

BEFORE THE CONSUMER GRIEVANCE REDRESAL FORUM
M.S.E.D.C.L.,NAGPUR ZONE-RURAL,NAGPUR

Application / Case No. CGRF/NZ/Rural/10 of 2005

Applicant : Shri Wasudeo Natthuji Padwe,
Sant Dnyaneshwar Ward, Behind Santoshi Mata
Mandir, Hinganghat, Dist Wardha Pin 442301.

Non-applicants : 1. Executive Engineer/Nodal Officer,
Internal Grievance Redressal Unit,
Circle Office, Wardha.
2. Executive Engineer, CCO&M Dn.,
MSEDCL, Hinganghat.

Quorum : 1.Shri N.J.Ramteke, Chairman.
2.Shri M.G.Deodhar,Member,

Appearance : 1.Shri Wasudeo Padwe, , Applicant.
2.Shri P.C.Dhanvijay, Exe.Engineer/N.O.,,
3.Shri V.R.Sonkusare,Dy.E.E.,H'ghat
(Representatives of non-applicants.

ORDER

(Passed this 19th Day of September, 2005)
(Per Shri N.J. Ramteke, CHAIRMAN)

Applicant presented an application in Schedule “A” on 11-8-2005 to this Forum under MERC (CGRF&O) Regulations, 2003 (hereinafter called the Regulations) for redressal of the grievances as mentioned in his application. Applicant requested the Forum for redressal of his grievance that his meter was not in order and totally stopped from August, 2001 to 3-2-2004. Despite his request to the Non-applicants, no action was taken till February, 2004. The Non-applicants – D.L. gave him the average bills for the period August, 2001 to 3-2-2004. He emphasised that on installation of new meter in February, 2004, his meter reading is less than the average bills which he already paid and , therefore, he requested the Forum for refund of this amount. Applicant also presented his submissions alongwith the documents.

The facts in brief in this case are that Applicant is an electricity consumer of the MSEDCL (herein after called the D.L) with Consumer No.396010143731. His meter was not working since August, 2001. He made continuous correspondence with the D.L. and made oral requests also for installation of the new meter or the repairs thereof.

On receipt of the application in Schedule “A” to this Forum, an acknowledgement as required under Regulation 6.6. was given to him. A copy of application alongwith the set of papers as enclosed by Applicant were sent to the Non-applicants with copy to Nodal Officer as required under Regulation 6.7 of the Regulations. The Non-applicants were directed to submit their parawise comments as per Regulation 6.8 of the Regulations. Notices were issued and served on both the parties as per Regulation 6.9 of the Regulations. The Forum heard both the parties. Applicant also made a written submission at the time of hearing on 6-9-2005and the copy of the same has been given to the Non-applicants. The Non-applicants submitted their parawise comments (Record page 23 & 24). The Non-applicants also submitted copies of documents with C.P.L. for the period January, 1999 onwards. Thus a fair and reasonable opportunity of hearing was given to both the parties.

Applicant presented an application to Internal Grievance Redressal Unit, Wardha in Schedule "X" on 11-5-2005. The Incharge of Internal Grievance Redressal Unit, Wardha issued the notice to Applicant for hearing and remain present with the concerned documents. It appears that no reply was given by the Internal Grievance Redressal Unit, Wardha to Applicant in this regard and, therefore, he approached this Forum for redressal of his grievances.

The main contention of Applicant is that his faulty meter was replaced on 3-2-2004 though it was in disorder from August, 2001 and, therefore, he came in financial loss. The D.L. charged 10% more in the bill though meter was stopped in the name of average bills. The D.L. sent him the abnormal bills of higher electricity charges. It was shown as faulty or defective on different dates in the C.P.L. All this happened as the meter was not replaced in time. The D.L. took the time of two and half years for replacing the faulty meter. There is a lot of difference between the average bills and the actual consumption by Applicant on installation of the new meter after February, 2004. Applicant requested the Forum for refund of the excess amount which he has paid. Applicant also requested for payment of the cost of the case incurred by him on this case.

The main contention of the Non-applicants is that the meter was faulty from August, 2001 and, therefore, the average bills as per rules were given to the Applicant. The Non-applicants have given the details of the average bills in their parawise comments (Record page 23) for the period April, 2001 to August, 2001 which shows 985 unit for 6 months and, therefore, average comes to 362 units for 2 months. Applicant already paid the amount of average bills. The faulty meter has been replaced in February, 2004. The meter reading in October, 2004 is 580 units and, therefore, the electricity bill for 578 units was given to the Applicant. The D.L. has correctly and rightly charged the average bills as per rules during the period of faulty meter. Since the new meter was not available with the D.L., it was not replaced during that period. Applicant is not entitled for any refund of amount and there is no financial loss to Applicant.

In view of above submissions of both the parties, the Forum observed and come to the conclusion as follows:

Section 47 of the Electricity Act, 2003 (herein after called the Act) provides for power to require security. It has been laid down under Clause 'B' of this Section that where any electric line or electrical plant or electric meter is to be provided for supplying electricity to such persons in respect of provisions of such line or plant or meter. It means the meter is provided to the consumer on payment of the security and the D.L. is entitled for the same. Regulation 14.1 of Supply Code also made the provisions for supply and cost of meter in terms of Section 47 of the Act Regulation 14.3 laid down that meter reading shall be undertaken by the authorized representative atleast once in every 3 months in case of agriculture consumers and atleast once in every two months in case of all other consumers. The C.P.L. clearly shows the faulty meter from Dec.,2001 till the replacement by the new meter. In August, 2001, there is no remark about the meter reading and in October, 2001 it shows R.N.A. (Reading not available). It means the D.L. was aware of the facts that the meter was not working or it was faulty. It was the duty of the Non-applicants to replace the faulty meter as the C.P.L. clearly shows about the faulty meter. The copies of the bills as submitted by the Applicant also confirm the faulty meter. It is also surprising to note that the bill dated 28-5-2004 (Record Page 40). The bill is of 4 months whereas Applicant should get the bill every two months. It is also equally surprising to note that the

subsequent bills for the period 17-4-2004 to 17-6-2004 show reading not available on average of 180 units per month etc. It means, meter was replaced but no proper reading was taken by the D.L. The Forum do not agree with the D.L. that the meter was not available in their stock and, therefore, it could not be replaced. It is the responsibility of the D.L. to replace the faulty meter or defective meter at the earliest.

During the course of hearing dated 6-9-2005, the Forum asked a specific question to the representatives of the D.L. (S/Shri Dhanvijay, E.E.& Sonkusare, Dy.E.E.) whether any circular or instructions are given by the Head Office of the D.L. in respect of calculation of average bill. Shri Sonkusare submitted the copy of Code of Commercial Instructions issued by the D.L. The plain reading of Clause 4-5-1 (Record Page 56) shows that the consumption during the period that the meter is out of order will be the same consumption made by him during the preceding quarter/6 months period respectively. However, in the same instructions it has been specifically laid down that the faulty meter will be replaced by another one in good working order immediately or the same will be replaced and re-installed as expeditiously as possible. This means the duty is casted on the D.L. to replace the faulty meter immediately. As per these instructions, D.L. has no way out but to replace the faulty meter immediately. The Non-applicants cannot take the shelter under these instructions though they provide for average bills. In view of this position, it is not necessary to go into the details of other minor points as the major demand of the Applicant is about the average bills. The Forum is of the opinion that the D.L. should charge the average bills as per April, 2001 to August, 2001 (Total units 985 for 6 months). The Non-applicants are also directed to apply and collect the electricity charges as per average bills for the period April, 2001 to August, 2001 and the same should be charged for the bill for period October, 2001. The Non-applicants are also directed to take the electricity charges from Applicant as per average bill for the period December, 2001 to February, 2004 on the basis of the actual consumption of units by the Applicant during the period February, 2004 to October, 2004. As per the submissions of the Non-applicants in their parawise comments which comes to 578 units for the period February, 2004 to October, 2004. The Non-applicants should adjust the bills as per this average of 578 units for the period February, 2004 to October, 2004.

In view of above circumstances and position, the Forum pass the Order as follows:

ORDER

- (1) Application is allowed.
- (2) The D.L. should work out the bill for the period December, 2001 to February, 2004 at the average of the period February, 2004 to October, 2004 of actual consumption of Units.
- (3) If the amount of electricity bill as per above directions of the Forum is more, Applicant should make the payment of remaining amount or the charges are less the Non-applicants should make the adjustment in the future bills.
- (4) Non-applicants should revise the bills within 45 days from the receipt of this Order.
- (5) There is no order about the cost.

CHAIRMAN

MEMBER

CONSUMER GRIEVANCE REDRESSAL FORUM (NZ-RURAL)

M.S.E.D.C.L., NAGPUR

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