

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

Case No. CGRF(NZ)/58/2017

Applicant : Smt.Smita Raju Dhongade
Plot no. 63, FulmaliLayout
Nr.Himalaya Aptt. Nagpur-02.

Non-applicant : Nodal Officer,
The Superintending Engineer,
(D/F.) NUC,MSEDCL,
NAGPUR.

Applicant :- In person.

Respondent by 1) Shri Vairagade, EE, Nodal Office
2) Shri Dahasahastra, SNDL Nagpur.

Quorum Present : 1) Mrs. V.N.Parihar,
Member, Secretary
& I/C.Chairman.

2) Shri N.V.Bansod,
Member

ORDER PASSED ON 07.06.2016.

1. The applicant filed present grievance application before this Forum on 16.05.2017 under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as said Regulations).

2. Non applicant, denied applicant's case by filing reply dated 29.05.2017.

3. Forum heard arguments of both the sides and perused record.

4. Applicant filed her grievance application for correction of excessive units charged as high as 2016 units in the month of December-2016 even though applicant is not using the premises regularly and residing in the house adjacent to the premises where disputed meter is installed.

5. Non-applicant In his reply dated 29-05-2017 stated and denied the contention of the applicant and stated that the initial reading in the month of Dec-2016 is 2830 units and final reading was 4846. Hence bill for 2016 units was issued which is as per meter reading. Meter testing was carried out both at SNDL and MSEDCL laboratory and it was found O.K. Accordingly, on the basis of the photo meter reading taken, the bills were issued to the applicant. Hence they are in order. Non-applicant replaced the said doubtful meter on dated 23-02-2016 by the new meter having no.65/C1133653.

6. Non-applicant in his reply further stated that, as per spot inspection carried out by them, supply is not in use. Non applicant stated that bill issued by them is as per the reading only and hence Applicant should be directed to pay the same. Non-applicant also filed the consumption statement of the Applicant.

7. Applicant filed his grievance with IGRC on dt.11.01.2017.Accordingly matter was heard and IGRC passed the order to test the disputed meter to rule out apprehension of the Applicant. As meter was found ok in both the Meter testing laboratory of SNDL and MSEDCL, Applicant filed his grievance application with this forum for necessary relief.

8. During the arguments before the forum, the applicant contended that disputed

consumption as displayed by the meter does not commensurate with their actual usage of power and that it is because of a defect in meter ,reading might have shoot up and subsequently meter should have restored. It can happen in any meter but in the present meter also this seems to have happened but it does not get restored.

9. During the argument and discussion, non-applicant accepted that supply of Applicant was not in use on regular basis and due to this much meagre usage of supply consumption of applicant is always less than 100 units per month.

10. At the time of hearing on 30 May, 2017, the Parties were informed of the Chairperson of the Forum having resigned the office on 16 May 2017, consequent to which the matter would now be heard by the two remaining Members. At the time of hearing Quorum present was

- 1) Member Secretary & I/C. Chairman.
- 2) Member (CPO).

As per in clause 4.1(c) of MERC (CGRF & EO) Regulation 2006 which reads as under,

4.1(c) "Provided also that where the Chairperson is absent from a sitting of the Forum, the technical member, who fulfills the eligibility criteria of sub-clause (b) above, shall be the Chairperson for such sitting".

Needless to say that, in absence of Hon'ble Chairman, Member Secretary is In-Charge Chairman. There is difference of opinion amongst the two. Since I/Charge. Chairman has one additional casting vote, therefore as per provision given in clause 8.4 of MERC (CGRF & EO) Regulation 2006 which reads as under,

8.4 "Provided that where the members differ on any point or points the opinion of the majority shall be the order of the Forum. The opinion of the minority

shall however be recorded and shall form part of the order”.

Hence, the Judgment is based on majority view of I/C chairman and Member Secretary. However the separate dissenting note of Hon'ble Member (CPO) is noted in the judgment and it is part and parcel of the judgment. But the judgment is based on majority view and reasoning thereof is as under:

11. During hearing, on perusal of the consumption statement of the applicant from Dec-2015, January-2016, February-2016, March-2016, April-2016, May-2016, June-2016, July-2016, Aug-2016 consumption is 13, 71,0,101,0,3,35,39,14 units. In Aug-2016 no advance in reading with Inaccessible status is shown. Whereas from the soft copy filed by Non-applicant, photo meter reading is shown for Aug-2016 is 2065.If meter is inaccessible how come photo reading is taken by meter reader. Reading for Dec-2016 is not clearly seen at all in photo meter reading.

12. But readings are deliberately not properly taken and shown. This can be seen from the fact that, when high consumption was seen to be recorded in Aug-2016,status is shown as “inacc” and in Dec-2016,when reading was 4846 with high consumption as 2016units , reading is not readable from photocopy.

13. Hence It is observed by the forum, this mistake is attributed to the deliberate attempt to cover up high usage of electricity during the Aug-2016 and Dec-2016 by Applicant only. It is therefore clear that Applicant must have join hands with the meter reader. And cannot because of the facts of such a situation wherein meter reading is shooting up,

Hence the observation & findings as well as order of IGRC are justified.

14. In view of the above factual position such as meter testing reports of both SNDL MTL and MSEDCL ,MTL the lab being ok., forum is of firm opinion that high unit consumption utilized by applicant is correctly recorded by the meter, Hence Energy Bill for Dec-2016 cannot be revised Applicant's actual usage of electrical supply is responsible for the said meter reading and therefore Applicant has to make its payments.

15. **Separate dissenting note of Hon'ble Member (CPO) is given as under.**

1) Applicant is consumer of Non Applicant having consumer No. 410020078107, Applicant's grievance is that use electricity meter is 2 or 3 times in 2 months and earlier reading were 14,14,03,17 units but in the month of November 2016, bill of Rs.50040/- received. Her brother reside in adjoining plot & supervise the house & brother receives bills of Rs. 650/-, Rs. 450/- on average and there was no any occasion like marriage etc. After complaint on 17/12/2016, Non Applicant's employee checked the meter on 22/12/2016 and on 4/1/2017 video shooting was done & sent to C.P.Grand office for change of meter & reading was 4860. New meter was installed on 27/1/2017.

2) On 28/1/2017 relatives came for 5 days & consumption was 13 units and since then till 3/5/2017, Reading was 14 units still Non Applicant disconnected supply on 3/5/2017.

3) On reply to complaint of excess billing Non applicant said meter No.5319590 was checked by Accu-check on 4/1/2017 & meter was OK. IGRC in his order directed to test meter in meter testing lab & correct the bill and Non Applicant again checked the meter in testing lab error was 0.24% within permissible limit and

justified Non revision of bill Non Applicant also admitted notice U/s. 56 (i) & disconnection.

4) We heard the arguments of both the sides and perused all the papers on record along with C.P.L. of Applicant.

5) Applicant filed this application for correction of excessive bill from Sept. 2016 amounting Rs.50040/-

6) On perusable of CPL since Dec. 2015 to Aug 2016 & Jan. 2017 to April 2017 consumption shown is 13, 71, 07, 101, 0, 3, 35, 39, 14 and after change of meter on 27-01-2017 108, 36, 5,1 unit and but suddenly in Sept. 2016, Oct. 2016, Nov. 2016, Dec. 2016 consumption shown as 2674, 898, 898, 2016. During arguments Non Applicant did not give any satisfactory reply regarding sudden shoot up.

In Case No. 47/2016 & Case No.69/2016 identical situation was before the forum in which concerned engineers agreed with the facts and such type of situation of sudden spurt or rise in current may results in shooting up of reading of meter and this is acceptable technical fault of meter shoot up and subsequently its getting restored. It can happen in any meter but in the present meter also this seems to have happened but it does not get restored. Shortly & repeated instances are noticed.

Case No.47/2016 para-(7) decided by Member Secretary & Member(CPO) It is observed by the forum that corum of IGRC seems to have overlooked pertinent facts such as meter getting shoot up, the spot inspection of small puncture repair shop by non-applicant & usage of electricity in this small puncture repairing shop

having negligible load of few HP as well as its factual working hours. Hence the observation & findings as well as order of IGRC is deserved to be quashed & set aside.

(8) During the argument and discussion non-applicant accepted the current position of the applicant and also accepted the load stated by them in the reply and the normal consumption of applicant always below 30 units per month.

(9) In view of the above factual position & spot inspection by non-applicant, forum is of firm opinion that sudden rise of unit consumption in meter in the month of Dec-15 is due to meter shoot up and being a technical fault applicant is not responsible for meter shoot up in reading and its payments. Therefore, forum is of the view that non-applicant shall issue revise bill for the period November-2015 onwards on the basis of average last 12 months without DPC and interest and same is consented by non-applicant to revise the bill if it is ordered by the forum.

7) In an identical Case No 69/2016, to the present Case in hand having forum of chairperson, (Mr. Patil), Member Secretary & Member (CPO) observed as under,

Case No.69/2016 para-(7) During the arguments in the forum, the technical query was raised by the forum to non-applicants i.e. Mr.Talewar, Executive Engineer as well as Mr.Madane, Dy.Executive Engineer, both of them in reply stated that, such type of situation of sudden spurt or rise in current may results in shooting up of reading of meter and this is acceptable technical fault of meter shoot up and subsequently meter getting restored. It can happened in any meter but in the present meter also this seems to have happened but it does not get restored.

(8) It is observed by the forum that quorum of IGRC consists of totally Technical Engineer seems to have overlooked pertinent facts of such a situation

wherein meter reading is shooting up, the spot inspection of small residential house as well as factual working hours and usage of electricity in this small house having negligible load. Hence the observation & findings as well as order of IGRC is deserved to be quashed & set aside.

(9) During the argument and discussion, non-applicant accepted the load stated by them in the reply and the usual consumption of applicant as always 42 units per month.

(10) In view of the above factual position & spot inspection by non-applicant, forum is of firm opinion that sudden rise of unit consumption in meter is due to meter shoot up and being a technical fault applicant is not responsible for meter shoot up in reading and its payments.

(11) Therefore, forum is of the view that non-applicant should issue revised bill for the month of January-2016 & February-2016 as per consumption of March-2016, being only base available for revision, without DPC & interest and same is consented by non-applicant.

8) Therefore, I am of the view that present case is of meter shoot up or sudden spurt or rise in current has resulted in shooting up of reading 2674, 898, 898 & 2016, compare to her consumption & period of occupancy & use as per CPL. It is a Case of meter shoot up or sudden spurt which has resulted due to rise in current. Therefore I am of the view that Non Applicant shall issue revise bill for period Sept 2016 to Dec 2016 i.e. on the basis of average of last 12 months prior to August 2016 without DPC & interest and disconnected supply on 3/5/2017 be restored

immediately because Applicant is not at fault & liable to pay bill of Rs. 50040/- & bill deserves to be quash & set aside and IGRC order also deserves to quash & set aside because it without application of mind & technical knowledge.

9) It is necessary to mention that the technical member (so called Secretary as no mention in Regulation) claims to be Chairperson as the then Chairperson has resigned and left the job on 16/5/2017. The provision of chapter II 4.1 of MERC (CGRF & EO) Reg. 2006 is as under "Provided also that where the Chairperson is absent from a sitting of the forum, the technical member who fulfills the eligibility criteria of sub clause (b) above shall be the chairperson for such sitting".

This means that when chairperson is appointed in the CGRF and he is absent from sitting of the forum, than technical member, shall be the chairperson for such sitting (during leave, sick leave etc) but presently the Chairperson's post is vacant in the forum on date of sitting, so the technical member and member (CPO) can continue to run sitting and decides the cases but technical member does not get position of Chairperson and second & casting vote, which is done in earlier cases after 16/5/2017. Which is illegal as per me because in case of vacant post of Chairman of MERC, Hon'ble Shri Ajij Khan & Mr. Deepak Lad Saheb sign as member and Mr. Ajij Khan does not claims to be Chairman (senior most member).

10) The Grievance application deserves to be allowed, Non Applicant is directed to issue revised bill for Sept 2016 to Dec 2016 on the basis of average consumption of 12 months period prior to Sept 2016 without DPC & interest within 30 days from date of order & Non Applicant is further directed to restore the supply immediately

and order of IGRC& bill of Rs. 50040/- is quashed & set aside.

Naresh Bansod
Member (CPO)

16. In view of the majority we hold that the consumption utilized by applicant is correctly recorded by the meter. Hence Energy Bill for Dec-2016 cannot be revised; Grievance application deserves to be dismissed.

17. Therefore we proceed to pass the following order.

ORDER

1) Grievance application is dismissed.

Sd/-
(Shri.N.V.Bansod)
MEMBER

sd/-
(Mrs.V.N.Parihar),
MEMBER/SECRETARY
& I/C. CHAIRMAN

