



**Consumer Grievance Redressal Forum, Kalyan Zone**  
**Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301**  
**Ph: – 2210707 & 2328283 Ext: - 122**

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**IN THE MATTER OF GRIEVANCE NO. K/E/245/270 OF 2009-2010 OF SHRI SHRIDHAR NEELKANTH SABNIS, RESIDENT OF KALYAN (WEST) REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT EXCESSIVE BILLING.**

Shri Shridhar Neelkanth Sabnis  
"Shrikrupa", Vir Kotwal Road,  
Ahilyabai chowk, Kalyan (West)  
Dist : Thane

(Here-in-after  
referred  
as Consumer)

Versus

Maharashtra State Electricity Distribution  
Company Limited through its  
Dy. Executive Engineer  
Kalyan West Sub-Dn. No. III

(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 L.T. consumer of the licensee connected to their 415-volt network. The Consumer is billed as per residential tariff. The consumer registered grievance with the Forum on dated 11/05/2009 for excessive billing. The details are as follows: -

Name of the consumer :- Shri Shridhar Neelkanth Sabnis

Address: - As above

Consumer No : - 020020140713

Reason of dispute: Excessive energy bills

- 3) The batch of papers containing above grievance was sent by Forum vide letter No. EE/CGRF/Kalyan/443, dated 11/05/2009 to Nodal Officer of licensee. The licensee through Nodal Officer filed reply in the form of a copy of the letter dt. 25/05/09 sent by the Dy. Executive Engineer, MSEDCL., Kalyan West S/Dn. No. III to the Nodal Officer as a point wise reply to the grievance application filed by the consumer before this Forum.
- 4). The Chairman and Member of the Forum heard both the parties on 28/05/2009 @ 15.00 Hrs. in the meeting hall of the Forum's office. Shri Shridhar Neelkanth Sabnis, the Consumer and Shri Nitnavare, Nodal Officer and Shri Kadi, Dy. Ex. Engr., Shri Davis, Jr. Engr. representatives of the licensee attended hearing. Proceedings of the hearing including submissions made by both the parties are recorded and the same are kept on the record and the said submissions made by the parties shall be referred at the time of deciding each grievance made by the consumer, in order to avoid repetition.
- 5) The consumer claims that he owns house No. 37 in Ali No. 34 within the area

of Kalyan Corporation and it's property No. is C-02000223400. He has constructed the said house in the year 1965 and since then the licensee is supplying electricity in the said house. Electric meter with consumer No. 020020140713/3 was installed at the said house for the supply of electricity. The said meter was owned by him. The said meter was working properly and he was paying electric bills regularly. The said meter was a Electro mechanical meter. The licensee removed and took away the said meter and installed it's own meter without giving any notice to him on 02/02/09. The licensee removed and took away the earlier meter, checked the said meter and made it's panchanama without giving any information about it to him and gave it's copies to him. The licensee issued two bills, one for Rs. 4,000 towards compounding charges and another for Rs. 3,270 towards electric charges as per case under Section 135, on 12/02/09. From the said bills, it appears that the licensee has charged the consumer with theft of electricity and therefore, he made an application dt. 25/02/09 to the licensee for information under Information Act. The licensee accordingly gave the information on 27/02/09. However, it is clear from the said letter containing the information sent by the licensee that the licensee has not given information sought by him. The licensee thereafter issued a bill for the month of Feb. 09 for Rs. 3,930 to him on 06/03/09. He made a complaint against the said bill to the licensee on 29/03/09. He has annexed copy of the said bill with his complaint application. Thereafter the licensee issued bill for the month of March 09 for Rs. 4,380 to him on 06/04/09. He again lodged complaint against the said bill with the licensee on 16/04/09. The licensee sent reply dt. 20/04/09 to his above referred both the complaints and rejected his complaints. The licensee did not give

him information sought by him about the action taken by it for installing accurate meter at his house as per Section 55 (1) of the Electricity Act 2003 since the licensee has come in existence till the change of meter as above, did not supply the copy of notice given by it to him for installing accurate meter and copy of his acknowledgement in token to have received the said notice, and the details about the dispute between it and him in respect of the concerned meter at his house. The defects in the meter alleged by the licensee are not acceptable to him. It was necessary for the licensee to make complaint with the Electrical Inspector prior to removal of the said meter under Section 162 of the Electricity Act 2003 (hereinafter referred as Act only). The licensee did not make any such complaint. It was the responsibility of the licensee to install accurate meter as per Section 55 (1) of the Act. However, the licensee did not comply such responsibility and did not care to do so. The licensee also did not follow the rules regarding installation of accurate meter under Section 55 (3) of the Act. It was a mistake of the licensee. The licensee did not follow the rules. The performance of the licensee is very poor and therefore, it is liable to pay compensation to him under Section 56 (2) of the Act. He has therefore, prayed for cancellation of above referred bills for Rs. 4,000 and Rs. 3,930, and further prayed for directions to the licensee to issue bills as per the electricity consumption since installation of new meter and to pay compensation to him for not following the rules, for the poor performance of service and for the harassment caused to him.

- 6) As against the above contentions of the consumer, the licensee claims that the electric meter at the house of the consumer was accuchecked by the Sub/Dn. Flying Squad at the time of it's visit and at that time, the meter at

the house of consumer was found 80% slow. Therefore, the said meter was replaced in presence of consumer's representative (CR) and the same person also signed on accucheck report. The meter was sealed with signature of CR and a notice dt. 04/02/09 for opening the meter in testing lab. was sent to the consumer. The said notice was acknowledged by the consumer. The meter was opened in presence of CR and it was found that the current coil and pressure coil were purposely damaged and meter was slow down. Such acts amounts to an offence under Section 135 of the Act and accordingly bills for compounding charges and assessments under Section 135 of the Act were issued. The grievances raised by the consumer have been explained to him in writing vide letter No. 558, dt. 20/04/09. However, he is not satisfied with the same and raised the same grievances in the complaint.

- 7) The consumer after receiving the copy of the above referred letter dt. 25/05/09 filed by the licensee as a reply, repeated his contentions raised in the grievance application with some additional facts, in support of his case. He has claimed that the above referred letter sent by the concerned officer to the Nodal Officer appears not to have been approved by the higher officers and therefore, the licensee should not have filed it without such approval. Four tenants alongwith him were earlier residing in the said building. There were two meters in the said house and out of the said two meters, one was for industrial purpose and the other was for residential purpose. Though now both the said meters are amalgamated in one meter, the electric meter with which he is making these grievances, were being used by the tenants. The said tenants left the said premises in 2000 and presently his daughter resides in the said premises. All the said

meters were owned by him. On his complaint, the Electrical Inspector made enquiry in 1987 and obtained inspection fees from him and issued a receipt for the same. He has filed copy of the said receipt and claims that the said receipt shows that he was the owner of the said earlier meter. Similarly, the licensee has shown the said meter No. 14073 as faulty in the bill for July 06 issued in August 06. Since the said meter was owned by him, he made a complaint dt. 24/08/06 to the licensee. An enquiry should be made from the licensee about the amount demanded from him and when the said meter was changed and such enquiry would reveal the standard of service of the licensee. There was no defect in the said meter and bill for Oct. 08 would show the said fact. The bill for July 06 would also disclose the same fact. The concerned meter was electro mechanical meter and therefore, the same should have been checked as per the procedure used for checking such meters and checking of the said meter by digital method was improper. The report regarding inspection of meter shows that the seals were in proper condition. The said meter should have been sealed in the condition in which it was but it was not done so. Similarly the said meter should have been sent to the Electrical Inspector as per Section 162 of the Act but the same appears not to have been done. The said meter was tested as per digital method on 05/02/09 after the same was removed on 02/02/09. A panchanama was made but the same is not acceptable to him, because the said meter was taken away in a box without sealing it after the same was removed. The said meter was in custody of licensee. Therefore, the testing and panchanama of the said meter are illegal and the same are not acceptable to him. The bill for Oct. 08 would also show that there was no any dispute about the meter. He has

also filed copies of some documents referred above with his such letter received on 08/06/09. He has requested that his such additional contentions raised in the said letter and copies of the documents filed with the said letter be considered while deciding his grievance application.

- 8) The copy of the notice dt. 12/03/87 with copy of receipt filed by the consumer shows that the consumer was directed to pay and an amount of Rs. 16 was accepted from him towards the fee of inspection of the electric installation, and from the same it cannot be inferred that the said meter was owned by the consumer, as contended by him. Moreover, there is no provision in the Act that in case concerned meter is owned by the consumer he should be given advance information regarding the probable testing of the meter and therefore, such contention of the consumer cannot be accepted. Moreover, the consumer during the hearing admitted that the accucheck report dt. 02/02/09 bears signature of his daughter, the notice dt. 04/02/09 sent to him to remain present at the time of testing of meter in the testing laboratory on 05/02/09 bears his signature and the panchanama regarding the examination of the meter on 05/02/09 bears signature of his son-in-law. He admits that his daughter resides in the concerned portion of his house and therefore, her presence at the time of accuchecking and presence of her husband at the time of examination of the meter in laboratory show that they were the proper representatives of the consumer at the relevant times. In view of the above facts, the contention of the consumer that the licensee has checked and removed and replaced the earlier meter without informing him and the same was examined in his absence cannot be accepted.

- 9) The consumer claims that the licensee should have made a complaint to the Electrical Inspector in respect of the fact that the concerned meter was slow, under Section 162 of the Act and therefore, the action of licensee in removing and replacing the earlier meter and consequently issuing bills for compounding charges and assessment under Section 135 of the Act is illegal. However, Section 162 of the Act is only regarding appointments of Chief Electrical Inspectors or Electrical Inspectors and it does not provide that in case the licensee feels that the meter is faulty or slow, it should make complaint to the Electrical Inspector prior to taking further action regarding testing and replacing of the meter if necessary. There is no other provision in the Act by which the licensee is obliged to make such complaint about faulty meter to the Electrical Inspector prior to taking further action as above. Therefore, the action of licensee in accuchecking the said meter and replacing it by other meter after it's examination in laboratory disclosed tampering with the said meter, and consequently issuing of bills for compounding charges and assessment under Section 135 of the Act cannot be said to be illegal as contended by the consumer.
- 10) Moreover, from the allegations made by the licensee in it's reply and by the LR during hearing and also from the copies of various documents filed by both the parties, it is clear that the licensee alleges that the consumer has committed theft of the electricity, an offence under Section 135 of the Act, whereas the consumer claims that the licensee has not followed the proper procedure at the time of testing, examining and replacing the earlier meter and therefore, the bills issued by it towards the compounding charges and theft assessment charges are illegal and therefore, the same be quashed and set aside. Thus we are prima facie of the view that the grievances



made by the consumer comes under the purview of Section 135 of the Act and therefore, this Forum has no jurisdiction to decide the same as per Regulations 6.8 of the MERC (CGRF and Electricity Ombudsman) Regulations 2006.

- 11) In view of the above discussion, the Forum unanimously passes the following order.

### **ORDER**

1)Grievance application is dismissed.

2)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 Bldg, Bandra Kurla Complex, Mumbai 51”*

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

Date : 10/07/2009

(Sau V. V. Kelkar)  
Member  
CGRF Kalyan

(M.N.Patale)  
Chairman  
CGRF Kalyan