



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/305/340 OF 09-10 OF SHRI TRIBHUVAN FAUZDAR YADAV KALYAN, REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT EXCESSIVE ENERGY BILLS.

Shri Tribhuvan Fauzdar Yadav
Dattatraya Flour Mill,
Near Mhaskar Hospital,
Murbad Road, Kalyan (West)

(Here in after
referred to
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its Dy. Executive
Engineer, Kalyan West Sub-Division No. I

(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 (MERC) 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 Three phase LT consumer of the Licensee. The Consumer is billed as per Commercial tariff. The consumer registered grievance with the Forum on 20/10/2009 regarding Excessive energy bills. The details are as follows: -
Name of the consumer : Shri D. V. Godbole
User Consumer : Tribhuvan Fauzdar Yadav
Address: - As above
Consumer No : 020020049902
Reason for Dispute : - Regarding Excessive Energy Bills
- 3). The batch of papers containing above grievance was sent by Forum vide letter No. EE/CGRF/Kalyan/864, dt. 20/10/09 to the Nodal Officer of the Licensee, and the Licensee through Dy. Executive Engineer MSEDCL Sub-Division -I, Kalyan West filed reply vide letter No. DYEE/Sub.Dn.I/KLN/Billing/1876, dt. 12/11/09.
- 4) The Chairperson & Member Secretary of the forum heard both the parties on 23/11/2009 @ 16.00 Hrs. in the meeting hall of the Forum's office. Shri J. A. Pardeshi, representative of consumer & Shri D. B. Nitnavare, Nodal Officer, Shri M. V. Deshmukh Jr.Engr., Shri Davis, Jr. Engr., Shri S. N. Deshmukh A.A., Shri C. S. Sakpal, LDC 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 the parties in respect of grievance since already recorded will be referred to avoid repetition.
- 5). Applicant runs a flour mill with sanctioned load of 10 HP in the premises where meter No. MSO 33246 was installed with consumer No. 020020049902. On 08/09/09 applicant found the meter reading was showing abnormal showing 1280 units though average consumption unit

was 580 to 780 per month. According to him there was possibility of burning the meter which he apprised to the office of licensee at Kalyan. It is the contention of applicant that disconnecting the electricity employees of licensee took away meter, therefore he could not do his business of flouring and thereby suffered monetary loss. According to him falsely showing the meter burnt, on 09/09/09 he was given demand note of Rs. 3110/- towards the cost of meter. According to applicant since meter was not burnt and the electricity was disconnected without giving him notice, he is not liable to pay the charged cost Rs. 3110/- and as he suffered loss as above, licensee be directed to pay him compensation.

- 6) Licensee controverted the allegations levelled against it contending that on the complaint of applicant employees visited the site and the meter was removed on 08/09/09 and during investigation it was found 'R' phase terminal burnt and as the meter was to be replaced, demand note as the cost of the meter Rs. 3110 was given to consumer however, he refused to pay it and hence it is added in the bill. It is averred that applicant is liable to pay the cost of the meter which was burnt, however, to avoid to pay the same falsely made allegation on compensation etc.
- 7) On perusal of the record and hearing both the parties following points arise for the consideration of Forum and findings thereon for the reasons recorded below :

Points	Findings
a).Whether applicant is liable to pay meter cost Rs. 3110 to licensee ?	Yes
b).Whether licensee is liable to pay compensation to consumer ?	NO
c).What Order ?	As per order below

REASONS

8) Admittedly electric meter No. MSO 33246 was installed where flour mill was running and the applicant is a user consumer. On 08/09/09 applicant made complaint about defect in meter and accordingly employees of licensee attended the same. According to applicant meter was defective but not burnt whereas employees of the licensee found 'R' phase terminal burnt vide test certificate dt. 08/09/09 and on 09/09/09 applicant was given demand note of the amount of Rs. 3110/- towards cost of new meter which the applicant refuse to pay. On plain reading of meter replacement report coupled with test certificate during investigation seal of the meter body and meter terminal cover were found OK but as it was burnt was not suitable for installation. Meter was checked by competent engineer and has no reason to give false report. True it is applicant on 09/09/09 itself pointed out that since meter was kept in custody by the employees of the licensee in insecure place where rain water was accessible and therefore it was damaged. From the test certificate on 08/09/09 only meter was removed and checked and found burnt, therefore hardly scope to say that the meter was so damaged due to negligence of the employees. It is not that the meter was removed and kept in the custody for a long period but it seems vide report dt. 08/09/09 immediately after removal of the meter was checked and found burnt. In case of burnt of meter as has happened in the case in hand, as per the Rules and Regulations of MERC, the consumer is liable to pay the cost of **burnt meter** for which disconnection is a must. In this contest allegation of applicant that falsely showing the meter burnt, electricity was disconnected and thereby loss caused to him

does not appeal to us. On this background applicant consumer is liable to pay cost of burnt meter and consequently question of payment of compensation does not arise. Grievance application since sans merit deserves to be rejected. Points are answered accordingly and hence the order :

ORDER

- 1) Grievance application is hereby rejected.
- 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 Building, Bandra Kurla Complex, Mumbai 51”

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

- 3). 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 : 07/12/09

(R.V.Shivdas)

(S.N. Saundankar)

Grievance No. K/E/305/340 of 2009-2010

Member Secretary
CGRF Kalyan

Chairperson
CGRF Kalyan