

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

Case No. CGRF(NUZ)/0130/2006

- Applicant : Shri Chandrashekhar O. Dave,
At Dahegaon, Kalmeshwar Road,
Taluka Kalmeshwar,
Dist. Nagpur.
- Non-Applicant : The Nodal Officer-
Assistant Engineer,
O&M Division – II,
Nagpur representing the MSEDCL.
- 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.

ORDER (Passed on 15.06.2006)

The present grievance application has been filed on 16.05.2006 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 assessment bill of Rs. 39,372/- which was subsequently reduced to Rs. 10,580/- by the non-applicant in

respect of his meter, being meter no. 8040148289 which, according to the applicant, was found stopped by the Flying Squad during its inspection dated 30.07.2005.

Before approaching this Forum, the applicant had filed his complaint application addressed to the Superintending Engineer, NRC, MSEDCL, Nagpur on 13.03.2006 raising therein the present grievance. No remedy, whatsoever, was provided to him, by the Superintending Engineer and hence, the present grievance application.

The requirement of the applicant approaching the Internal Grievance Redressal Cell is deemed to have been complied with in terms of the legal provision contained in Regulation 6.2 of the said Regulations in view of the fact that the applicant had earlier approached the Superintending Engineer who, it seems, did not forward the applicant's complaint to the Internal Grievance Redressal Cell nor did he provide any satisfactory remedy to the applicant in the context of this grievance.

The matter was heard by us and both the parties were given adequate opportunity to present their respective say before this Forum.

A copy of the non-applicant's parawise report dated 06.06.2006 submitted by the non-applicant was given to the applicant and he was given opportunity to offer his say on this parawise report also.

In the present case, the Flying Squad (Rural) Nagpur visited the commercial establishment of the applicant on 30.07.2005 and upon inspection, the applicant's meter bearing meter no. 8040148289 was found stopped. This meter

was, thereupon, replaced on the same day by a new meter bearing meter no. 800003413. The non-applicant subsequently issued an assessment bill dated 16.11.2005 for Rs. 39,372/- to the applicant. This assessment seems to have been made for a period of six months. The applicant subsequently issued a revised bill dated 12.01.2006 for Rs.10,580/- towards extension of load. The applicant has challenged the assessment of Rs. 39,372/- and also the reduced assessment of Rs. 10,580/-.

The applicant's case was presented before this Forum by his nominated representative one Shri D.D. Dave.

It is the contention of the applicant's representative that the applicant was a regular payer of electricity bills for his meter, being meter no. 8040148289 for the last 5-6 years. The Flying Squad inspected this meter which was found stopped by them on 30.07.2005. His meter was replaced on 30.07.2005 by another meter bearing meter no. 800003413 which is still continuing. Consequent upon the Flying Squad's inspection dated 30.07.2005, the applicant received, to his shock & surprise, an assessment bill dated 16.11.2005 for Rs. 39,372/- for 6998 units. According to him, the assessment of Rs. 39,372/- worked out by the non-applicant is not only improper and unjust but it is also illegal. It is his say that the meter was found to be stopped by the Flying Squad on 30.07.2005 and that it was not found to be tampered. He vehemently stated that there was no un-authorized use of electricity and as such Section 126 of the Electricity Act, 2003 cannot be applied to the present case. He is also challenging the reduced assessment of Rs.10,580/- on the same ground .

The applicant's representative vehemently argued that the entire calculations made by the non-applicant for arriving at the assessment amount in question are totally wrong. The non-applicant cannot, by any stretch of imagination, charge the applicant for a period of 6 months as has been wrongly done in the present case. He added that there was no pilferage or dishonest abstraction of electricity in the present case. He has also strongly objected to the mention of sanctioned load as 42.40KW in the applicant's computerized energy bill as against user load of 3.29 KW. He continued to submit that the applicant ought to have been charged only for 568 units for the month of July 2005 as per 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.

The applicant's representative has produced copies of the following documents in support of his contentions.

- 1) His application dated 15.05.2006 addressed to the Assistant Engineer, MSEDCL, Kalmeshwar requesting for supply of documents such as spot inspection report of the Flying Squad etc.
- 2) His application dated 04.05.2006 addressed to the Junior Engineer, Kalmeshwar on the subject of electric load verification at his establishment.
- 3) His complaint application dated 13.03.2006 addressed to the Superintending Engineer, NRC, MSEDCL, Nagpur on the subject of unjust and un-lawful working of MSEDCL staff.

- 4) His application dated 04.01.2006 addressed to the Dy.E.E. Flying Squad (Rural Nagpur) requesting for correction of assessment bill of Rs.39,240/-.
- 5) His application dated 21.12.2005 addressed to the Assistant Engineer, Kalmeshwar demanding details about his replaced meter.
- 6) His energy bill dated 12.11.2006 against his new meter, being meter no. 8000034313, for 495 units for a gross amount of Rs. 13,020/- showing inclusion of adjustment amount of Rs. 10,580/- with reference to the Flying Squad's letter no. 267 dated 14.10.2005 which is disputed by him.
- 7) His assessment bill for Rs. 39,372/- dated 16.11.2005 for 6998 units.
- 8) His energy bill dated 10.11.2005 for 428 units against his meter, being meter no. 8000034313 for Rs. 3190/-.
- 9) His energy bill dated 10.10.2005 against his new meter for 576 units for Rs. 3130/-.
- 10) His energy bill dated 13.09.2005 against his new meter for Rs. 1750/-.
- 11) His energy bill dated 11.07.2005 for 603 units against his old meter, being meter no. 8040148289, for Rs.3685/- for the period from 31.05.2005 to 30.06.2005.
- 12) His energy bill dated 13.06.2005 for 642 units for the month of May, 2005 against his old meter.
- 13) His energy bill dated 09.05.2005 for 515 units for the month of April 2005 against his old meter.

- 14) His energy bill dated 07.04.2005 for the month of March, 2005 for 661 units.
- 15) His energy bill dated 05.03.2005 for 437 units against his old meter.

He lastly prayed that his grievance in question may be removed and the applicant be charged only for 586 units for the month of July, 2005.

The non-applicant, on his part, has stated in his parawise report and also in his oral submissions that the assessment bill of Rs.39,372/- was issued to the applicant on 16.11.2005 consequent upon the Flying Squad's report no. 207 dated 14.10.2005.

He further submitted that this assessment pertains to the differential 6998 units charged to the applicant.

Some calculations about the various kinds of electricity tariff charges such as FAC, RLC, ENCH, duty have also been given by him in his report.

He has admitted in his parawise report that this assessment bill of Rs.39,372/- was incorrect and hence, this bill was corrected and a revised bill for Rs.10,580/- was issued on 07.01.2006. In that, the applicant has been charged for 1886 units in place of previously charged 6998 units. The non-applicant has also admitted in his parawise report that connected load of 42.40 KW was wrongly shown in the applicant's computerized energy bill for the billing month of March, 2006. According to him, this is now corrected and a correct load of 4.200 KW has been shown.

During the course of hearing, the Nodal Officer of the non-applicant Company has admitted that the applicant's meter was found stopped by the Flying Squad on 30.07.2005 and that the applicant's meter, being meter no. 8040148289, was not found to be tampered. According to him, the assessment bill in question was served upon the applicant as per calculations reported by the Flying Squad.

He requested this Forum to pass appropriate orders in the present case.

What is seen in the present case is that the applicant's meter, being meter no. 8040148289, was found stopped by the Flying Squad on 30.07.2005. A copy of statement showing the irregularities observed by the Flying Squad during the months of July, 2005 & August 2005 nowhere indicates that the applicant's old meter was tampered. A clear mention is made in this statement against the applicant's name that the applicant's old meter was found stopped at a reading of 4696 units. Evidently, there was no un-authorized use of electricity in this case. Hence, it follows that the assessment worked out for a period of six months presumably taking re-course to Section 126 was unjust, improper and illegal.

It is also pertinent to note that the applicant's old meter was not sent to the Testing Laboratory for testing purpose though this was specifically mentioned by the Flying Squad in its report. Reasons for this lapse are not forthcoming.

All the contentions raised by the applicant's representative, therefore, deserve to be accepted in view of above position.

It now follows that the legal provision contained in Regulation 15.4.1 (in its second proviso) of the Supply Code Regulations would be very much applicable to the present case.

It has been laid down in this provision that, in case the meter has stopped recording, the consumer will be billed for the period for which the meter has stopped recording up-to a maximum period of three months, based on the average metered consumption for twelve months immediately preceding the three months prior to the month in which the billing is contemplated.

The bill in this case was issued in November 2005 i.e. on 16.11.2005. Hence, the period of 12 months immediately preceding the three months as laid down in this provision will have to be reckoned from July 2004 to June 2005. The applicant's CPL a copy of which is produced by the non-applicant, shows that the applicant's total metered consumption for the above period of 12 months was 5376 units. Hence, per month average works out to be $5376 \div 12 = 448$ units. Hence, the applicant should be charged for 448 units only for July, 2005 as against 800 units for which he is already charged. Hence, appropriate credit shall be given to the applicant.

Needless to say that both the assessments done by the non-applicant namely the assessment of Rs.39,372/- and the reduced assessment of Rs.10,580/- are incorrect and illegal and they stand quashed.

In the result, the applicant's grievance application is allowed and the non-applicant is directed to issue a revised bill in terms of the above order on or before 30.06.2006.

The non-applicant shall report compliance of this order to this Forum on or before 15.07.2006.

Sd/-
(Smt. Gauri Chandrayan)
MEMBER

Sd/-
(S.D. Jahagirdar)
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**