

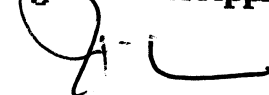
29/2005

Forum for Redressal of Consumer Grievances

1. Name of the Applicant : K. V. NEMADE
2. Consumer No./Application No. : B-2245008A - M No.27249469
& 3239208
3. Division/Zone : South
4. Natur of Complaint : EXCESS BILLING
(Excess billing, Supplementary Bills, Tariff change Vigilance)
5. Complaint No. & Date : Filed with BSES Ltd on
24/1/2004
6. Disputed amount : Rs.41,220/-
7. Is the Amount charges U/s : No
126 of Electricity Act, (i.e. for unauthorized use of Electricity or Theft of Electricity.)
8. Date of registering of Complaint : Complaint filed on 24/1/2004
With REL and with Name & Designation of the concerned Officer: With Assting Officer BSES LTD. South Zone - Santacruz (W) Mumbai-400 055
9. Action taken up by REL in Mitigating the Grievance : Nothing
10. Name & Designation of the Officer contacted give details Of the discussion and Orders Issued : Mr. D. U. Bhise (Dy. Manager)
He is not bothered to follow the provisions of Electricity Act 2003
11. Any other matter you like to state regarding grievances redressal by

The letter dated 1st February 2004 from REL to me speaks for itself. REL is not interested in following provisions of Sec 126 of Electricity Act 2003 Therefore dispute has not at all been settled

Signature of Applicant



Schedule "A"

APPLICATION BEFORE THE FORUM FOR REDRESSAL OF GRIEVANCE

APPLICATION NO. _____ OF 2004

Date _____

1. Name of the Consumer : KAILASH VASUDEV NEMADE
2. Full address of the Consumer : Flat No. 2,
Dariya Vihar, Union Park,
Khar (West),
Mumbai - 400 052
Tel.No. 26497861
Fax No. 26052553
3. Particulars of Connection & : Consumer No. B- 22450084)
Meter No. 3239208 & 2724946

4. Details of Grievance :

- a) The Consumer abovenamed residing at the above address and is a customer of the Respondent under Consumer No. B-22450084 and 2724946.
- b) Under the above Consumer number originally two meters as under were installed by the Respondent
Meter No 3239208 and
Meter No. 2724946
- c) It is stated that on 09.08.2003 the Respondent allegedly found that the above meters of the Consumers were tampered and the seals of the meters were found to be broken. Therefore the Card Notice for intimation of disconnection of supply was handed over to the Lady of the House forcibly by threatening on 09.08.2003. The officers of Respondent who signed the card as RKM/ANTH/ASC/NSM were immediately requested to replace the meters and give bill for difference of reading if any as provided under law. However the lady of the house was told that the Consumer should immediately see one Mr. D.U. Bhise, Dy. Manager in this regard. A copy of the said card dated 09.08.2003 is annexed and marked Exhibit "A".
- d) Thereafter on 20.08.2003 the Respondent was once again requested in writing to immediately change the meter and give bill for the losses if any as per the average reading for 3 to 4 months after replacement of meters. A copy of the said letter dated 20.08.2003 is annexed and marked Exhibit "B". Mr. D.U. Bhise, Dy. Manager of Respondent refused to acknowledge the above letter for reasons not known.
- e) Further Mr. D.U. Bhise, Dy. Manager of Respondent asked the Consumer to produce bills and proof of purchase of Air-Conditioners, which were provided to him. This fact was recorded in Consumers letter dated 25.08.2003 in which the Respondent was once again requested to change the meter and give bill for difference average reading of losses. However no bill was given to Consumer. The Copy of the said letter dated 25.08.2003 is annexed and marked Exhibit "C".
- f) Again on 26.08.2003 the Consumer wrote a letter to the Respondent to install the parallel meter and check the reading and thereafter give the bill as per rules. The copy of the said letter dated 26.08.2003 is annexed and marked Exhibit "D".
- g) Thereafter on 29.08.2003 the Respondent fixed the two parallel service meters alongwith the original meters with the following readings -

Original Meter No.	Reading
--------------------	---------

3239208	6523
Service Meter No. 6169746	Reading 0000033
Original Meter No. 2724946	Reading 30650
Service Meter No. 6169921	Reading 0000019

- h) A copy of the installation card dated 29.08.2003 alongwith meter reading is annexed and marked as Exhibit "E".
- i) In the meantime the Consumer received the bill for month of August 2003, for Rs. 4,560/- which was duly paid. A copy of the said paid bill is annexed and marked as Exhibit "F".
- j) It is stated that the Respondent on 10.09.2003 read the parallel meter for finding outs the difference of Unit consumption which was duly recorded by way of follow-up action. The reading was as under -

Original Meter No. 3239208	Reading 6569
Service Meter No. 6169746	Reading 0000109
Original Meter No. 2724946	Reading 30739
Service Meter No. 6169921	Reading 152

- k) A copy of the said Card is annexed and marked as Exhibit "G".
- l) As per the reading taken on 29.08.2003 and thereafter 10.09.2003 which is for a total period of 13 days, the difference that the service meter recorded was as under -

For Original Meter No. 3239208 the difference is 30 Units.

For Original Meter No. 2724946 the difference is 44 Units.

- m) The above difference of 30 units for one meter and 44 units for another meter was recorded over a period of 13 days. Further since the rates for both the meters are same, for the purpose of calculation as per Respondent reading the total loss was recorded 30 + 44 = 74 units for 13 days.
- n) As the Respondent is charging meter rent it is their responsibility to keep the meter O.K. by checking the same periodically.

- o) It is stated that in terms of Section 126 (5) of the Electricity Act, 2003 if it is found that there was unauthorised use of the Electricity then "it shall be presumed that unauthorised use of Electricity was continuing for a period of 3 months immediately preceding the date of inspection in case of domestic and agricultural services", further "the Assessment under this section shall be made at a rate equal to 1 & half times the tariff applicable for the relevant category of services specified in Section 126(5)."
- p) Accordingly the assessed loss of 74 units by way of calculation for one & half times the tariff would be $74 + 37 = 111$ units. As such for final calculation the difference of 111 units calculated for 13 days would be 768 units for 90 days. As such the Respondent is entitled to send its bill for 768 units X Rs. 3.38 (applicable rate as per the knowledge of Consumer) = Rs. 2596/-, plus the other applicable tariffs. Therefore the Respondent is entitled for sending the bill for the amount of about Rs. 2596/- plus the other applicable tariffs only, in terms of Section 126(5) and (6) of Electricity Act, 2003.
- q) In the meantime the Respondent on 29.09.2003 took away one meter of every flat in the building and connected the supply of all the flats in the building through single meter by giving reasons that now the tariff for lights, fans and domestic appliances are same, therefore, two meters are not required. A copy of the said notice from the Respondent dated 29.09.2003 is annexed and marked Exhibit "H".
- r) Thereafter on 06.10.2003 the Consumer received bill for the month of September 2003, for Rs. 2,500/- which was duly paid by the Consumer. A copy of the said paid bill is annexed and marked Exhibit "I".
- s) Thereafter to the shock and surprise of the Consumer the Respondent in the first week of October 2003, sent the bill for the amount of Rs. 44,410/- without any explanation and or reasons whatsoever. Surprisingly the notice printed on the bill is under the Indian Electricity Act 1910 which is repealed long back. The copy of the said bill is annexed and marked Exhibit "J".
- t) The Consumer fears that the Respondent illegally would disconnect the Electricity supply if the aforesaid alleged bill of Rs. 44,410/- is not paid on or before the due date i.e. 18.11.2003. Therefore the Hon'ble Commission should be pleased to stay the disconnection of supply and direct necessary hearing and investigation of the matter. The Consumer may be directed to pay the 1/3rd amount of the assessed bill to the Respondent and or deposit the same with office of Hon'ble Commission since the Respondent has not acted by

- (e) The Hon'ble Forum be pleased to direct the Respondent to file their affidavit explaining as to why they did not assess the bill of the Consumer on 09.08.2003 when they found the meter tampered seal broken in terms of section 126(5) of Electricity Act, 2003.
- (f) Any other direction as may be deemed necessary by the Hon'ble Forum.

8. List of Documents enclosed
(Please enclose copies of any relevant documents)

- (a) Card Dated 09.08.2003
- (b) Letter dated 20.08.2003
- (c) Letter dated 25.08.2003
- (d) Letter dated 26.08.2003
- (e) Installation Card dated 29.08.2003
- (f) Bill for the month of August 2003
- (g) Card dated 10.09.2003
- (h) Notice dated 29.09.2003
- (i) Bill for the month of Sept 2003
- (j) Bill for the month of October 2003
- (k) Bill for the month of November 2003
- (l) Bill for the month of December 2003

9. Declaration -

- (a) I, Kailash V. Nemade, the Consumer herein, declare that -
 - (i) the information furnished herein above is true and correct; and
 - (ii) I have not concealed or misrepresented any fact stated in aforesaid columns and the documents submitted herewith.
- (b) The present Grievance has been intimated to the Distribution Licensee in the form and manner and within the time frame prescribed by the Distribution Licensee and I am not satisfied by the remedy provided by the Distribution Licensee or no remedy was provided within a period two (2) months from the date of original intimation.
- (c) The subject matter of the present Grievance has never been submitted to the Forum by me by any one of the us or by any of the parties concerned with the subject matter to the best of my knowledge.
- (d) The subject matter of my Grievance has not been settled through the Forum in any previous proceedings.
- (e) The subject matter of my Grievance has not been decided by any authority/court/arbitrator.

OR

The subject matter of my Grievance is pending since 17.11.2003 BEFORE MAHARASHTRA ELECTRICITY REGULATORY

- (e) The Hon'ble Forum be pleased to direct the Respondent to file their affidavit explaining as to why they did not assess the bill of the Consumer on 09.08.2003 when they found the meter, tampered seal broken in terms of section 126(5) of Electricity Act, 2003.
- (f) Any other direction as may be deemed necessary by the Hon'ble Forum.

8. List of Documents enclosed
(Please enclose copies of any relevant documents)

- (a) Card Dated 09.08.2003
- (b) Letter dated 20.08.2003
- (c) Letter dated 25.08.2003
- (d) Letter dated 26.08.2003
- (e) Installation Card dated 29.08.2003
- (f) Bill for the month of August 2003
- (g) Card dated 10.09.2003
- (h) Notice dated 29.09.2003
- (i) Bill for the month of Sept 2003
- (j) Bill for the month of October 2003
- (k) Bill for the month of November 2003
- (l) Bill for the month of December 2003

9. Declaration -

- (a) I, Kailash V. Nemade, the Consumer herein, declare that -
 - (i) the information furnished herein above is true and correct; and
 - (ii) I have not concealed or misrepresented any fact stated in aforesaid columns and the documents submitted herewith.
- (b) The present Grievance has been intimated to the Distribution Licensee in the form and manner and within the time frame prescribed by the Distribution Licensee and I am not satisfied by the remedy provided by the Distribution Licensee or no remedy was provided within a period two (2) months from the date of original intimation.
- (c) The subject matter of the present Grievance has never been submitted to the Forum by me by any one of the us or by any of the parties concerned with the subject matter to the best of my knowledge.
- (d) The subject matter of my Grievance has not been settled through the Forum in any previous proceedings.
- (e) The subject matter of my Grievance has not been decided by any authority/court/arbitrator.

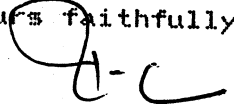
OR

The subject matter of my Grievance is pending since 17.11.2003 BEFORE MAHARASHTRA ELECTRICITY REGULATORY

7

COMMISSION, MUMBAI, who have informed the Consumer to approach this Forum in view of establishment of new Regulations under the Electricity Act, 2003.

Yours faithfully,



(KAILASH VASUDEV NEMADE)

I/We the above named Consumer hereby nominate Shri/Smt. _____, who is not an Advocate and whose address is _____ as my/our representative in the proceedings and confirm that any statement, acceptance or rejection made by him/her shall be binding on me/us. He/She has signed below in my presence.

NOT APPLICABLE

Accepted.

(Signature of Representative)

(Signature of Consumer)