



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/076/0086 OF 06-07 OF
SHRI VIRENDRAKUMAR GUPTA REGISTERED WITH CONSUMER
GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN
ABOUT ASSESSMENT OF ENERGY CHARGES FOR SLOW METER
RUNNING.**

Shri Virendrakumar J. Gupta

(Here in after

503/A3, Shankeshwar Nagar,

referred to

Manpada, NearAnand Chemical,

as consumer)

Nandiwali, Dombivli (E)

Versus

Maharashtra State Electricity Distribution
Company Limited through its Assistant
Engineer, Sub Division 3, Kalyan (E)

(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 grievance with the forum on 25/01/2007.

The details are as follows: -

Name of the consumer :- Shri Virendrakumar J. Gupta

Address: - As above

Consumer No: - 020420013818

Reason of dispute: - Assessment of energy charges of six months amounting to Rs 8460/- for 1298 units for slow running of meter due to tempering.

3) The batch of papers containing above grievance was sent by forum vide letter No.0801 dated 25/01/2007 to Nodal Officer of licensee. The letter was replied by Assistant Engineer Sub Division 3 Kalyan (E) of licensee vide letter number 193 dated 12/2/07.

4) All three members of the forum heard both the parties on 15/2/07. Smt Shivkumari Gupta representative of consumer and Shri P. M. Hundekari Assistant Engineer, Shri M.A. Atre Assistant Engineer & Shri H. D. Sakpal LDC representatives of licensee attended hearing.

5) Smt Gupta during hearing & in her application made submissions. The abstract of her submission are given below.

- i) Licensee's staff came to her house on 31/7/06 & after checking meter forcibly took the signature of her son Shri Vishal Gupta who is 15 years old.
- j) Next day she visited licensee's office & requested for rechecking of meter in her presence. She followed with licensee & requested in writing to licensee on 24/8/06 for rechecking of meter.
- k) No action was taken by licensee till 16/9/06. On her visit to licensee's office on 16/9/06 she was informed that her old meter has been replaced by new meter.
- l) The old meter removed by licensee was tested on 17/9/06 & it was found running 4.5 % fast.
- m) The licensee disconnected her supply on 11/10/06 & asked her to pay bill number 40 of September 2006 of Rs 9260/- (including arrears of Rs 8460/-) threatening that for non payment of bill the licensee would report to the employer of her husband who is an employee of BMC & there is a danger to his service.
- n) The licensee's staff also took her signatures on 2-3 blank papers.
- o) She paid the bill of Rs 9260/- on 17/10/06 & her supply was restored.

6) Shri Hundekari during hearing & in his letter mentioned in Para 3 above made submissions. The abstract of his submissions are given below.

- i) The meter number 71588 in service at the consumer's premises was tested on 31/7/06 by accu check method by our staff & was found 75.41% slow. The meter test report was signed by one

Shri Vishal Gupta representative of consumer present at consumer's premises. We do not know about the age of Shri Vishal & hence no comment.

- j) We deny of having tested meter on 17/9/06. Smt Gupta also could not produce any meter test report in support of her allegation that the said meter was tested by us on 17/9/06 & found to be 4.5 % fast and as such her allegation is baseless.
- k) We sent a letter dated 19/09/06, which was acknowledged by her, & asked her to remain present on 21/9/06 at 15 hours for witnessing test in our laboratory.
- l) The test however could not be carried out on the said date & the meter was tested on 25/09/06 between 11 hours to 12 hours at our laboratory.
- m) A punchnama was made (copy submitted with letter) & the said meter was found tempered. The lead seals of meter were found broken. On opening of meter red indicator wire was also found broken. The white plastic cover of main indicator was also found partly damaged.
- n) The panchnama was signed by Smt Gupta.
- o) We deny that we had threatened her about writing letter to BMC which would result in putting her husband's service in danger. We deny that we had taken her signatures on blank paper. Her allegations are baseless.
- p) Shri Hundekari said that bill for assessment of energy for six months amounting to Rs 8460/- for 1298 units has been sent to consumer as the consumer is involved in theft of energy. This bill

has been sent as per provision of section 135 of Electricity Act, 2003.

- 7) Looking to the matrix of the case & documents on record and submissions made during the hearing make it abundantly clear that the consumer had indeed consented to the Act of theft, although he did not accept the action taken by licensee. The licensee has prepared a bill of assessment of charges for six months amounting to Rs 8460/- for 1298 units as per regulation 8.6 of Maharashtra Electricity Regulatory Commission (Electricity Supply Code & Other Condition of Supply) Regulation, 2005 read with section 135 of Electricity Act, 2003.
- 8) Regulation 6.8 of Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulation, 2006 prescribes that if the Forum is *prima facie* of the view that any Grievance referred to it falls within the purview of the following provisions of the Act the same shall be excluded from the jurisdiction of the Forum:
- (b) Offences and penalties as provided under sections 135 to 139 of the Act;
- There is no reason to arrive at any other conclusion. The Forum is of the opinion that this case falls under section 135 of the Electricity Act, 2003. As such, it is clearly outside the ambit of the Forum. The Representation is, therefore, disposed off as being beyond the jurisdiction.
- 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 this decision.

Date: - 22/02/07

(Sau V.V.Kelkar)

Member

CGRF Kalyan

(I.Q.Najam)

Chair person

CGRF Kalyan

(D B Nitnaware)

Member Secretary

CGRF Kalyan