



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/077/0087 OF 06-07 OF
DOMBIVLI NAGARI SAHAKARI BANK LTD. REGISTERED WITH
CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE
KALYAN ABOUT THE REFUND OF EXCESS AMOUNT PAID DUE TO
EXCESS BILLING.

The Manager

(Here in after

Dombivli Nagari Sahakari Bank Ltd.

referred to

Everest House, Kopar Road,

as consumer)

Dombivli (W).

Versus

Maharashtra State Electricity Distribution

(Here in after

Company Limited through its

referred to

Deputy Executive Engineer Dombivli

as licensee)

(W) Sub Division Dombivli

- 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 commercial tariff. The Manager Dombivli Nagari Sahakari Bank Limited registered grievance with the forum on dated 12/02/2007.

The details are as follows: -

Name of the consumer:-The Manager Dombivli Nagari Sahakari Bank Ltd.

Address: - As above

Consumer No: - 020011553975.

Reason of dispute: - Incorrect billing in the billing months from June 2001 to June 2002.

- 3) The batch of papers containing above grievance was sent by forum vide letter No.0823 dated 12/02/2007 to Nodal Officer of licensee. The letter, however, remained unreplied.
- 4) All three members of the forum heard both the parties on 01/03/2007 & 08/03/07. Smt S. S. Behere Bank Manager and Shri M. A. Atre, Assistant Engineer, Shri S. R. Garud Deputy Executive Engineer, Shri V. N. Mandle Assistant Accountant representatives of the licensee attended hearings.

5) Smt Behere made certain submissions during hearings on 1/3/07 & 8/3/07. Later she submitted a written statement on 8/3/07. Brief summary of her oral submissions & submissions made in consumer's application & in above said statement, which have relevance & direct bearing in the matter of grievance, are reproduced.

- i) The bills received from June 2001 to June 2002 are showing consumption recorded on meter numbers 335284 & 335248.
- j) The consumption recorded on these meters are much higher as compared to the consumption recorded during earlier period & after installation of new meter number 400107 on 15/3/02.
- k) The consumer followed up with licensee on 11/1/02 & expressed that excessive bills might be due to faulty meter recording. The consumer paid Rs 225/- on 6/3/02 as testing fees to licensee & requested for testing of meter number 335248.
- l) Licensee installed another meter number 400107 on 15/03/02 & informed consumer vide their letter dated 22/07/03 that the meter number 335248 has been tested in their laboratory & found to be within permissible limit of error.
- m) The meter was not tested in presence of consumer's representative. Consumer aggrieved with this report of testing of meter approached Electrical Inspector Thane vide letter dated 31/7/03 for deciding the accuracy of meter. The letter, however, remained unreplied.
- n) The consumer, thereafter, continuously followed up the case with licensee but with no result. The consumer last complaint to the internal grievance redressal cell of licensee (IGRC) on 16/11/05 was replied by IGRC on 6/11/06 that bills are claimed as per meter readings. The meter installed is tested one & properly

working & as such the bills require no correction. Being dissatisfied with the reply, the consumer has now approached this forum.

- o) The bills received, after installation of meter number 400107 on 15/3/02, shows normal consumption & acceptable to consumer.
 - p) The consumer, under the threat of disconnection of supply from licensee, paid Rs 3,81,372/- to licensee during the period from 10/07/01 to 28/12/04 against the excess amount claimed by licensee during the period from June 2001 to June 2002.
 - q) The licensee may be ordered to pay above said excess amount to consumer along with interest from the date of payment of excess amount till the date of settlement with prevailing bank rate or as per rate to be decided by the Forum.
- 6) Shri Atre, Shri Garud & Shri Mandle during hearings & licensee vide letter dated 6/03/07 addressed to Forum & copy to consumer made submissions. The abstract of submissions is given below.
- i) The complaint of consumer is basically about working of one meter number 335248 only. This meter is electrostatic meter & was put in service at consumer's premises in November 2000 in place of electromagnetic meter when the drive of replacement of electromagnetic meter was undertaken by licensee.
 - ii) The data of replacement of the said meter was fed to computer in the month of June 2001. The number was wrongly fed in computer as 335284 instead of 335248 & the said mistake was immediately corrected in the next billing month of August 2001.
 - iii) The consumer complained on 11/02/02 about excess billing. The consumer was informed that billing is done as per meter reading.

Consumer being dissatisfied with this, paid meter testing fees of Rs 225/- & requested testing of meter number 335248.

- iv) The said meter was removed from consumer's premises on 15/03/02 & new meter number 400107 was put in service. The meter number 335248 was tested in the laboratory on 24/04/03 & found to be working within permissible limit of error. The consumer was accordingly informed on 22/07/03.
- v) The meter was working within permissible limit of error & as such bill sent to consumer as per meter reading shows that the consumption of consumer during the period from November 2000 to 15/3/2002 was as per reading of meter only.
- vi) The following chart indicates billing data of consumer. The consumption recorded on meter number 335248 during the period of sixteen months from November 2000 to March 2002 as shown in column 3 has been billed in consumer's bill during the period from June 2001 to June 2002.

Billing month	Billing period	Units billed		
		units on meter 335248	Adjustment units	Total
June 01	8 months	8520	471	8991
August 01	2 months	3760		3760
October 01	2 months	9390		9390
December 01	2 months	8670		8670
February 02	2 months	8380		8380

June 02	4 months	3707	3897	7604
Total		42427	4368	46795

Notes :- (1) The adjustment of units 471 shown in the billing month of June 2001 is the consumption recorded on earlier electromagnetic meter & not billed in previous bills.

(2)The adjustment of units 3897 shown in the billing month of June 2002 is the consumption recorded on meter number 400107 from the date it is put in service at consumer's premises i.e. from 15/3/2002.

(3)The initial reading of meter number 335248 in November 2000 when it was put in service at consumer's premises was 20 & the final reading on 15/3/02, when it was removed from consumer's premises, was 42447. Thus consumption recorded on meter number 335248 during the period from November 2000 to 15/03/02 was 42427 as shown billed to consumer in above table.

7) From the material on record & submissions made by both the parties, Forum's findings & observations are as follows.

- i) The meter number 335248 was removed by licensee on 15/03/02. The consumer paid meter testing fees to licensee on 6/3/02 but the meter was tested by licensee in their laboratory after a gap of nearly 13 months on 24/4/03.
- ii) The said meter was not tested by licensee in presence of consumer's representative.
- iii) The result of test of meter was sent to consumer by licensee after a gap of 4 months of testing i.e. on 22/7/03.
- iv) The meter test report does not indicate any parameter & testing details used for testing of meter. It only indicates creep test O.K & meter found within permissible limit of error. Thus the meter

test report, in absence of testing parameters & details, is under the shadow of doubt.

8) The meter number 335248 was in service at consumer's premises from November 2000 to March 2002. Let us now take a look on consumption pattern of consumer one year prior to November 2000, during the period of November 2000 to March 2002 & one year after March 2002.

i) Consumption pattern of consumer one year prior to November 2000

a) Final consumption reading in November 2000 = 23380

b) Initial consumption reading in December 1999 = 12610

c) Consumption during above 12 months = 10770

d) Average consumption per month (10770/12 = 898 units)

ii) Consumption pattern of consumer during the period from November 2000 to March 2002

a) Final consumption reading in March 2002 = 42447

b) Initial consumption reading in November 2000 = 20

c) Consumption during above 16 months = 42427

d) Average consumption per month (42427/16 = 2652 units)

iii) Consumption pattern of consumer one year after March 2002

a) Final consumption reading in February 2003 = 10750

b) Initial consumption reading in March 2002 = 13

c) Consumption during above 12 months = 10737

d) Average consumption per month (10737/12 = 895 units)

The study of above consumption pattern shows that in a span of one year average monthly consumption prior to November 2000 & after

March 2002 is almost same. The monthly average consumption during 16 months from November 2000 to March 2002, when meter number 335248 was in service at consumer's premises, was 2652 unit which is approximately three times the average monthly consumption prior & after November 2000 & March 2002 respectively.

- 9) The possibility of wrong meter connection at consumer's premises while installing electrostatic meter number 335248 (connecting neutral by loop in & loop out method instead of connecting separate & independent neutral) which might result in erratic behavior, cannot be ruled out.
- 10) The increase in consumption during the period from November 2000 to March 2002 can only be justified on two counts i.e. on increase in load or increase in working hours. The licensee could not give any evidence of increase of load by consumer during this period. The load shown on consumer's bills is 15 KW. Let us see to maximum consumption of 9390 units recorded in October 01. The working hours of October 2001 works out to be (considering worst condition of full load of 15 KW & 31 days working) $9390/(15*31)= 20.19$ hours. It is beyond imagination to believe 20 hours working for a consumer like bank.
- 11) In view of findings, observation & analysis of data mentioned in Para 7, 8, 9 & 10 above, we conclude that meter number 335248 erected at consumer's premises was erratic in behavior during the period from November 2000 to March 2002.
- 12) We are, therefore, inclined to decide that the consumption of 42427 units recorded on meter number 335248 during the period of 16 months from November 2000 to March 2002 needs to be set aside. We also decide that licensee during this 16 months can charge consumer at the rate of 895 units per month i.e. on the basis of average monthly consumption recorded in one year period after removal of meter number

335248 in March 2002. The total consumption of 16 months on the basis of 895 units per month works out to be $(895 \times 16) = 14320$ units. The ratio in which billing is to be done works out to be $(14320/42427) = 0.3375$

13) After carefully going through the development of the case, we unanimously decided to pass the following order.

O-R-D-E-R

1. The billing done during the period from June 2001 to June 2002 on the basis of consumption of 42427 units recorded on meter number 335248 during the period of 16 months from November 2000 to March 2002 is, hereby, set aside & quashed.
2. The licensee, however, can bill the consumer on the basis of ratio of 0.3375 as per table given below.

Billing month	Billing period	Units to be billed		
		Units on meter 335248	Adjustment units	Total units
June 01	8 months	$8520 \times 0.3375 = 2875$	471	3346
August 01	2 months	$3760 \times 0.3375 = 1269$		1269
October 01	2 months	$9390 \times 0.3375 = 3169$		3169
December 01	2 months	$8670 \times 0.3375 = 2926$		2926
February 02	2 months	$8380 \times 0.3375 = 2828$		2828
June 02	4 months	$3707 \times 0.3375 = 1251$	3897	5148
Total		14318	4368	18686

3. The interest & delayed payment charges, if charged any, for non payment of amount charged on the consumption of 42427 units should be withdrawn.
4. The credit of amount, worked out as per orders contained in Para 1, 2 & 3 above, should be given to consumer in future bills from next to next billing cycle onwards.
5. Action taken against concerned person for not feeding data in computer in time should be intimated to the forum within 60 days.
6. No order is passed for granting interest on amount of Rs 3,81,372/- paid by the consumer to the licensee.
7. 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 order.

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

Maharashtra Electricity Regulatory Commission,

13th 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: - 22/03/07

(Sau V.V.Kelkar)

(I.Q.Najam)

Member
CGRF Kalyan

Chair person
CGRF Kalyan

(D B Nitnaware)
Member Secretary
CGRF Kalyan