

**CONSUMER GRIEVANCE REDRESSAL FORUM
M.S.E.D.C.L., PUNE ZONE, PUNE**

Case No.13/2016

Date of Grievance : 18.05.2016

Date of Order : 07.07.2016

In the matter of exorbitant billing.

M/s.Sanjay Knit Pvt. Ltd.,
101/102, Century Arcade,
Narangi baug road,
Near Boat Club Road,
Pune- 411001.

Complainant

(Herein after referred to as Consumer)

Versus

The Executive Engineer,
M.S.E.D.C.L.,
Bundgarden Division,
Pune.

Respondent

(Herein after referred to as Licensee)

Quorum

Chairperson
Member Secretary
Member

Mr. S.N.Shelke
Smt.B.S.Savant
Mr. S.S.Pathak

Appearance

For Consumer

Mr. G.K.Khandelwal, (Representative)

For Respondent

**Mr.D.N.Sali, Addl.Ex.Engineer,
Wadia Sub-Dn.**

- 1) The Consumer has filed present Grievance application under regulation no. 6.4 of the MERC (CGRF & E.O.) Regulations 2006.
- 2) Being aggrieved and dissatisfied by the order dated 25th April -2016 passed by IGRC Rastapeth Urban Circle, Pune, thereby rejecting the grievance, the consumer above named prefers this grievance application on the following amongst other grounds.

- 3) The papers containing the above grievance were sent by the Forum to the Executive Engineer, M.S.E.D.C.L., Bundgarden Dn., Pune vide letter no. EE /CGRF/PZ/Notice/13of2016/106dtd.19.05.2016. Accordingly the Distribution Licensee i.e. MSEDCL filed its reply on 09.06.2016.
- 4) We heard both sides at length and gone through the contentions of the consumer and reply of the licensee and the documents placed on record by the parties. On its basis following factual aspects were disclosed.
- i) The consumer namely M/s. Sanjay Knit Pvt. Ltd. having consumer no. 160231597911 connected on 22.8.2007 in the tariff category LT-II (Commercial) having sanctioned load 1.60 KW.
 - ii) According to the Licensee the consumer was under-billed during the period from Jan.2013 to March-2015 since the bills have been issued to the consumer with zero (0 ') consumption.
 - iii) The Licensee replaced the old meter of the consumer bearing serial no. 144411 having final reading - 2068 units with new meter bearing serial no. 3688460 having initial reading- 0001 on 5.02.2015.
 - iv) After replacement of the above mentioned meter, the reading agency has taken photograph of the meter reading in the month of Oct.2015 having reading 8575 KWH.
 - v) The Addl. Ex. Engineer, MSEDCL, Wadia Sub-dn. (Pune) informed the consumer to deposit the bill amount of Rs.1,97,250/- for 8574 units for the period from March-2015 to Sept.2015 vide letter no. -AEE/Wadia/ LT B/no.1657 dt.16.9.2015
 - vi) Accordingly the Licensee issued provisional bill of Rs.1,97,250/- for 8574 units for the period from March-2015 to Sept.2015 to the consumer in the month of Oct.2015.
 - vii) The consumer made application to the Licensee on 23.10.2015 for testing the defective meter bearing no. 3688460 of Rolex make.
 - viii) The Licensee tested the consumer's meter bearing sr. no. 3688460 on 5.11.2015 at LT meter testing unit, Bundgarden division.

- ix) The testing result of the testing unit Bundgarden division is, "the meter is working within error limit (i.e.- 0.61%), the meter is OK".
- x) The Licensee removed the consumers meter from the consumer's premises on 25.11.2015.
- xi) The Licensee disconnected the supply of the consumer and made the connection P.D. (Permanently disconnected) in the month of Dec.2015.
- xii) The consumer approached the IGRC,RPUC with the complaint regarding exorbitant billing on 10.3.2016 . The IGRC rejected the grievance of the consumer vide impugned order dated 25.4.2016.

5. The consumer representative Mr. G.K.Khandelwal submitted that they received letter dated 16.9.2015 issued by additional executive Engineer, Wadia Sub-dn. to deposit amount of Rs.1,97,250/- which is due and payable by the consumer as per the consumption recorded in the meter during the period from March 2015 to Sept.2015 for 8574 units. Thereafter, the consumer requested to the Licensee to get tested the said meter for its limit of accuracy as prescribed in Indian Electricity Rules, 1956 vide letter dated 22.9.2015. Thereafter they were told by the AEE that the said meter has been tested and found OK. However, they did not receive the copy of the said meter testing result but to their surprise, consumption units of 8574 during the period March-2015 to Sept.2015 showing 1225 units (approximately) per month are unbelievable and meter reading taken by the reading agency is also unbelievable considering the sanctioned load 1.6 KW. Mr.Khandelwal questions how the consumption pattern varied only for the period of March-2015 to Sept.2015 and further submits that they have list of subscribers in the same area under the same sub-division but no such case has come across in the past having similar type of installation with same load sanctioned. Therefore this is a case of abnormal reading on the contrary, as per their log in registered, the average bill of the similar types of bus shelter is 50 to 70 units per month.

6. Mr. Khandelwal further submits that at the time replacement of the meter (installation of new meter having Sr.No.03688460) their representative was not present & there may be the error of initial reading of the said meter. Therefore initial

reading 0001 KWH of the said meter as per MSEDCL record is unbelievable. Similarly at the time of testing of the said meter at Bundgarden division on 5.11.2015 there representative was not present & therefore the test carried out by the Licensee is one sided not according to rules and unbelievable. He pointed out the said meter was removed from their site in their absence therefore the chance or mishandling for tampering may be possible while removing the said meter. He further points out that prior to permanent disconnection (PD), no any information was received to them from MSEDCL . He further points out that after replacement of the said meter in the month of March-2015, the reading was obtained in the month of Sept.2015 as 8575 KWH but no such reading was taken from the month of March-2015 to Aug.2015 and therefore there is no graphical variation of the consumption shown by the MSEDCL. He submits that the sanctioned load is 1.6 KW and the Bus stop supplied with energy under this connection is having 14 LED tube lights of 20 Watts each & per day usage only for 3 hrs. which will be consumed around 25 to 26 KWH for the month. Therefore he lastly submits to set aside the additional bill and grievance be allowed.

7. On the other hand Mr. D.N.Sali, Dy.E.E., Wadia Sub-division submitted on behalf of Licensee that the consumer is connected on 22.8.2007 having connected load 1.6 KW initially in the tariff category LT II (Commercial) and presently in the tariff category LT-VIII (Advertising & hoarding). During the period from Jan.2013 to March-2015 bills were issued to the said consumer of zero '0' consumption. Therefore old meter of the consumer having Sr.No.144411 with final reading 2068 was replaced with new meter having Sr. No. 3688460 having initial reading 0001. After replacement of the meter, the reading agency has taken photo meter reading of the meter in the month of Oct.2015 having reading 8575 KWH. Accordingly provisional bill of Rs.1,97,250/- for 8574 units for the period March-2015 to Sept.2015 was issued vide letter dated 16.9.2015. Thereafter the consumer made application for testing the said new meter installed at the premises. Therefore as per the request of the consumer the said meter was tested at the meter testing unit, Bundgarden Division on 5.11.2015. The test report dated 5.11.2015 shows test result: "meter is working within error limit (- 0.61% , OK)". Therefore Mr.Sali submits that the consumption shown on the meter is correct and accordingly the bill amounting to

Rs. 1,97,250/- issued to the consumer is proper and correct and therefore grievance be rejected.

8. Following points arise for our determination. We give our findings thereon for the reasons stated below.

Points	Findings
i) Whether there are deficiency in services on the part of licensee in sending provisional bill of Rs.1,97,250/- for 8574 units for the period March-2015 to Sept.2015 vide letter dated 16.9.2015?	Yes.
ii) What order?	As per final order.

9.

REASONS

According to the Licensee, during the period Jan.2013 to March-2015, bills were issued to the consumer with zero consumption. Therefore the Licensee replaced the old meter bearing Sr.No.144411 having final reading 2068 with new meter bearing serial no. 3688460 with initial reading - 0001 on 5.2.2015 . Thereafter the reading agency has taken the photo reading of the new meter in the month of Oct.2015 having reading - 8575. Therefore the Licensee made assessment of the accumulated units for the period from March-2015 to Sept.2015 for 8574 units & sent provisional bill to the consumer for Rs.1,97,250/- in the month of Oct.2015. The said fact was also communicated to the consumer by the Licensee vide letter dated 16.9.2015 issued by AEE, Wadia Sub-division. It is pertinent to mention that the Licensee did not produce on record the photo reading copy of the said meter recorded in the month of Oct.2015. Similarly the meter replacement report dated 5.2.2015 of old meter having serial no..144411 with new meter SR. No. 3688460 has also not been produced on record. These two documents are very important in order to make necessary assessment of the consumption in the disputed period.

10. It is the case of Licensee that on the basis of photo reading taken by the meter agency in the month of Oct.2015, made assessment of 8574 units for the period March-2015 to Sept.2015 having 8574 units and prepared provisional (Supplementary) & informed the consumer vide letter no.AEE/Wadia/LT-bill/1657 dtd.16th Sept. 2015. But if the photo reading was taken in the month of Oct.2015, can it be possible to make assessment one month period i.e. in the month of Sept.2015 & to raise demand by way of letter dated 16.9.2015. This fact itself shows that the said letter is inconsistency with the fact and premature. Hence unbelievable.

11. The consumer made application dated 23.10.2015 to Dy.Ex.EngineerWadia Sub/dn. for testing of defective energy meter no. 3688460 of Rolex make. Accordingly, the Licensee tested the consumer's meter on dated 5.11.2015 at meter testing unit, Bundgarden Division & the testing result is," meter is working within error limit. However the said testing was not carried in the presence of the consumer. This fact is corroborated with test report dated 5.11.2015 which shows the column, "consumer's sign" blank. Therefore at the time of alleged meter testing, the Licensee did not follow the proper procedure.

12. The Licensee produce on record one meter replacement report in respect of present consumer having old meter no. 144411 with final reading 2068 with new meter Sr.No. 3688460 having reading 00001. The date of replacement mentioned on it is "11.2.2016"& above the sign of consumer/Representative as well as above the sign of agency, the place is kept blank. But it is not the case of Licensee that the said meter was replaced on 11.2.2016 . But it is the case of the Licensee that the said meter was replaced on 5.2.2015. On the contrary, it is the case of consumer that the replacement of meter was made in their absence and there might be error of feeding the initial reading as"0001 KWH". The above mentioned facts take us to the conclusion that the meter replacement report dated 11.2.2016 as produced by the Licensee is not genuine document but fabricated one. We mark the said document as exhibit 'A' for identification. Hence the Licensee to take suitable action against the erring employee.

13. According to Licensee, during the period from Jan.2013 to March-2015 bill were issued to the consumer with zero consumption. During the course of hearing we had called upon the Licensee to produce the CPL of the said consumer to confirm the said fact. However the Licensee produced the CPL only for the period from Oct.2014 to June-2016. But failed to produce the CPL during the period from Jan.2013 to Sept.2014. Therefore we are unable to look into the consumption pattern during the said period.

14. According to the Licensee they removed consumer's meter from their site on 25.11.2015. But the report of removal of meter of the said consumer dated 25.11.2015 shows the removal of meter Sr.No.3975319 whereas the consumer meter is bearing Sr.No.3688460. Therefore the said document also appears not to be genuine. According to the Licensee after removal of said meter on 25.11.2015 the said consumer did not have any contact with them therefore they permanently disconnected the said supply in the month of Dec.2015 and feeded in the system as P.D. The consumer points out that the removal of said meter was made in their absence & there might be chance of mishandling or tampering of the meter and further points out that prior to permanent disconnection (PD) no any information was given to them and therefore the Licensee did not follow the rules & regulations. The Licensee tried to submit the notice of disconnection was sent through the agency but since the office of the consumer was closed, it was handed over to the Security guard. However no any service report having signature of security guard on it is produced on record.

15. From the above mentioned discussion it is clear that old meter was replaced with new meter on 5.2.2015 however no such report is produced on record. The alleged replacement of meter was not taken place in the presence of the consumer. The meter was allegedly replaced on 5.2.215, but meter reading agency obtained photo in the month of Oct.2015 why reading was not taken from March-2015 to Sept.2015. The Licensee made assessment for the period March-2015 to Sept.2015 for 8575 units. But it is the case of Licensee bills were issued of zero units to the consumer for the period from Jan.2013 to March-2015. Then question arises why the assessment made partly only for the period March-2015 to Sept.2015 making

provisional bill of Rs.1,97,250/-. The meter no. 3688460 was tested by the Licensee on 5.11.2015 as per consumers request but the said testing was made in the absence of consumer. Therefore the Licensee did not follow the proper procedure while testing the report. Hence the meter test report dated 5.11.2015 is not free from doubt. The meter replacement report dated 11.2.2016, the meter testing report dated 5.11.2015, the meter removal report dated 25.11.2015 are not genuine documents & partly producing CPL of the consumer on record of the disputed period all these facts create reasonable doubt as to the working and procedure followed by the Licensee while issuance of provisional bill to the consumer in the month of Oct.2015. These facts constitute there is deficiency in service on the part of Licensee. Therefore we answer point no.(i) in the affirmative. The provisional bill issued by the Licensee to the consumer is liable to be set aside. In view of the facts, sanctioned load is 1.60 KW and electric supply is at PMT Bus shelter for advertising purpose and taking into consideration consumption of the consumer having 14 LED Tube Lights of 20 Watts each & per day usage for 3 hours, now it is required for the licensee, to prepare revised bill afresh of average consumption for the period March-2015 to Sept.2015. In the result, the grievance of the consumer is to be allowed.

Lastly we proceed the order:

ORDER

1. Grievance of the consumer is allowed with cost.
2. The demand raised by the Licensee quantifying dues to the tune of Rs.1,97,250/- vide letter dated 16.9.2015 and issuing provisional bill of the same amount is hereby set aside.
3. Impugned order dated 25.4.2016 passed by IGRC (RPUC) is hereby set aside.

4. The Licensee to issue revise bill for the period March-2015 to Sept.2015 taking into consideration sanctioned load consumption pattern and actual usage of the consumer as discussed in Para No.15 above.
5. The Licensee to report compliance within one month from the receipt of this order.

Delivered on :- 07/07/16

Sd/-	Sd/-	Sd/-
B.S.Savant	S.S.Pathak	S.N.Shelke
Member/Secretary	Member	Chairperson
CGRF:PZ:PUNE	CGRF:PZ:PUNE	CGRF:PZ:PUNE

Note :- The consumer if not satisfied may filed representation against this order before the Hon.'ble Ombudsman within 60 days from the date of this order at the following address.

Office of the Ombudsman,
Maharashtra Electricity Regulatory Commission,
606/608, Keshav Bldg.,
Bandra Kurla Complex,
Bandra (E), Mumbai-51.