

**Maharashtra State Electricity Distribution Co. Ltd.'s  
Consumer Grievance Redresses Forum  
Nagpur Zone, Nagpur**

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**Case No. CGRF (NZ)/92 /2017**

Applicant : Sayed Sajjad Ali Muzaffer Ali,  
Plot No. AMG -1, Flat No, 202,  
Husini Mansion, Nagpur.

Non-applicant : Nodal Officer,  
The Superintending Engineer,  
(D/F), NUC MSEDCL.  
Nagpur

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Applicant: - Sayed Sajjad Ali Muzaffer Ali, Applicant

Non- applicant: - 1) Shri Vairagade EE, Nodal Office, Nagpur  
2) Shri. Dahashatre, SNDL, Nagpur

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Quorum Present: - 1) Mrs. V.N.Parihar,  
Member, Secretary & I/C.Chairman.  
  
2) Shri N.V.Bansod,  
Member

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**ORDER PASSED ON 12.12.2017.**

1. The applicant filed present grievance application before this Forum on 11.10.2017 under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressed Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as said Regulations).
2. Non applicant, denied applicant's case by filing reply dated 02.11.2017
3. Forum heard arguments of both the sides and perused record

4. The applicant with consumer no. 410018228304 stated in his grievance application stated that he has received excessive bills from the month of April-2017. Accordingly He had made a complaint with commercial section of Non-applicant regarding excessive bills since Apr-2017. His meter was tested in the SNDCL's Meter Testing Laboratory and found to be OK. He does not agree with the report.

5. Applicant filed grievance with IGRC on dt.06.10.2017. Accordingly matter was heard and IGRC by its order stated that *“since the working of the meter is satisfactory and accuracy of meter is confirmed, there is no reason to revise the bills. and directed to grant five interest free installment for making payment of dues and to waive of DPC as well as interest. “*

6. Aggrieved by this decision of IGRC, Applicant filed his grievance application with this forum for necessary relief.

7. The case was fixed for personal hearing on 03.11.2017, both Applicant and Non-applicant was present and heard.

9. During the hearing, Non-Applicant reiterated the same facts stated in their written reply and prayed to forum to dismiss the grievance application.

11. During the hearing applicant agreed to Test meter in MTL of MSEDCL, Therefore Forum directed the applicant to deposit requisite Testing fee and directed Non-applicant to get the disputed meter testing done at Meter Testing laboratory of MSEDCL .Also it was directed to submit MRI report, soft copy of meter reading along with spot inspection report.

12. Non-applicant submitted in their written statement that there is no facility for MRI hence they are unable to submit the same. However submitted Spot inspection report on dt 11.12.2017 and hard copy of meter reading taken during the period from May-17 to NOV-17. From the hard copy of the Photo meter readings, it is seen that readings are not readable.

13. Due to the expiry of term of Chairperson of the Forum on dt 30.06.2017, consequent to which the matter was heard by the two remaining Members. At the time of hearing Quorum present was

1) Member Secretary & I/C. Chairman. 2) Member (CPO).

As per in clause 4.1(c) of MERC (CGRF & EO) Regulation 2006 which reads as under, 4.1(c) *“Provided also that where the Chairperson is absent from a sitting of the Forum, the technical member, who fulfills the eligibility criteria of sub-clause (b) above, shall be the Chairperson for such sitting.* Needless to say that, in absence of Hon’ble Chairman, Member Secretary is In-Charge Chairman. There is difference of opinion amongst the two. Since I/Charge Chairman has one additional casting vote, therefore as per provision given in clause 8.4 of MERC (CGRF & EO) Regulation 2006 which reads as under,

8.4 *“Provided that where the members differ on any point or points the opinion of the majority shall be the order of the Forum. The opinion of the minority shall however be recorded and shall form part of the order”.*

Hence, the Judgment is based on majority view of I/C chairman and Member Secretary. However the separate dissenting note of Hon'ble Member (CPO) is noted in the judgment and it is part and parcel of the judgment. But the judgment is based on majority view and reasoning thereof is as under:

14. We have perused the record. We have heard the arguments of both the parties.

15. On perusal of the record of spot inspection, it is observed that substantial load is in use such as Fan-9nos, CFL-5nos., Tube-lights-6nos,TV-2nos, Settop-Box-2 nos,Freeze-1no. AC-3 nos, Geysers- 2nos, Washing Machine-1no, Mixer-1no, Water filter-1no. Also from CPL it is seen that total connected load is 7.5 KW. Considering these facts, Forum is of the opinion that disputed meter is already tested once in the Meter Testing Laboratory of SNDL.As applicant is not satisfied with the report, being a billing dispute, forum felt that it is necessary to ascertain the accuracy. An accuracy of disputed the meter can be checked in MSEDCL's Testing laboratory, on the basis of testing result disputed energy bills shall be revised. During the hearing, applicant has given oral consent for the same; accordingly demand note for testing fee has been issued by Nodal officer to him. Applicant is therefore directed to deposit requisite Testing fee with Non-applicant as per demand note issued to him and Non-applicant shall test the disputed meter in MSEDCL's Testing laboratory.On the basis of Testing Result, disputed Energy bill shall be revised, if found necessary.

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**Separate note by Member (CPO) Mr. N. V. Bansod in Case No. 92/2017 dated**

**12-12-2017**

- (1) Arguments of both the parties heard on 3-11-2017 and perused the submissions of both parties on record as well as documents in case file. The case file is sent to me for note after almost 38 days on 11-12-2017 without concurrence of Reg. 8.4 of MERC (CGRF & EO) regulations 2006 i.e. discussion amongst members of forum on point or points of difference.
- (2) It is an admitted fact that applicant's consumer No is 410018228304 having 3 phase meter for Residential use with sanctioned load of 7.5 KW since 5-2-2015 and actual connected load is noted in order above.
- (3) It is note worthy to mention that the order of IGRC is dated 10-10-2017 is signed only by Head of IGRC, SND Ltd, Nagpur Mr. Sureshchandra M. Ghade and not signed by Mr. Alhad Bindu & Mr. Mukund Dahasahastra, i.e. Head of consumer services (Member Secretary) & Sr. Manager (Acct) Member because they may not be agreeable to finding & order, hence order of IGRC loses its legal value and not worth to be considered as order.
- (4) The grievance of consumer is that he has received excess billing from April 2017 to July 2017. Non applicant stated that as per testing report in their Testing lab on 24-8-2017, the meter is correct as per testing report.

- (5) It is admitted fact that meter No. 02060293 was changed & New meter No. 2980688 is installed but No where date of change of meter is mentioned in their reports which creates suspension.
- (6) On perusal of CPL, the consumption from Feb.2015 to Oct.2016 i.e. 53,5,1,0,1 etc. and appears that meter was not in use during period.  
On further perusal of CPL from Nov-2016 till June-2017, the consumption was 143,225,224,293,373,484 & 383,383 on average basis due to Reading not taken and in July 2017 to Sept-2017 the consumption is 6117,2039,2056 Units.
- (7) Like Non applicant, IGRC observed that bill for July 2017 was 6117 Units for 3 months with monthly average of 2040 Units and meter is found OK. .
- (8) On perusal of CPL 'RNT' is mentioned in May 2017 & June 2017 but issued the bills on average of 383 Units for May 2017 & June 2017 but no explanation is given as to why Reading not taken when meter was normal.
- (9) In the month of July 2017 meter reading shown as 7877 and deducting previous reading 1760 and bill for 6117 Units issued.
- (10) In main order it is inferred that consumer is having sufficient load and confirmed the consumption & bills issued to the applicant but it is not correct because entire load as per spot submitted by Non Applicant is never used continuously.

(11) Considering consumption pattern for period Nov-2016 to April 2017 & during May-2017 & June-2017 (on Average basis) and the further consumption of 2040 Units per month (3 months 6117 Units), I am of the firm view that it is case of Jumping of the meter.

Non Applicant emphasized that meter testing is OK. Hence bill cannot be revised.

This forum in case No. 47/2016 Para 7 & Case No. 69/2016 Para 7 & it is observed as under.

In an identical Case No. 69/2016, to the present case in hand having forum of Chairperson, (Mr. Patil), Member Secretary & Member (CPO) observed as under.

Case No.69/2016 para-(7) During the arguments in the forum, the technical query was raised by the forum to non-applicants i.e. Mr. Talewar, Executive Engineer as well as Mr. Madane, Dy.Executive Engineer, both of them in reply stated that, such type of situation of sudden spurt or rise in current may results in shooting up of reading of meter and this is acceptable technical fault of meter shoot up and subsequently meter getting restored. It can happened in any meter but in the present meter also this seem to have happened but it does not get restored. It is observed by the forum that quorum of IGRC consist of totally Technical Engineer seems to have overlooked pertinent facts of such a situation immediately because Applicant is not at fault & bill deserves to be quash & set aside and IGRC order also deserves to quash & set aside because it is without applicant of mind & technical knowledge.

And on Technical queries their Executive Engineer as well as Dy.Ex.Engineer admitted that these one the case of Jumping of meter which happens due to high voltage & excess supply during particular period and met get restored automatically within 24 or 48 hours and cannot be detected by meter testing and it was necessary that Non Applicant would have installed correct meter at the time of changing meter but MRI data is the only concluding information to detect jumping of meter which is in this case.

Non Applicant failed to submit New Meter installation report for our perusal, hence adverse inference is necessary to be drawn against Non Applicant for concealment of fact.

(12) On 03-11-2017 during arguments forum ordered as under.

**“Non Applicant shall submit soft copy of meter reading MRI Report, meter testing report of MSEDCL Lab for disputed period. Applicant shall deposit meter testing charges as on today. Case is closed for order”**

On verification of documents on record, it is evident that Applicant deposited Rs.590/- for testing charges on 3-11-2017, but Non applicant but failed to submit Testing Report of MSEDCL Meter Testing Lab till 13-12-2017 which proves the ullerior motive of Non Applicant because probably it is in favour of applicant contrary to their own report dated 24-08-2017.

Regarding M.R.I. Report, SNDL Nagpur vide their E.mail dated 7-11-2017 informed as under.



**Non Applicant submitted in their written statement that there is No facility for MRI hence they are unable to submit the same, but submitted spot inspection report on dt. 11-12-2017.**

**An accuracy of disputed meter can be checked in MSEDCL Testing Lab on the basis of testing result dispute energy bill shall be revised. During hearing, Applicant has given oral consent for the same, accordingly demand note for testing fee has been issued by Nodal Officer to him.**

**“As per CGRF order in case No. 92/2017, we have to submit CMRI report of meter No. SR No.2060293 FLYMER make in respect of Sayad Sajjad Ali Muzzafar Ali, Consumer No. 410018228304. But we have no facility of CMRI of Flymer make meter, hence we could not submit CMRI Report”.**

**Above submission is further deliberate attempt of Non Applicant to conceal the facts which would have thrown light on entire controversy.**

While ordering to submit MRI Report by the Non Applicant and sufficient time was provided, it is was expected to send the meter to “Elymer” company to get report on MRI data but without pursuing with “Elymer”, they shown the total disregard to daily order of forum which creates serious doubt about the bonafides of Non applicant and its activities.

Non applicant did not file the New meter installation Report for the perusalof the forum.

On perusing the Xerox copies taken of soft copy filed on 11-12-2017, meter reading for May 2017, June 2017, Sept-2017 are not readable as not correctly recorded and meter reading for July 2017 is not available on record because metering instrument is defective (No recording energy consumption) and Aug-2017 reading is 32 & October-17 Reading is 2148 Units and Nov-2017 reading is 2576. Hence Aug-2017, Sept-2017 & Oct-2017 after change of meter in Aug-2017 is 2148 Units for 3 months, i.e. monthly consumption approximately comes 716 Units.

Secondly from the soft copy of meter reading of 8775 is not at all recorded, hence billing for 6117 Units is false & baseless and may have feeded manually by mistake or to show recovery may have done deliberate attempt and hence worthwhile to discard as without basis and to cover up misdeads in testing on 24-8-2017 recorded as 8775.6 Units as meter changed date & report is not filed.

Hence the consumption bill for 6117 Units deserves to be discarded and bill for May 2017 to July 2017 be issued an average of previous 6 months i.e. 291 Units per month after deducting 383 units charged for May & June 2017 & to Sept-2017, Oct-2017 be revised on average of 716 Units, for Nov-2017 i.e. 2576 – 2148 = 428 Units without any interest or DPC charges necessary to be issued.

As per 4.1 (C) proviso of above said regulation. Secondly on perusal case No. CGRF (NUZ) 031/2009, order dated 26-6-2009 where so called member secretary i.e. present technical member was representative of non applicant and is well aware that Mrs. Langewar acted as member secretary and Smt. Gouri Chandrayan as member as per regulation 5.2 of above said regulation and same practice was observed to have followed earlier whenever the post of chairperson was vacant.

This means that when chairperson is appointed in the CGRF & Joined and he is absent from sitting of the forum, then technical member, shall be the chairperson for such sitting (during leave, sick leave etc) but presently the Chairperson's post is vacant in the forum on date of sitting, so the technical member and member (CPO) can continue to run sitting and decides the cases as per regulation 5.2 of said regulation but technical member does not get position of Chairperson and second & casting vote, which is done in earlier cases after 16/5/2017. In entire MERC (CGRF & EO) regulations 2006 post of only Technical Member is notified but no post of Member Secretary is notified and hence self designating as Member Secretary is against provisions of above regulation. Hence order of the Technical person or so called member secretary cannot be a Majority order

In view of the above observations the complaint deserves to be allowed.

Hence the following order.

(1) Non Applicant is directed that the bills for May-2017, June-2017, July-2017 be issued on average of previous 6 months i.e. 291 Units per month deducting 383 units charged for May & June 2017, and Aug-2017 till Oct-2017 be revised as per 716 Units per month on actual consumption available without interest & DPC charges.

(2) Non Applicant is directed the bills for Nov-2017 shall be issued for 428 Units as per actual consumption without interest & DPC charges.

(3) Non Applicant shall issue the bills within 7 days from the date of this order and 3 instalments shall be granted to the applicant to pay the bills.

The compliance of this order shall be done within 30 days from the date of this order.

**Naresh Bansod  
Member (CPO)**

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16. Before reaching to the final order, it is necessary to decide the matter within two months from the date of filing of the application. Applicant filed application on 11-10-2017. Therefore it was necessary to dispose of the application on or before 11-12-2017. Term of Chairperson In charge of the Forum expired on dt.30 June 2017. Forum heard argument on 03-11-2017. The separate dissenting note of Hon'ble Member (CPO) is given on dt.12.12.2017 due to this, there is delay in deciding the matter

17. In view of the above facts, we proceed to pass the following order.

## **ORDER**

- 1) Grievance application is partly allowed.
- 2) Applicant is directed to deposit requisite Testing fee with Non-applicant and Non-applicant shall test the disputed meter in MSEDCL's Testing laboratory.
- 3) On the basis of Testing Result, disputed Energy bill shall be revised, if found necessary

Sd/-  
**(Shri.N.V.Bansod)**  
MEMBER

Sd/-  
**(Mrs.V.N.Parihar),**  
MEMBER SECRETARY & I/C. CHAIRMA