

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

Case No. CGRF(NZ)/48/2017

Applicant : Shri Shashni Sanjay Choteliya
23,24, Shailelsh Nagar,
Wathoda Ring Rd.,Nagpur.

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

Case No. CGRF(NZ)/49/2017

Applicant : Shri Sanjay Jivraj Choteliya
23,24, Shailelsh Nagar,
Wathoda Ring Rd.,Nagpur.

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

Applicant :- In person

Respondent by 1) Shri Vairagade,EE, Nodal, NUC,MSEDCL, Nagpur
2) Smt.Manchalwar, LDC, Nodal, NUC,MSEDCL, Nagpur
3) Shri Dahashastra, SNDL

Quorum Present : 1) Shri Shivajirao S. Patil,
Chairman.

2) Shri N.V.Bansod
Member

3) Mrs. V.N.Parihar,
Member, Secretary

COMMON JUDGEMENT DELIVERED 25.04.2017.

1. There are similar facts of case No.48/2017 and 49/2017. Therefore it is desirous

and convenient to decide both the cases by common judgement.

2. The Applicant filed present grievance application before this Forum dated 05.04.2017 under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as said Regulations).

3. Applicant's case in brief is that applicant in case No.49/2017 is father and karta of family, he had residential connection vide Cons.No.410016145789. His house is double storied building having ground floor and first floor. He feels that there was much consumption therefore he decided to take another meter in the same premises in the name of his son Shri Shashni Sanjay Choteliya who is applicant in case No.48/2017. Therefore he applied for one more residential connection in same premises and as per his request another connection Cons. No.410018377181 is obtained in the name of his son Shri Shashni Sanjay Choteliya who is applicant in case No.48/2017. Therefore instead of one residential connection, two connections are taken. Since 04-05-2015 there are two connections in premises. According to applicant after taking 2nd connection bill is excessive. Therefore applicant approached to IGRC. Being aggrieved by the order passed by IGRC applicant approached to this forum.

4. Non applicant denied the applicant's case by filling reply dated 18.04.2017. It is submitted that meter of the applicant was tested by Accu-check but applicant was not satisfied therefore he approached to IGRC. IGRC ordered to test the meter as per order dated 21-06-2016. As per order of IGRC meter No.NS 104801 was replaced and tested in meter testing laboratory and found that it was 10% fast. Therefore again applicant approached to IGRC. IGRC ordered as per order dated 04-05-2016 to revise the bill of the applicant considering average 975 unit p.m. Bill of the applicant was

revised and credit of the applicant Rs.17151.76 p.s revise in July-2016. Applicant paid part payment of Rs.15000/- on 30-01-2017 and since then did not pay anything amount of Rs.40134.79 p.s. is due outstanding against applicant Shri Sanjay J. Choteliya in case No.49/2017.

5. Non-applicant also denied the case of applicant Shri Shashni S. Choteliya in case No.48/2017. It is submitted that meter is tested by Auu-check. Thereafter as per order of IGRC dated 21-06-2016 meter was tested IGRC ordered to test the meter in the meter testing laboratory. Meter No.NS 116674 was replaced and tested in meter testing laboratory. It was found 10% fast. Thereafter as per order of IGRC dated 05-07-2016 bill of the applicant is revised considering average of 525 unit p.m. and credit of Rs.8431/- is given to the applicant in July-2016 and Rs.5932 in August-2016. Applicant made part payment of Rs.3400/- on 07-05-2016 and amount of Rs.42468/- is due and outstanding against the applicant.

6. Forum heard arguments of both the side and perused record.

7. During the hearing we specifically ask applicant whether he desire to test the meter in the lab of MSEDCL but he denied and he was not willing to test meter. He argued that meters are OK. He has no complaint about correctness of meters. Therefore meters were not tested in lab of MSEDCL.

8. Applicant simply argued that Nutral of both meters were join on one place only therefore this is happening on the contrary Shri Dahashastra of SNDL and Shri Vairagde, Executive Engineer, MSEDCL and nodal officer argued that Nutral of both meters are join corrected and technically. They even show the position of Nutrals on

paper on stench on paper. We are satisfied that Nutrals are join properly as per technical procedure. Therefore we find no force in argument of applicant that Nutrals are not join properly.

9. We have carefully perused grievance application of the applicant in both cases. In the beginning of the grievance application it is specifically written by the applicant that there was more consumption therefore applicant applied for allotment of another meter. Spot inspection report shows that it is one and the same premises having ground floor and 1st floor. Applicant Shri Sanjay J. Choteliya argued that his son, daughter-in law and unmarried son are residing on ground floor and 1st floor. It is no whether mentioned in grievance application that there was portion between the family and that married son is residing separately. On the contrary as per grievance application consumption was more therefore second meter was obtained.

10. Mr.Dahashastra, Sr.Manager(A/c.) of SNDL argued that it is a joint family, there is no separate entrance and since 04-05-2015 load is divided on 2 meters.

11. Considering these aspect it appears that applicant had taken another residential connection only with a view that in future to get slab benefit by dividing the load. When applicant was satisfied that one meter was working properly prior to 04-05-2015, he should not have taken 2nd connection in the same premises. Anyhow 2nd connection is taken by the applicant as per his will in the same premises therefore it is necessary to pay bills of both the meters.

12. We have carefully perused CPL in case No.49/2017 cons.No.410016145789 which is in the name of applicant Shri Sanjay J.Choteliya. CPL shows that there is

same trend of consumption in the month of **Summer** April, May and June every year. It is noteworthy that in April-2013 consumption was 851 unit, in May-2013 consumption was 1292 unit, in April-2014 consumption was 838 unit, in May-2014 consumption is 1065 unit, in June-2014 -1112 unit. It is noteworthy that even in rainy season in August-2014 consumption was 953 unit. We have compared this previous consumption with the consumption of applicant after 4th May-2015. In May-2015 consumption was 1397 unit, in June-2015 – 934 unit, in July-2015 – 903 unit, in August-2015 – 918 unit. Again in April-2016 – 1351 unit, in May-2016 – 1135 unit, in June-2016 – 1534 unit. Therefore so far as Summer period i.e. April, May and June is concerned every year there is same trend of consumption. After all consumption is depend on use of electricity. If 3 A.C. and one ducting Cooler used for many hours, consumption may increase.

13. Record shows that in case No.49/2017 as per order passed by IGRC in case No.556/2016 dated 04-07-2016 bill of the applicant was revised for the month April-2016 and May-2016 considering average of 975 unit and credit of Rs.17151.76 p.s. is given to the applicant in July-2016.

14. So far as spot inspection report is concerned, it shows that in case NO.49/2017 on 1st Floor there are 3 Fans, 17 CFL, 1 TV, 1 Set top box, 1 Freeze, 1 Cooler having ducting, 1 Motor pump, 1 Mixer, 1 AC, 1Washing M/c. and 1 Microwave oven. Therefore there is 1 AC and 1 Cooler having ducting. If AC and ducting Cooler is continuously used in Summer period, it is but natural to have excess consumption.

15. In case No.48/2017 we have carefully perused CPL. As per order passed by IGRC dated 05-07-2016 in case No.557/2016 bill of the applicant is revised for the month of April-2016 and May-2016 considering average of 557 unit and credit of

Rs.8431/- is given to the applicant in July-2016 and Rs.5932/- in August-2016.

16. So far as spot inspection report is concerned it is recording the load on 2nd Floor there are 3 Fans, 18 CFL and 2 Ac. Therefore it appears that they are residing jointly therefore in spot inspection in case No.48/2017 there is no TV, no Set top box, no Freeze, no cooler, no motor pump, no mixer, no microwave oven. Spot inspection reports in both cases shows that entire family is residing jointly but 2 meters illegally obtained only to bifurcate the load systematically. 2 AC are connected on one meter whereas on another meter 1 AC and 1 ducting Cooler is connected. Therefore connected load is bifurcated as per requirement of 2 floors equipments but it is done by applicant conveniently to bifurcate the load and to get slab benefit only.

17. Record shows that IGRC has passed correct and legal order and had already revised bill of the applicant. Order of IGRC is legal and correct therefore needs no interference.

18. It is noteworthy that in case No.48/2017 applicant made last payment i.e. part payment of Rs.3400/- on 07-05-2016 and since 07-05-2016 till today i.e. for a period of about one year applicant did not pay anything and enjoying the electricity without payment of the bill. Amount of Rs.42468/- are due and outstanding against the applicant. Needless to say that SNDL is at liberty to take legal action of disconnection for non-payment of Rs.42468/-, if deem fit.

19. likewise in case No.49/2017 applicant made lost payment i.e. part payment of Rs.15000/- on 28-05-2016 and again Rs.15000/- on 30-01-2017. Since 30-01-2017 till today i.e. for last 3 months applicant did not pay anything and amount of Rs.40734.69

p.s. are due of outstanding against the applicant. SNDL is at liberty to take suitable legal action of disconnection for non-payment of Rs.40734.69 p.s. against the applicant, if deem fit.

20. "For these reasons in our opinion both the applications deserves to be dismiss.

21. Hence we proceed to pass the following order.

ORDER

1. Case No.48/2017 and Case No.49/2017 both are hereby dismissed.
2. SNDL is at liberty to take suitable legal action of disconnection for non-payment of Rs.40734.69 p.s. against applicant Shri Sanjay J. Choteliya in case No.49/2017 if SNDL deem fit.
3. SNDL is at liberty to take suitable legal action of disconnection for non-payment of Rs.42468/- against applicant Shri Shashni Sanjay Choteliya in case No.48/2017 if deem fit.

Sd/-
(N.V.Bansod)
MEMBER

sd/-
(Mrs.V.N.Parihar)
MEMBER/SECRETARY

sd/-
(Shivajirao S. Patil),
CHAIRMAN