

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

---

**Case No. CGRF(NUZ)/029/2008**

- Applicant : Shri Satish Nagorao Dhakane  
42, Near Shyam Bar,  
Dwarkapuri  
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 30.05.2008)**

This grievance application has been filed on 08.05.2008 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 wrong and excessive billing against his meter, being meter no. 9003028479.

Before approaching this Forum, the applicant had filed his complaint on the same subject matter before the Internal Grievance Redressal Cell (in short, the Cell) vide his application 17.07.2007 under the said Regulations. The Cell, thereupon, informed the applicant by its letter, being letter no. 5011 dated 09.10.2007 that the applicant's meter, being meter no. 9003028479, was replaced by the concerned Jr. Engineer on 04.05.2006 and a new meter, being meter no. 9005287084 was installed in its place. His previous meter was sent to testing unit of Mahal Division, MSEDCL and as per the testing report dated 26.05.2007, the applicant's meter was found to be running fast by 39%. Accordingly, a revised energy bill is being issued to the applicant and in that the applicant would be given credit of Rs.9649.84 while the applicant will have to pay an amount of Rs.2020/-. The revised bill is pertaining to 22 month's period from September 2004 to June 2006. On the point of recovering meter cost more than once, the Cell directed the applicant to approach the Dy. E.E. Manewada Sub-Division along with receipts of payments made and he would sort-out the matter as per rules. The applicant being aggrieved by this decision of the Cell has filed the present grievance application.

The matter was heard on 27.05.2008.

The applicant contended that his meter, being meter no. 9003028479, was running abnormally fast since the date of its installation. Accordingly, he made a complaint, being complaint dated 16.04.2006, to the non-applicant requesting therein to change his defective meter and to set-right his grievance of excessive billing. He further stated in this application that his energy bill for the month of April 2006 of Rs.3060/- was exorbitant and he was unable to pay this amount. He also complained to the non-applicant by his application dated 23.07.2004 and the subsequent application that meter cost has been wrongly recovered twice when no fault was attributable to him. He added that the Cell ordered to give credit of Rs.9649.84 to him and as against this, credit of Rs.3813.56 is only given to him. He requested that he should be given credit for the residual amount of Rs.5836.28. He also submitted that the extra meter cost totalling to Rs. 2000/- recovered from him twice has still not refunded to him despite the Cell's order. He lastly prayed that his grievance may be redressed appropriately.

The non-applicant has submitted his parawise report dated 21.05.2008 which is on record. A copy of this parawise report was given to the applicant and he was given opportunity to offer his say on this report also.

The Executive Engineer, Mahal Division, NUZ MSEDCL, Nagpur representing the non-applicant Company has stated in this parawise report as well as in his oral submissions before this Forum that the applicant's meter, being meter no. 9003028479, was sent to the testing unit of Mahal Division for testing purposes and as per testing report dated 26.05.2006, the meter was found to be running abnormally

fast. However, while proposing revision of energy bill, the Sub-Divisional Officer, Manewada erroneously presumed the percentage error of the meter running fast as 39% and accordingly, a wrong credit of Rs.9649.84 was proposed for approval to the Superintending Engineer, NUC. The Superintending Engineer, upon examining the papers came to the conclusion that the applicant's bill for the period from September 2004 to June 2006 for 22 months should be revised taking into consideration the applicant's monthly average consumption as reflected by the applicant's new meter, being meter no. 9005287084 which was installed on 04.05.2006 replacing the applicant's previous defective meter. Accordingly, a credit of Rs.3813.56 was approved by the S.E. and C.E. and, thereupon, credit to this extent was given to the applicant in the billing month of April 2008. In addition credit of Rs.2278.18 towards interest has also been given to the applicant in the billing month of April 2008. Thus, a total credit of Rs.6091.66 is already given to him and the same is correct. He has added that the credit of Rs. 9649.84 proposed earlier by Manewada S/Dn. was wrong since the applicant's meter was erroneously held to be running fast by 39%. He lastly stated that the applicant's grievance has been redressed properly and that there is no need to revise the bill amount.

In respect of recovery of meter cost, the Executive Engineer stated and assured that the cost recovered more than once shall be refunded to the applicant.

In this case, it is an admitted position that the applicant's meter, being meter no. 9003028479, was found to be running abnormally fast. The testing report dated 26.05.2006 produced on record proves this. As per this testing report, it is clear that the

applicant's meter in question was found to be running fast by 290% which is indeed abnormal. There are no two opinions about this. The Executive Engineer representing the non-applicant Company also admitted during the course of hearing that if any meter is running abnormally fast, such a meter is positively defective.

In such circumstances, Regulation 15.4.1 of the MERC (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005 hereinafter referred to as the Supply Code Regulations will come into play. As provided in this Regulation, in case of defective meter, the amount of the consumer's bill shall be adjusted for a maximum period of three months prior to the month in which the dispute has arisen in accordance with the result of the testing taken subject to furnishing of testing report along with the assessed bill. In this case, the dispute has arisen in the month of April 2006 vide the applicant's application dated 16.04.2006 which was duly received by the non-applicant on 21.04.2006. It is also a matter of record that the applicant's defective meter was replaced on 04.05.2006. The applicant by his application dated 16.04.2006 has also disputed the energy bill of Rs. 3060/- for the month of April 2006. In that, he has stated that the applicant's defective meter in question was running fast since the time of its installation resulting into issuance of wrong and exorbitant energy bills throughout. However, his application dated 16.04.2006 appears to be his first complaint submitted by him before the non-applicant's officials. Although a mention has been made by him in this application that the applicant's disputed meter was yielding excessive billing since its installation, this statement has not been supported by him by any documentary evidence to substantiate this particular statement. Hence,

the applicant's application dated 16.04.2006 which was received by the non-applicant on 21.04.2006 has to be treated as his first compliant in regard to fast running of the meter. In view of this position and in view of the provision contained in Regulation 15.4.1 of the Supply Code Regulations, the amount of the applicant's energy bill will have to be adjusted for a maximum period of three months prior to the month in which the dispute has arisen. Hence, we hold that the applicant's energy bill amount shall be adjusted for a maximum period of three months i.e. for the months of February, March and April 2006 according to the results of the meter test taken. The applicant's CPL shows that the applicant's consumption was of 330 units, 679 units and 644 units during the months of February, March and April 2006 respectively. Since the applicant's meter was found to be running fast by 290%, his actual consumption during these three months will have to be reckoned as 114, 234 and 222 units respectively for the months of February, March and April 2006 as against 330 units, 679 and 644 units. Thus, the applicant is entitled to get credit for  $(1653-570=)$  1083 units for these three billing months. We, therefore, direct the non-applicant to work out the exact amount of credit admissible for 1083 units as stated above and give credit for the same to the applicant.

The non-applicant's say is that the applicant is entitled to credit of Rs.3813.56 over a period of 22 months and for this purpose, he has taken the basis of consumption reflected by the new meter, being meter no. 9005287084 which has replaced the disputed meter, being meter no. 9003028479. The method followed by the non-applicant does not have support of the Supply Code Regulations. Hence, the basis taken by the non-applicant is evidently wrong and the same cannot be

accepted. It is also not adequately explained in the written or oral submissions as to how this credit amount is arrived at by the non-applicant.

Though credit of Rs.6091.66 inclusive of interest is given by the non-applicant in the billing month of April 2008, an arrear amount of Rs. 4575.41 is still shown as recoverable in the applicant's energy bill for the month of April 2006 as revealed by the applicant's CPL. The question of recovering any arrear amount against the applicant's old defective meter will not arise since the applicant's meter was found to be running abnormally fast. Hence, no arrear amount pertaining to the applicant's old defective meter, being meter no. 9003028479 out of Rs.4575.41 as in April 2008 is recoverable. Instead, the applicant is entitled to get credit of 1083 units as stated above.

In view of above, the non-applicant shall revise the applicant's energy bill afresh in terms of this order and shall give credit to him as explained above.

As regards the applicant's grievance of erroneous recovery of cost of meter from him, it is a settled principle that cost of meter is to be recovered only once from any consumer unless the consumer meter is burnt or stolen. It is evident from documentary evidence that the meter cost is recovered from the applicant wrongly on two occasions. This is unjust, improper and illegal. The non-applicant shall, therefore, refund to the applicant the meter cost already recovered more than once. The Executive Engineer, Mahal Division, Nagpur has also assured during hearing that this excess amount shall be refunded to the applicant.

Needless to say that interest as provided in Section 62 (6) of the Electricity Act, 2003 shall be payable to the applicant on the credit amount as well as on the cost of the meter recovered erroneously.

In nutshell, the justification given by the non-applicant is misconceived and the same can not be accepted.

The non-applicant shall work out the admissible credit amount afresh in terms of this order and shall give the same to the applicant along with interest.

The Cell's order dated 09.08.2007, accordingly, stands modified in terms of this order.

Thus, the grievance application is allowed and the same stands disposed off accordingly.

The non-applicant shall carry out this order and report compliance thereof to this Forum on or before 30.06.2008.

Sd/-	Sd/-	Sd/-
(S.J. Bhargawa)	(Smt. Gauri Chandrayan)	(S.D. Jahagirdar)
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