

MAHARASHTRA STATE ELECTRICITY DISTRIBUTION CO.LTD
Consumer Grievance Redressal Forum
Nagpur Zone Rural,Nagpur

Application /Case No.CGRF/NZ/Rural/302 OF 2010

In the matter of recovery of supplementary bill

Shri.Sanjaykumar N Asati Appellant

V/s

Nodal Officer,I.G.R.C,Gondia / Respondent
Executive Engineer,Deori.

Present:

1. Ms.S.B.Chiwande,Member Secretary
2. Shri. M.G.Deodhar, Member

On behalf of the Appellant:

1. Shri. D.D.Dave,Representative

On behalf of the Respondent:

1. Shri. B.D.Matte, Executive Engineer
2. Shri. S.W.Gawande,Executive Engineer/Nodal Officer
3. Shri.S.T.Kamble,Assistant Engineer
4. Shri. D.B.Madane,Assistant Engineer
5. Shri. P.M.Thakare,Assistant Auditor

ORDER

Date: 1st March, 2011

The Appellant has filed grievance application in form schedule A under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (C.G.R.F & E.O) Regulations,2006 on Dt.30.12.2010.The grievance arises due to adjustment units 28843 KWH incorporated by the Respondent along with current consumption of 15046 KWH in the month of October 2010 . This bill is charged is as per CMRI report for the period from 10.08.2010 to 04.10.2010 when the consumer's meter was stopped recording but DTC meter was showing (Recorded) the consumption . The Appellant approached to

Internal Grievance Redressal Cell(for short Cell) Gondia on Dt.22.10.2010, however the order is not received till date, hence the present grievance has been filed by the Appellant. Brief details of the grievance are as under.

The Appellant is an Industrial consumer of Maharashtra State Electricity Distribution Co. Ltd. (hereinafter referred to as the Respondent) having consumer No. IP 430900003107 .The electronic meter having Sr.No. D0053633 is installed for recording the consumption of Rice Mill. Since past so many years the consumption recorded by this meter is duly billed by the respondent & the bills are being paid regularly by the appellant .Being electronic meter (TOD) Zone wise consumption i.e.Zone A,B,C,D are also indicated in the energy bills. In the month of October 2010 ,the appellant received hand made assessment bill for 28843 units amounting to Rs.152800/-. On inquiry,the Assistant Engineer, MSEDCL, Salekasait has told that this is the consumption recorded by MRI for August & September 2010. The appellant refused to pay the bill for the reason that they have already paid the actual consumption electric bills of August & September 2010.The appellant received the electric bill of October 2010 wherein the current consumption of 15046 KWH along with adjustment units 28843 KWH total 43889 KWH amounting to Rs. 257962.74 was incorporated. The appellant disputed the said bill & lodged the grievance with IGRC on Dt.22.10.2010 but no outcome is received till date.

The appellant further said that the respondent constrained them to make the payment of the said electric bill under the threat of supply disconnection. The disputed bill is paid by the appellant under protest on Dt.16.11.2010 to overcome the power disconnection action of the respondent. The appellants contention is that the respondent has not made it clear, as to how they arrived at assessment . They have not specified whether the assessment is done under section 126,135 or 138 of Electricity Act 2003 or whether subject meter is tampered or Faulty. The respondent has not imposed any section of Electricity Act 2003 due to lack of evidence. Furthermore the subject meter is not declared faulty by the respondent. The only reason put up by the respondent is that MRI data was retrieved in October 2010 wherein power failed status /Tamper status report is mentioned during Aug/Sept/Oct 2010 and accordingly the absurd assessment is proposed for Aug & September 2010 and recovered the amount under the threat of power disconnection. The appellant further stated that he has not played any mischief with the

meter. The interruption in power is ranging from 20 minutes, 5 minutes and sometimes in hours also. If there is any evidence of tampering in meter the respondents H.O. and its Director of Vigilance have specifically issued the instruction for lodging the FIR in case of tampering with the meter within 24 hours. In the subject case there being no evidence the FIR is not lodged by the respondent & the absurd assessment is got recovered under threat of disconnection though the matter is disputed with IGRC. The Cell passed the Order on 12th November 2010 but the copy of order is not received to the Appellant & hence the appellant filed this grievance. The Appellant has prayed that the Rice Mill being seasonal consumer, its peak season is from November to June in every Year. During the rest of the period the milling is done as per the need of the customer and hence the disputed bill of assessment of 28843 KWH amounting to Rs.152800/- should be quashed and refunded with due interest.

The Respondent filed its parawise reply on Dt.13.01.2011 to the points raised by the Appellant. The respondent stated that the Appellant is his consumer having connection No.IP- 430900003107 with Contract demand of 82.89 KVA. The meter bearing Sr.No.MSD53633 installed for recording the consumption of consumer. On Dt. 05.10.2010 the respondent retrieved the data of Mtr.No. MSD53633 through MRI & analyzed the data in which it is observed that the said meter was not recorded energy consumption intermittently for the period from 10.08.2010 to 04.10.2010, however the meter installed at Distribution transformer having Sr.No.015421 make HPL was recorded the energy consumption during the said period. The said DTC is having only 2 Nos. of industrial connection. As per the MRI data the meter installed at consumer end has not recorded the consumption for 570.66 Hrs. The recorded M.D was 84.20 KW, hence the assessed units 28843 KWH were charged to the appellant. The appellant paid the bill on Dt.16.11.2010. The respondent has not issued the notice for disconnection of supply. The appellant paid the assessment bill on Dt.16.11.2010 without any protest, however they send letter dtd.16.11.2010 to Assistant Engineer, Salekasa Subdivision which was received on Dtd.01.12.2010 in which it is mentioned by the appellant that they have made the payment under protest. With this submission the Respondent prays to dismiss the appeal.

The matter was heard on 7th February 2011. Shri.D.D.Dave Representative represented the Appellant. Shri.D.B.Matte Executive Engineer Deori Division,

Shri.S.W.Gawande,Exe.Engr/NodalOfficer,Gondia,Shri.S.M.Kamble,Asstt.Engr., Salekasa S/Dn,Shri.D.B.Madne,Asstt Engr.Amgaon S/Dn,Shri.P.M.Thakare,Asstt Auditor were present on behalf of the Respondent. Shri.Dave reiterated Appellants submission made in the grievance. He stated that the respondent has charged the assessment without quoting any section of Electricity Act 2003. The appellants meter was not tampered & hence without any evidence the assessment charged by the respondent is illegal. The meter installed at DTC should not be taken as a basis for charging the assessment as there were some light & fan connections connected on that DTC also. The Respondent argued that it has raised the bill after analyzing the Data retrieved by MRI on Dt.05.10.2010 in which it was observed the meter was not recorded intermittently for the period from 10.08.2010 to 04.10.2010 for 570.66 Hrs.(excluding Load Shedding & other interruption) even though the DTC meter recorded the consumption for that period. There are only 2 Nos of Industrial connections on that DTC. The respondent charged the assessment on the basis that even though the DTC recorded the consumption, the appellants meter was not recorded the consumption . The respondent further stated that they have not charged the assessment under section 126,135 or 138 ,however they have made the assessment as per the Regulation 15.4 of M.E.R.C (Electricity Supply code and other conditions of Supply) Regulations,2005 , when consumer meter was not recorded the consumption.

Having heard upon the parties & on careful consideration of documents on record it is noticed that the Appellant had raised the issue about the recovery of bill charged by the respondent as per MRI Data retrieval report for the period from 10.08.2010 to 04.10.2010.The Appellant felt that such recovery bill raised by the respondent without quoting any section of Electricity Act 2003 when there is no evidence about that the subject meter is tampered or Faulty.

Facts on record shows that the Appellant has Industrial connection having connection No. IP-430900003107 with Contract demand of 82.89 KVA. On Dt 05.10.2010 the respondent retrieved the data of meter Sr.No.MSD 53633 installed at consumer end, in which it is observed that the meter was not recorded the consumption intermittently. The respondent also retrieved the data of another Industrial connection having Mtr No. 53637 for the same period on the same DTC in which the same observations were made. The Data of meter installed at Distribution Transformer from

where the supply was fed to above two Industrial connections was also retrieved on Dt.01.09.2010. After analyzing the data it is noticed that though the DTC meter recorded the consumption ,the above two connections was not recorded the consumption intermittently. The DTC is having only two nos of Industrial connections. The details of data about energy consumption/supply position of above industrial connections & DTC meters on Dt.14.09.2010 is illustrated as below :-

1) Appellants Meter No. MSD 53633

From 00:00 Hrs to 8:00 Hrs.	No consumption recorded
From 08:00 Hrs. to 11:30 Hrs	64.05 Kwh units recorded
From 11:30 Hrs to 16:00 Hrs	No consumption recorded
From 16:00 Hrs. to 19:30 Hrs	15.00 Kwh units recorded
From 19:30 Hrs to 00:00 Hrs	No consumption recorded

09:00 Hrs of 15.09.2010

2) Another Consumer Meter No.MSD 53637

From 00:00 Hrs to 8:00 Hrs.	No consumption recorded
From 08:00 Hrs. to 11:30 Hrs	No consumption recorded (Voltage available)
From 11:30 Hrs to 16:00 Hrs	No consumption recorded
From 16:00 Hrs. to 19:30 Hrs	No consumption recorded (Voltage available)
From 19:30 Hrs. to 20:00 Hrs	No consumption recorded
From 20:00 Hrs to 00:00 Hrs	52.35 Kwh units recorded

3) DTC Meter No.015421

From 00:00 Hrs to 12:00 Hrs.	Consumption recorded (411.70 Kwh)
From 12:30 Hrs. to 16:30 Hrs	No consumption recorded (Load Shedding on 11 KV Salekasa Feeder)
From 17:00 Hrs to 24:00 Hrs	Consumption recorded (91.28 Kwh)

While retrieving the data through MRI on dt 05.10.2010, the data of above two connections for the period from 10.08.2010 to 04.10.2010 was available. Hence the respondent assessed the consumption only on the basis when the consumer's meter was not recorded the consumption for the above period which was excluding Load shedding & regular maintenance.

In view of above it is concluded that although the consumption was recorded by DTC meter ,but somehow it could not be recorded by the consumer meter. Therefore it is clear that the consumer has utilized the energy though is not recorded in consumers meter. Hence, the Respondents claim to recover assessment bill pertaining to the period from 10.08.2010 to 04.10.2010 is based on the MRI data & is found correct. The respondent has not issued any disconnection notice to the consumer, hence the appellants contention that he has paid the bill under threat of disconnection has no substance. In the result, the Cell's order in this behalf, stands. The Appellant's grievance is hereby rejected.

With the above observations the Forum unanimously pass the following order

ORDER

- 1.Application is Rejected.
- 2.There is no order as to cost.

Sd/-
Member Secretary

Sd/-
Member

CONSUMER GRIEVANCE REDRESAL FORUM
M.S.E.D.C.L (NAGPUR ZONE RURAL) NAGPUR

**CONSUMER GRIEVANCE REDRESSAL FORUM
NAGPUR ZONE (RURAL) M. S. E. D. C. L.**

Plot No.12, Shrikrupa, Vijaynagar, Chhaoni,

NAGPUR – 440 013

(O) 0712- 2022198

NO. CGRF/NZ/R/ 50

Date : 01/03/2011

**Certified copy of order dtd 1st March ,2011 in Case No. 302/2010 is
enclosed herewith.**

Member-Secy/ Exe.Engineer,
C.G.R.F.(NZ-R)MSEDCL
N A G P U R

Copy to:-

1. Shri.Sanjaykumar N Asati, At Post-Zaliya,Tq-Aamgaon, District-Gondia.
2. The Chief Engineer,Nagpur Zone (Rural)MSEDCL, Vidyut Bhavan,Katol Road, Nagpur.
3. The Exe.Engineer/N.O., O&M Circle Office, MSEDCL. Gondia. --
4. The E.E.,C.C.O&M Dn., MSEDCL, Deori for information and necessary action.

Address of **the Electricity Ombudsman** is given as below.

Office of - **The Electricity Ombudsman,**

Maharashtra Electricity Regulatory Commission,
606-608, Keshava Building,
Bandra-Kurla complex,
MUMBAI- 400 051

TEL.- 022 - 26592965 (Direct)
022 - 26590339 (Office)