

**BEFORE THE CONSUMER GRIEVANCE REDESSAL FORUM
AURANGABAD ZONE, AURANGABAD.**

Case No: CGRF/AZ/JLNR/47/2007/16
Date of filing: 18.06.07
Date of Decision: 13.07.2007

M/S. Ujwal Refinery Pvt.Ltd. The consumer
Gut No.175, Rammurti, Dist. Jalna complainant.
(Con.No. 5103902216790)

Vs.

Maharashtra State Electricity Distribution Co. Ltd.

The Distribution
Licensee.

Coram :

Shri R.K. Pingle: Chairman
Shri A.N. Sonwane Member Secretary
Shri H.A.Kapadia: Member

Sub: Grievance under the Maharashtra Electricity Regulatory
Commission,(Consumer Grievance Redressal Forum and
Ombudsman) Regulations 2006.

The consumer complainant M/S. Ujwal Refinery Pvt.Ltd.
Gut No.175, Rammurti, Dist. Jalna has filed its grievance in annexure
“A” on 18.06.07 through its Director Shri Nitin Panch under Regulation
No.6.10 of the Regulation 2006 . A copy of the grievance was forwarded
on 18.06.07 to the Nodal Officer and Executive Engineer (Adm.) , in the
office of the Superintending Engineer , M.S.E.D.C.L., Jalna with a
request to furnish his response within 15 days from the date of receipt of
the letter and the hearing in the matter was fixed on 12.07.07 .

The grievance of the consumer, in brief, as per consumer is as
below.

The electricity connection to the factory was released by the Distribution
Licensee (hereinafter referred as D.L.) on 26.10.2001 .The consumer
number allotted is 510390221892 and the meter installed bears serial
number as 1027632. On 24.6.03 , the consumer filed a complaint with the
D.L. to rectify the meter as there was no display on the meter.

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The consumer likewise requested on 29.7.03 and 30.9.03. On 3.2.04 vigilance squad of the D.L. visited the premises of the consumer and on inspection found the seal of the meter box and meter as O.K. They also found that there was no display on the meter. On the basis of the remark by the flying squad the D.L. installed new parallel meter at the premises of the consumer on 4.2.04 . On 11.2.04, the squad again visited the premises of the consumer and thereafter on 24.5.04 , a bill for Rs. 1,93,724 was issued to the consumer payable by 11.4.06. It is this bill which is challenged before the Forum.

Here we would like to state in brief the circumstances under which this grievance was filed and admitted.

The consumer initially challenged the bill before the District Consumer Forum Jalna.. The District Consumer Forum Jalna admitted the complaint of the consumer on 24.05.04.The Forum by its order dt. 4.8.06 rejected the complaint of the consumer and directed the consumer to file appeal before the D.L. as per provisions of Electricity Act 2003. It is also mentioned in the order that the consumer is entitled to be condoned delay for filing the appeal from 24.5.04 till date of decision . The consumer therefore went in appeal to the State Consumer Dispute Redressal Commission on 29.08.06. The State Commission by its order dt. 6.3.07 dismissed the appeal. The State Commission however directed the consumer to move the authority under the Electricity Act 2003.The state commission has also observed that “ **time spent in prosecuting this complaint and appeal should be taken into account by the authority under the Electricity Act 2003 in condoning the delay if any.**” It is after this order of the state commission that the consumer has filed this grievance before this forum on 18.6.07. Therefore the grievance was admitted and taken up for hearing after issuing notice to the Nodal officer, MSEDCL Jalna .

On the date of hearing i.e. 12.7.07, the consumer was present in person. The Nodal officer was not present. One Shri Hake Asst. Accountant , who was authorized by Asst. Engineer was present on behalf of the D.L. The representative of the D.L. filed response on the grievance of the consumer under signature of Asst. Engineer. The consumer & the representative of the D.L. did not have anything to say other than the documents filed on record. Therefore the case was reserved for decision.

We have gone through the grievance of the consumer , complaint fled before the District Consumer Redressal Forum , Jalna, appeal filed before State Commission, the decision of the District Consumer Redressal Forum and the State Commission and the other documents filed by the consumer. We have also gone through the response filed by the representative of the D.L. In the response of the D.L. , it is stated that the action taken by the D.L. in charging the consumer for extra units and enhancement of load is correct and it is requested to reject the grievance. It is also stated therein that the courts (District Consumer Redressal Forum and the State Commission) have rejected the grievance of the consumer and the same now can not be entertained before this Forum as it is not within time limit.

At the outset we would like to consider the contention of the D.L. about the grievance not being tenable before this Forum as the same is not filed within time limit prescribed and the grievance of the consumer is rejected by the courts. The grievance of the consumer started with the issue of the impugned bill 24.5.04. As stated above the District consumer Redressal Forum and the State Commission have rejected the grievance of the consumer. However they have directed the consumer to seek redress under the provisions of the Electricity Act 2003. The State Commission in its order dt.6.3.07 ,though has dismissed the appeal, has also directed the appellant to move the authority under the Electricity Act 2003. It is also specifically mentioned that “ **time spent in prosecuting this complaint and appeal should be taken into account by the authority under the Electricity Act 2003 in condoning the delay, if any.**” Considering the time spent in the District Consumer Redressal Forum and the State Commission, we are of the view that the cause of action is within two years and therefore the same can be considered by this Forum and therefore the grievance is admitted for hearing.

On going through the documents and record before us we find that the consumer by his application dt.24.6.2003 , 29.7.03 and 30.9.03 has complained to the D.L. about some defect or problem in the meter. However nothing appears to have been done by the D.L. relating to the complaint of the consumer. On 3.2.04, Flying squad of the D.L. visited the premises of the consumer .In the inspection report of Flying squad the meter box, the meter body and meter terminal covers were found to be O.K. but the meter did not have any display of reading. The connected load was found to be 84.31 HP which included one number of stand by pump of 7.5 HP .

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Further in the said report it was stated to seal the meter in presence the consumer and to send the same for testing and convey the results. It also appears that a parallel meter was installed at the premises of consumer on 4.2.04. The Flying squad again visited the premises of the consumer on 11.2.04. In the report the same connected load is observed as per that on 3.2.04. The Flying squad gave remark to (1) To assess as per connected load , (2) remove faulty meter, (3) assess capacitor penalty as per Board's rule. This report also discloses the existence of two Nos. of condenser pump having 7.5 HP capacity each, i.e.15 H.P. (on standby).

The consumer appears to have been issued bill , in pursuance of remark of flying squad in its visit dt.11.2.04. The bill is payable by 11.6.04 and the amount of bill is Rs. 1,93,724/ The composition of bill is as below.

1. S.L.C. :	17 HP x450 = Rs. 6800=00
2. SA III	17 x500 = Rs. 8500=00
3. Penalty	17x120x6 = Rs. 12540=00
4. As per	
84x.746x0.6x8hrsx26daysx7 months	
= 54743-13272	
= 41471x4	= Rs. 1,65,884=00.
Total:	Rs. 1,93,724=00

As observed above the consumer , on three occasions has informed the D.L. about the problem in the meter and requested to rectify the same. However nothing appears to have been done by the D.L. in this regard. As a matter of fact periodic testing and maintenance of the meter is the responsibility of the D.L. but the D.L. appears to have failed in this regard. Though observed by the Flying squad in its report dt.11.2.04, the meter does not appear to have been sent for testing as neither results appear to have been conveyed to the consumer nor brought on record before the Forum. It would have been correct and proper to raise bill based on the findings disclosed in testing of meter. Since this is not done, we have to examine the bill in light of facts available to us from record produced before us.

So far as composition of disputed bill is concerned , we would like to observe that the excess load of 17.5 HP considered for raising the bill is not correct as it includes standby load of 7.5. HP. The connected load for which the consumer is liable for charging would come to 10 HP. The consumer has been charged for 54743- 13272=41471 units calculated on connected load and working hours & days basis which is not correct. As a matter of fact the consumer should have been charged for the disputed

period on the basis of consumption recorded after installation of parallel meter bearing Sr. No. 09479 on 4.2.04, which is continued after removing the old meter bearing Sr. No. 6001027632.

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Considering the consumption recorded from July 04 to June 05 , the average monthly consumption comes to 1881 units per month. In such a case it would be also proper to consider the recorded consumption of prior twelve months before the meter display stopped. Therefore considering the consumption recorded from June 2002 to May 2003, the average monthly consumption comes to 2095 units per month. Considering both these average monthly consumptions , the resultant average monthly consumption comes to 1988 units per month. The consumer , in our opinion should have been charged at the rate of 1988 units per month for the disputed period i.e. the period involved in the disputed bill of Rs. 1,93,724/. Needless to say the units for which the consumer is charged on average basis for this period should be deducted therefrom. Hence the following order.

ORDER

1. The disputed bill amounting to Rs. 1,93,724/ is quashed.
2. The D.L. is directed to revise the bill considering the excess load of 10 HP instead of 17 HP, so far as SLC , SAIII and penalty is concerned. While revising the bill the consumer should be charged for average monthly consumption of $1988 - 1896 = 92$ units per month for the disputed period towards energy charges.
3. No interest & DPC shall be charged while revising the bill as per above.
4. The payments made against the disputed bill, if any , should be considered while revising the bill.
5. The revised bill shall be issued within a period of one month from the date of this order.

The D.L & the consumer shall comply with the above order and report compliance to the Forum.

Inform the parties and close the case

(H.A.Kapadia)
Member

(A.N.Sonwane)
Member secretary

(R.K.Pingle)
Chairman

