

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

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**Case No. CGRF(NUZ)/012/2008**

Applicant : Shri N.M. Dashottar  
House No. 721, Chitar Oli No.2,  
Nagoba Galli,  
Gandhibag,  
Nagpur.

Non-applicant : MSEDCL represented by  
the Nodal Officer-  
Executive Engineer,  
Mahal Division, NUZ,  
Nagpur.

Quorum Present : 1) Shri S.D. Jahagirdar,  
Chairman,  
Consumer Grievance Redressal  
Forum,  
Nagpur Urban Zone,  
Nagpur.

2) Smt. Gouri Chandrayan,  
Member,  
Consumer Grievance Redressal  
Forum,  
Nagpur Urban Zone,  
Nagpur.

3) Shri S.J. Bhargawa  
Executive Engineer &  
Member Secretary,  
Consumer Grievance Redressal  
Forum, Nagpur Urban Zone,  
Nagpur.

**ORDER (Passed on 28.03.2008)**

This grievance application has been filed on  
01.03.2008 under Regulation 6.4 of the Maharashtra  
Electricity Regulatory Commission (Consumer Grievance

Redressal Forum & Electricity Ombudsman) Regulations, 2006 here-in-after referred-to-as the said Regulations.

The grievance of the applicant is in respect of excess and wrong billing and wrong application of Section 126 of the Electricity Act, 2003 to his case.

Before approaching this Forum, the applicant had filed his grievance before the Internal Grievance Redressal Cell (in short, the Cell) under the said Regulations. The Cell, upon inquiry, replied the applicant by its letter, being letter no. 1073 dated 15.02.2008, that the applicant's meter came to be inspected on 11.01.2008 under the special campaign of inspection of meters and that time, upon inspection, it was found that his meter was running slow by 37.49%. The inspecting team upon inspection also found scratches on the revolving disc of the electro-mechanical meter. The Cell further informed the applicant that the assessment of Rs.9,727.76/- done under section 126 of the Electricity Act, 2003 was correct. The Cell directed the applicant to make payment of this amount.

It is against this decision of the Cell that the applicant filed this grievance application under the said Regulations.

The matter was heard on 15.03.2008, 25.03.2008 and 28.03.2008.

The applicant's case was presented by the applicant's nominated representative one Shri Gaurav Dashottar while the Executive Engineer, Mahal Division, NUZ, Nagpur represented the non-applicant Company.

It is the contention of the applicant's representative that the assessment bill of Rs.9727.76 issued by the non-applicant towards un-authorized use of electricity under Section 126 is improper and illegal. He denied that the applicant has ever indulged himself in un-authorized use of electricity. The applicant's meter was periodically checked in the past by the non-applicant and it was found to be Ok. The penalty inflicted upon the applicant without testing of the applicant's meter is not correct. The applicant has been paying all his energy bills in the past regularly. There is no case of tampering of the meter by the applicant.

As regards the joint inspection report drawn by the non-applicant at the time of the applicant's meter inspection, the applicant's representative strongly denied its contents and stated that the applicant's representative Mrs. Sangita Girish Dashottar who was present at the time of accucheck inspection was forced to sign the report by the fleet of Officers who had assembled in the applicant's premises on 11.01.2008. He emphatically denied that the applicant is responsible in any way for slow running of the meter or for the scratches, if any, found on the revolving disc of the meter. According to him, the meter was inherently defective. As such, the entire action of the applicant is bad in law.

He, therefore, requested that the assessment bill in question may be quashed.

The non-applicant has submitted his parawise report dated 11.03.2008 which is record. He has stated in this parawise report as well as in oral submissions before this Forum that the applicant's meter came to be inspected on

11.01.2008 and the inspecting team found meter seals were tampered. This meter was checked by accucheck instrument in the presence of the applicant's representative and upon checking, the applicant's meter was found to be running slow by 37.49%. After opening the meter, it was noticed that there are scratches on the revolving disc of the electro-mechanical meter which has resulted in slow running of the meter. A joint panchnama was also drawn on 11.01.2008 on the spot in the presence of consumer's representative. On the basis of this panchnama, assessment was carried out for past 12 months under Section 126 of the Electricity Act, 2003 considering the aspect of un-authorized use of electricity and assessment bill of Rs.9,727/- was issued to the applicant. He has not paid this bill so far. The parawise report also states that the applicant's meter may be tested in the Testing Laboratory of the Executive Engineer, Testing Division Nagpur Urban in the presence of the consumer.

He lastly prayed that the grievance application may be dismissed.

In this case, the point to be decided is whether element of un-authorized use of electricity was there or not. The joint inspection report or panchnama dated 11.01.2008 drawn by the inspecting team in the presence of the consumer's representative states that the meter reading was 22003 when the inspecting team visited the applicant's premises. There is a mention in this report that upon accucheck inspection of the meter it was found to be running slow by 37.49%. There is also a mention of scratches noticed by the inspecting team on the revolving disc of the meter. It

seems because of this observation, the inspecting team came to be conclusion that the applicant is responsible for slow running of his meter. As voluntarily agreed by both the parties, the applicant's meter was sent to the Testing Division, Executive Engineer, NUZ for the purpose of testing of the meter. The meter testing was done on 28.03.2008 in the presence of both the parties. The testing report is also produced on record by the non-applicant. The finding of the Testing Division, NUC, MSEDCL, Nagpur is that the applicant's meter was "found stopped" at meter reading of 22003.

The applicant's representative while commenting upon this report strongly argued that in view of the finding of the Testing Division, it becomes clear that the applicant's meter was defective and that no blame can be attributed in any manner to the applicant. He, therefore, requested that the assessment bill in question may be quashed.

In this case, the Member-Secretary of the Forum has expressed the following opinion.

"The residential meter no. 10228401 was inspected by staff of Mahal Division (NA) with accucheck meter. The meter was found to be 37.49% slow. The summary error report is also available. As per procedure, metering installation was checked and found that outer meter seals were tampered. The meter was opened. It is an electro-mechanical meter. It was detected that there are scratches on disc causing meter to run slow. Accordingly joint inspection report was prepared and it was also signed by the applicant's representative and also by two Panchas and MSEDCL staff. Hence Section 126 of

Electricity Act 2003 was rightly invoked. The applicant raised the dispute with the Cell which upheld action of MSEDCL. The matter was registered in this Forum. The Forum as per acceptance of both the parties directed the Executive Engineer (Testing) to test the meter. The testing report says that the meter is stopped. The meter is an electro-mechanical meter and due to loosening of screw and jerk in transportation, the disk was stuck and hence, the meter was declared stopped. It can be observed that there was progressive reading of the meter in the previous month which is not possible if it was a stopped meter. Secondly, MSEDCL has not asked testing unit to check the aspect of scratches on the disk and the meter was tested only for slowness or otherwise. During the course of hearing, the Forum specially asked the applicant whether he is agreeable to recheck the meter for ascertaining the exact cause of scratches aspect of theft or meter tampering since this aspect was not seen by the Testing Division. However, the applicant refused to agree to rechecking of the meter.

In my view after availability of joint inspection report which is signed by the applicant without mentioning any remark like “under protest”, signed by two panchas is sufficient to take action under 126. Only for technical reason which can be happened after opening of meter (some screw may be loose while fitting because at that time meter was not likely to be sent at meter testing Unit), the meter cannot be said stopped on its own (internal fault) and action as per 126 is rightly taken.”

However, the other two members of the Forum i.e. the Chairman & the Member Smt. Gauri Chandrayan have concurrently expressed a contrary opinion which is as under.

“It is pertinent to note from the text of the joint inspection report that the inspecting squad before carrying out the accu-check testing of the applicant’s meter on 11.01.2008 found that the applicant’s meter reading was 22003 and that after the accu-check testing, the applicant’s meter was found to be running slow by 37.49%. The sequence of events as mentioned in the Joint inspection report clearly goes to show that the applicant’s meter’s reading was 22003 before accu-check testing of the meter and after noting this reading, the electric gadgets in the applicant’s house were switched on and accu-check inspection carried out. If this be the case, the reading of the meter would not remain static at 22003 units. There is bound to be some further reading beyond 22003 at the end of the accu-check inspection. Against this back ground, the meter testing report of the Testing Division of NUZ carried out on 28.03.2008 becomes very important. This report states that the applicant’s meter was found stopped at the meter reading of 22003. It is also pertinent to note that there is no mention in this report about scratches to the revolving disc of the meter. When asked by us, the non-applicant’s representative who was present at the time of meter testing in the Testing Division NUZ admitted that he did not insist upon checking the particular aspect of scratches on the revolving disc of the meter. Hence, the joint inspection report dated 11.01.2008 gets falsified due to the meter testing report of the Testing Division, NUZ, MSEDCL, Nagpur. It, therefore, boils

down to this that the applicant's meter was defective in as much as it has stopped recording. Hence, while holding that there was no un-authorized use of electricity made by the applicant, we are of the view that the applicant's meter should be treated as a defective meter which has stopped recording. Hence, in terms of second proviso to Regulation 15.4.1 of the MERC (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005, the non-applicant shall have to bill the applicant upto a maximum period of 3 months based on average metered consumption for 12 months immediately preceeding the three months prior to the month in which the billing is contemplated. In this particular case, the applicant has to be billed for a period of three months only prior to 11.01.2008 as contemplated in the afore-mentioned provision. The assessment done by the applicant of Rs.9,727/- deserves to be quashed since there was no un-authorized use of electricity”.

In terms of Regulation 8.4 of the said Regulations, in such an eventuality, the opinion of the majority shall be the order of the Forum. Hence, the Forum passes the following order.

The assessment bill of Rs.9727/- stands quashed. The non-applicant shall accordingly issue a revised bill to the applicant as observed by the majority of members of the Forum. The applicant's grievance application is allowed and it stands disposed off in terms of this order.



The non-applicant shall carryout this order and report compliance thereof to this Forum on or before 30.04.2008.

Sd/-	Sd/-	Sd/-
<b>(S.J. Bhargawa)</b>	<b>(Smt. Gauri Chandrayan)</b>	<b>(S.D. Jahagirdar)</b>
Member-Secretary	MEMBER	CHAIRMAN

**CONSUMER GRIEVANCE REDRESSAL FORUM  
MAHARASHTRA STATE ELECTRICITY DISTRIBUTION CO LTD's  
NAGPUR URBAN ZONE, NAGPUR.**

**Member-Secretary**  
**Consumer Grievance Redressal Forum,**  
**Maharashtra State Electricity Distribution Co.Ltd.,**  
Nagpur Urban Zone, NAGPUR