

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

Case No. CGRF(NUZ)/016/2008

Applicant : Late Shri Sahadeo P. Walde,
Through Pralhad S. Walde,
At Khalashi Lane, Lala Bagicha,
Ward 64/50,
Nagpur.

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

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

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

ORDER (Passed on 31.03.2008)

This grievance application is filed on 10.03.2008 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 erroneous and excessive billing since last more than one year. The applicant has also complained that regular energy bills were not issued to him and instead only provisional bills were issued from time to time.

The applicant has requested to revise the provisional energy bill dated 18.01.2007 for Rs.7,010/- for the month of January, 2007.

Before approaching this Forum, the applicant had filed his grievance dated 15.12.2006 on the same subject matter before the Jr. Engineer, AFO Civil Lines Division, MSEDCL, NUZ, Nagpur stating there in that the meter reader informed the applicant on 11.12.2006 at the time of meter reading that the applicant's consumption was of 1300 units in a short span of time and further that the applicant's defective meter needs to be replaced by a new meter. This complaint was followed up by his subsequent application dated 16.01.2008. However, no remedy was provided to his grievance and hence, the present grievance application.

The intimation given to the Jr. Engineer as aforesaid is deemed to the intimation given to the Internal Grievance Redressal Unit (in short, the Cell) under the said Regulations and as such, the applicant was not required to approach the Cell before coming to this Forum.

Hearing of the matter was first posted on 26.03.2008. However, the non-applicant requested for adjourning hearing of this case to a later date. Accordingly, the non-applicant's request was granted and hearing of the matter fixed on 31.03.2008. The non-applicant was also made aware of this date of hearing. However, on

31.03.2008, the non-applicant did not remain present. No parawise report is also produced on record by the non-applicant. The applicant was present alongwith his representative one Shri Sunil Jecab on 31.03.2008 who was heard.

Since the non-applicant did not remain present, the matter proceeded ex-party with reference to him but it is decided on merits as per available record.

The applicant's representative strongly contended that the applicant's meter was burnt and hence, it was replaced by a new meter after the applicant made payment of Rs.700/- as cost of new meter as per non-applicant's demand note dated 23.11.2006. Thereafter, no regular bills were issued to the applicant and only provisional bills came to be issued despite the fact that the application repeatedly approached the non-applicant for issuance of regular every bills. Regular energy bills came to be issued to him only in and after February 2008. However, previous to this month, regular energy bills were not issued. The applicant's representative has produced on record copies of various provisional bills issued from time to time and the payment receipts of these provisional bill amounts. The applicant's representative in particular challenged the non-applicant's provisional energy bill for Rs.7,010/- for the month of January 2007 issued on 18.01.2007. It is his strong submission that the applicant's meter installed in November / December, 2006 in place of his burnt meter was defective through out and as such, the billing done against this meter was wrong and excessive. He has produced on record a copy of applicant's CPL for the period from January 2007 to December 2007. He prayed that the erroneous provisional bills issued from time to time

may be quashed and instead, appropriate and correct energy bills be issued to him. He has also requested that the officials responsible for not issuing the regular bills may be taken to task and punished. He has also stated that the non-applicant's officials keep on coming to the premises of the applicant and threatening that the applicant's power supply would be disconnected. This has resulted in the mental harassment of the applicant and his family. He has, therefore, requested for award of compensation towards harassment and mental agony caused to the applicant.

In this case, the CPL produced on record by the applicant clearly goes to show that the same previous and current readings are mentioned in the CPL right from January 2007 to December 2007. For example, against meter no. 2084787, the same previous and current reading of 1298 is appearing in the CPL from January to June 2007. In the billing month of July 2007, previous reading of 1298 is shown while the current reading is shown as 1398 units. There is also a mention of "No meter" in the CPL in the billing month of February 2007. There is also a mention of "meter change" in the CPL in the billing month of March 2007. Similarly, in the billing months of August to December 2007, the same previous and current reading of 1388 is shown in the CPL. There is also a remark of "meter faulty" noted in the applicant's CPL from August to December 2007. The applicant's representative has stated that his previous meter was burnt and a new meter was installed at the applicant's premises after making of payment of Rs.700/- on 23.01.2006 towards cost of new meter. As per entries in the applicant's CPL from the January 2007 to December 2007, the meter no. of the applicant is shown as 2084787 while meter no. 9002124387 is

appearing in the applicant's energy bill dated 11.01.2006 for Rs.250/-. From the plain reading of entries made in the applicant's CPL, it transpires that the applicant's meter, being meter no. 2084787, was defective since it was showing the same previous and current readings during the aforesaid period. Hence, it follows that this is a case of defective meter and the non-applicant shall have to adjust the applicant's energy bill amount for a maximum period of three months prior to month in which the dispute has arisen. As provided in Regulation 15.4.1 of the MERC (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005. There is nothing on record to show that the applicant's defective meter was ever tested by the non-applicant despite the applicant's repeated request for testing thereof. The non-applicant has miserably erred in not testing the applicant's defective meter in the past. May that be the case, the fact remains that there is no other alternative before this Forum for want of any reply from the non-applicant's side than to hold that the applicant's meter was defective.

In the result, we direct the non-applicant to revise the applicant's energy bills for the period from January 2007 to December 2007 treating the applicant's meter as defective during this period as per the provision of Regulation 15.4.1. While revising the applicant's bill, which has to be limited to a maximum period of three months, the non-applicant shall take into consideration payments made by the applicant against provisional bill amounts issued by the non-applicant during the aforesaid period.

The applicant has also requested for award of compensation since, according to him, he has suffered harassment at the hands of the

non-applicant. In that, he has also stated in particular that the non-applicant's staff keep on coming to the applicant's premises and threatening to disconnect the applicant's power supply. However, the fact remains that the applicant's power supply has not been disconnected at any point of time so far. There is also no evidence produced on record other than the mere statement of the applicant to substantiate this complaint. Hence, we are unable to award any compensation to the applicant. His request for award of compensation stands rejected.

In the light of above, the applicant's grievance application is partly allowed and it stands disposed of 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/-
(S.J. Bhargawa)
Member-Secretary

Sd/-
(S.D. Jahagirdar)
CHAIRMAN

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