

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

Case No: CGRF/AZ/AUR/49/2007/18
Date of filing: 19.06.07
Date of Decision: 13.07.2007

Hotel Rama International
Jalna Road,Aurangabad.
(Con.No. 490019000289)

The consumer
complainant.

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 Hotel Rama International, Jalna Road, Aurangabad has filed its grievance in annexure "A" on 18.06.07 through its chief Engineer Shri Siddiqui 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., Urban Circle, Aurangabad. 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.

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The consumer is hotel industry and has been provided 11kv HT supply by the Distribution Licensee(hereinafter referred to as D.L) The consumer is regular payer of the bills till Feb.06. IN the month of March 06 i.e. on 9.3.06 , the metering unit installed at his hotel failed and supply was interrupted. The Supply was restored on 9th March 2006 only after bypassing the metering unit. The metering unit was repaired and was reinstalled on 21.4.06. It is contended that the D.L. is supposed to issue monthly bill based on last six months average consumption, in such cases. However the consumer was billed for 5373 units and 4956 units per day for March & April 06 respectively, which is on very much higher side. Though the consumer persuade the matter with D.L. by letters dt. 19.4.06, 15.5.06, 12.6.06, 19.6.06 11.7.07 & 22.9.06.no remedy was provided by D.L. The consumer therefore requested to direct the D.L. to revise the bill for the month of March & April 06 on the basis of average consumption for last six months and to adjust excess amount paid against two bills by way of credit in next bill.

On the date of hearing i.e. on 12.7.07 , the consumer was present through its representative Shri K.K. Jadia. The Nodal officer Shri Pawar was present on behalf of D.L. The Nodal officer did not file his response on the date of hearing, instead the Nodal officer filed an application stating that details are not received with by him and as such he is unable to reply & represent the case. The case was therefore reserved for decision. However both the parties were given liberty to file additional contention ,if any on or before 16.7.07. The consumer as well as Nodal officer filed their contentions on 13.7.07.Therefore the case was taken up for decision 13.7.07 itself

The Nodal officer in his reply filed on 13.7.07 has stated that as per MERC regulation No.15.4.1, the average consumption of 12 months is required to be consider while preparing bills incase of defective meter. Considering the consumption recorded from March 05 to Feb.06 , the average monthly consumption comes to 139160. The Nodal Officer has admitted wrong billing to the extent of 20441 units and 2297 units for the month of March & April 06 respectively. The Nodal officer however while considering the daily consumption has considered the consumption to be only for 25 days considering five staggering days (Friday). The average the consumption per day has been calculated by him is 5567 units per day. The representative of the consumer has objected to exclusion of staggering days (Fridays) as the consumer have consumed electricity on Friday.

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The representative of the consumer has objected to exclusion of staggering days (Fridays) as the consumer have consumed electricity on Fridays. It is also contended to exclude 52 days in a year from 365 days if consumption of twelve months is being considered.

We have gone through the grievance of the consumer and copies of the documents along with the grievance. We have also gone through the reply filed by the Nodal officer. The contention of the consumer to consider average monthly consumption based on consumption of last six months is not correct and in a case of this nature, as per MERC regulation, consumption for last twelve months is required to be taken into consideration. The Nodal Officer has not explained in his reply for excluding Fridays. It is not specifically contended that staggering was being observed in the case of the consumer for last twelve months, of which consumption has been taken into consideration for calculating average monthly consumption. The consumer on the other hand has specifically contended that they have been consuming electricity even on Fridays. The metering unit of the consumer was not in circuit from 9.3.06 to 20.4.06 i.e. for a period of 22 days in March 06 and 20 days in April 06. We also failed to understand as to how five Fridays could be considered in a month , considering the fact of consumption not being recorded only for about 21 days in March & April 06. The exclusion of Fridays is therefore not acceptable to us.

The Nodal Officer, considering the consumption of last twelve months has given the average monthly consumption to be of 139160 units. The daily consumption would therefore comes to $139160/30 = 4639$ units . We are therefore of the opinion that the consumer should be billed at the rate of 4639 units per day for the entire period for which the metering unit was not working. Hence the following order.

ORDER

1. The bill for the disputed period of March & April 06 shall be revise considering the daily average consumption to be 4639 units
2. The excess amount paid by the consumer shall be adjusted against the bills to be issued.
3. The revise bill shall be issued within a period of thirty days 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