

CONSUMER GRIEVANCE REDRESSAL FORUM
NAGPUR ZONE (RURAL) M. S. E. D. C. L.
Plot No.12, Shrikrupa, Vijaynagar, Chhaoni,
NAGPUR – 440 013

SHRI V.R.Khobragade,IAS(Retd)
Chairman

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Shri M.G.Deodhar,
Member

(M)9422805325

NO. CGRF/NZ/R/

Date :

Certified copy of order dtd 31st July,2008 in Case No. 52/2008 is enclosed herewith.

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

Copy to:-

1. M/S. Dinshaw Dairy Foods Ltd., at Amgaon, Tah-Pauni, District-Bhandara.
2. The Chief Engineer,Nagpur Zone (Rural)MSEDCL, Vidyut Bhavan,Katol Road, Nagpur.
3. The Exe.Engineer/N.O., O&M Circle Office, MSEDCL. Bhandara. --
4. The E.E.,C.C.O&M Dn., MSEDCL, Bhandara 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)

**BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM
M. S. ELECTRICITY DISTRIBUTION CO.LTD.
(NAGPUR ZONE – RURAL) NAGPUR.**

Application/Case No. CGRF/NZ/Rural/ **52** of 2008

Applicant : Dinshaw Dairy Foods Limited, At- Amgaon,
Taluka- Pauni, Dist-Bhandara.

-- VS --

Non-applicant : 1.Executive Engineer/Nodal Officer, I.G.R.C,
Circle Office,M.S.E.D.C.L., Bhandara..
2.Executive Engineer,C.C.O&M Dn., M.S.E.D.C.L., Bhandara.

Present : 1.Shri V.R.Khobragade,Chairman
2.Shri M.G.Deodhar,Member
3.Shri S. J. Bhargava,Member/Secy.

Appearance. : 1. Shri Nitin Shankarrao Mohod,Representative,
present for Applicant.
1. Shri P.T.Reshme,,E.E./N.O.
2. Shri P.M.Gundalwar, Dy.E.E.
3. Shri S.S.Pandharipande,D.A.
present for Non-Applicants.

ORDER

(Passed this 31st day of July,2008)
(Per Shri V.R. Khobragade, CHAIRMAN)

1. Being aggrieved with the order No.2559 dtd.31/5/2008 passed by Internal Grievance Redressal Cell, Bhandara, the Applicant filed grievance application in form Schedule 'A' as per Maharashtra Electricity Regulatory Commission (C.G.R.F.& E.O.)Regulations,2006 on 12/6/2008. I.G.R.C.,Bhandara upheld the action of non-applicants and directed to make payment of Rs. 74351/-.
2. On receipt of grievance application in form Schedule 'A', the Forum issued acknowledgement to Applicant, called parawise comments of the non-applicants, a copy of the parawise comments was sent to the Applicant, issued notices to both the parties finally heard both the parties on 7/7/2008. Forum thus offered a fair, reasonable and adequate opportunity to both the parties for submission of their say in the matter.

3. The case of Applicant in brief is that M/S. Dinshaw Dairy Foods Ltd.(Hereinafter referred as 'Applicant') is owner of milk scheme plant and ice factory at Amgaon, Tahsil-Pauni, District-Bhandara. He is a consumer of M.S.E.Distribution Co.Ltd. (Hereinafter referred as 'Non-applicants) having connection No. 435610000025. He approached to I.G.R.C.,Bhandara on 15/4/2008 against issuance of bill of Rs. 74351/- I.G.R.C., Bhandara upheld action of non-applicants vide order No.2559 dtd 31/5/2008.
4. On the date of hearing both the parties were heard in person and they were allowed to file documents, if any.
5. Shri Nitin Shankarrao Mohod, Representative of Applicant contented that consumer has been regularly paying the bill issued by the non-applicants. On 29/11/2007, J.E.- in charge of area concerned installed meter No.M.S.D.45076 suspecting that old meter No. M.S.D. 12067 is not recording energy properly. On 14/1/2008, the Flying Squad of D.L. visited the spot and inspected meter No.MSE 45076(Record Page No.9) and found that R & B phase C.Ts are not working properly due to internal fault developed in C.Ts which is termed as saturation. The non-applicants, therefore, replaced meter again on 24/1/2008. The Applicant further received bill of Rs. 1,05,430/- for assessment of 25230 units not recorded by the said meter for period Nov,2007 to Jan,2008. The Flying squad after due testing observed that meter is running 58% slow and C.T. needs to be immediately replaced. Accordingly, on 21/1/2008 C.T. has been changed and again meter was replaced on 24/1/2008. After receiving bill of Rs. 105430/- Applicant sent letters to non-applicants on 21/1/2008, 24/1/2008, 20/2/2008 and 25/2/2008 protesting above referred bill dated 18/1/2008. It has further contented by the Applicant that no response to above-mentioned applications has been given by the non-Applicants and revised bill to the tune of Rs. 74351/- for 16591 units for the period 24/10/2007 to 24/1/2008 has been sent. Applicant further pointed out that per day average consumption before replacement of meter was 156 units for period from 1.9.2007 to 24/1/2008 and per day average consumption came to 146 units after replacement of meter for the period from 24/1/08 to 1.6.2008. Applicant submitted forcefully that he can not be held

responsible for defect/fault occurred in the meter after replacement of meter by the non-applicants. He submitted a chart giving month-wise details of date of reading, meter reading, No. of days, unit consumption, ice manufactured, milk chilled and per day consumption of units prior and after replacement of meter and C.Ts. Lastly, he prayed that Applicant can not be held responsible for non-detection of fault/defect either in meter or in C.T. and bill amounting to Rs. 74351/- issued by non-applicants should be treated as excess and invalid and order passed by I.G.R.C. Bhandara to be set aside and non-Applicant be directed to issue fresh revised bill. Applicant expressed his willingness for payment for the period from 14/1/2008 to 24/1/2008.

6. Non-applicants stated that on 29/11/2007, the existing meter bearing No. M.S.D. 12067 was replaced by new meter M.S.D. 45076 as J.E. suspected that meter is not recording energy properly. On 14/1/2008 the Flying Squad headed by DY.EE. visited the spot. During testing of replaced meter, they observed that the meter is reading 58% slow due to erratic behaviour of R and B phase of C.Ts. The transformation of line current was not found as per ratio of C.T. . The C.Ts. have developed internal fault and to be replaced immediately. C.Ts were accordingly replaced on 21/1/2008, however, the meter was not recording properly hence the meter was replaced again on 24/1/2008. The non-applicants submitted tamper status report of MSD 12067 in circuit replaced on 29/11/2007. M.S.D. 45076 installed on 29/11/2007 and removed on 24/1/2008 and meter No. MSD 13100 installed on 24/1/2008 and is now in existence. Non-applicants further contented that line current were not balanced due to saturation of C.Ts. and meter was recording energy 58% slow than actual. The Non-applicants brought to the notice of Forum tamper status report available w.e.f. Sep,2007 to period of till storing capacity and C.Ts. are showing behaving erratically supplying imbalance current. The fault in C.T. might have developed prior to Sep,2007 but specific date can not be ascertained. Thus, the metering arrangement installed was defective. Non-applicants further stated that as per Clause No. 15.4.1 of the Maharashtra Electricity Regulatory Commission (Electric Supply Code and other conditions of Supply) Regulations,2005, the provision is to recover charges not recorded in defective meter for last three months

from the date of detection/replacement. Non-applicants further pointed out that position of consumption from 29/10/2007 to 24/1/2008. From 29.10/2007 to 29/11/2007, the meter recorded 4520 units and from 29/11/2007 to 24/1/2008 meter recorded 7494 units which found to be 58% slow and thus total consumption for three months comes to 12014 units. The meter was running 58% slow and assessment unit comes to 16591 units amounting to Rs. 74351/-. Lastly, Non-applicants pointed out that the meeting was held under Chairmanship of Superintending Engineer, Bhandara and attended by Applicant on 25/2/2008. As agreed in the meeting fresh assessment was done by Dy.E.E., Pauni and as per fresh report of Dy.E.E., Pauni on 25/2/2008 assessment was revised as under.

	Old meter replaced on 29/11/2007 FR	
80666		Previous month reading on
29/10/2007 <u>76146</u>		
Diff 4520 units (I)		Meter replaced on
29/11/2007 with IR 0000		Again replaced
on 24/01/2008 with FR <u>7494</u>		
	Diff 7494 Units (II)	Lastly

Non-applicants requested to confirm the order passed by I.G.R.C., Bhandara.

7. There are certain points which are not disputed, that first replacement of meter on 29/11/2007, visit of Flying squad on 14/1/2008 and they carried out testing of meter and they observed that due to saturation of 2 Nos. of C.Ts meter is recording 58% slow. The company collected data retrieval available from Sep, 2007 and found that fault developed in CT in Sep, 07 onwards (or might have occurred prior to Sep, 07 but data is not available). In view of Reg. 15.4.1, only recovery of 3 months is allowed. Non-applicants has rightly assessed recoverable amount of Rs. 74351 for three months consumption and issued bill accordingly. It is further noticed by the Forum that non-applicants were sympathetic to sort out the matter positively. Having been offered relief out of discussion with S.E. held on 25/2/2008, the Applicant again approached to I.G.R.C. for reducing unrecorded units for the reasons as discussed above. Replacement of CT on 21/1/2008 and replacement of meter on 24/1/2008 and

