consumer pays the current bills till finalization of B-80 proposal and issue of correct revised bill for the arrears.

- 12) As to the above referred second prayer - Regarding compensation for not taking meter reading timely : It is already discussed above that the licensee has not taken meter readings of the consumer regularly from April

08 to Dec. 08. The copy of the bill for April 08 shows that the current reading of the meter for the said month was not taken. However, the bill for May 08 shows that the current reading was taken as 3793 which was the same as earlier reading 3793. The bills for the month July 08 and Aug. 08 show that the same were issued without taking meter reading, when the licensee was obliged to take reading atleast once in two months. The bills for subsequent period i.e. for Sept. 08, Oct. 08 and Dec. 08 i.e. for subsequent four months show that the meter readings were not taken during the said period. Therefore, as per Clause 7 (i) of the Appendix A to MERC (Standard Of Performance of Dist. Licensees etc.) Regulations 2005, the consumer is entitle for compensation of Rs. 100 for the delay of first month and at the rate of Rs. 200 per month for the subsequent delay of three months i.e. total Rs. 700. Therefore, the licensee is directed to pay compensation of Rs. 700 (Seven Hundred only) to the consumer for the delay in taking meter readings and credit the said amount to the consumer in the ensuing bill within a period of 90 days from the date of decision in this case.

- 13) As to prayer No. 5 for compensation of Rs. 5000 for harassmt etc. : Considering the circumstances and facts of the case as discussed above, no case is made out for compensation for harassmt, threatening and physical visit torture and hence prayer of the consumer for the same is rejected.
- 14). In view of the findings on the grievances and prayers of the consumer as above, the forum unanimously passes the following order.

O-R-D-E-R

- 1) The grievance application is partly allowed.
- 2) The licensee to comply the directions given in above para Nos. 11 and 12.
- 3) Prayer of the consumer for compensation of Rs. 5000 for harassment etc. Is rejected.
- 4) The Compliance should be reported to the forum within 90 days from the date of decision.
- 5) 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 Building, Bandra Kurla Complex, Mumbai 51”

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

- 5). Consumer, as per section 142 of the Electricity Act, 2003, can approach Maharashtra Electricity Regulatory Commission at the following address:-
“Maharashtra Electricity Regulatory Commission, 13th floor, World Trade Center, Cuffe Parade, Colaba, Mumbai 05”

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”

Date : 03/06/2009

(Sau V. V. Kelkar)
Member
CGRF Kalyan

(R.V.Shivdas)
Member Secretary
CGRF Kalyan

(M.N.Patale)
Chairman
CGRF Kalyan