

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

Case No. CGRF(NZ)/64/2017

Applicant : Shri Rajendra B.Sayre
H. Nol. 421, Gokulpeth Bazar
N.B.Road, Nagpur-10..

Non-applicant : Nodal Officer,
The Executive Engineer
Congress Nagar Dn., MSEDCL,
Nagpur.

Applicant: - Shri. Rajendra B.Sayre
Non Applicant:- 1) Shri. K.P. Bhise EE, Congress Nagar Dn., MSEDCL,
Nagpur.
2) R.P.Naik Add EE, Congress Nagar Dn., MSEDCL,
Nagpur.

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

2) Shri N.V.Bansod,
Member

ORDER PASSED ON 10.08.2017.

1. The applicant filed present grievance application before this Forum on 12.06.2017 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 27.06.2017.
3. Applicant's case is that Shri Rajendra Bisanji Sayre R/o Gokulpeth Bazar Nagpur (hereinafter referred to as, an applicant) has a commercial electricity connection Br.No.410015581585. He had received the bill dated 16-06-2016 showing

his consumption of 1731 units and the bill dated 30-07-2016 showing his consumption of 1879 units. It is the contention of the applicant that the bills are excessive due to the wrong meter reading. The applicant approached the IGRC NUC Nagpur. The IGRC passed order on 02-05-2017. His application was dismissed. The MSEDCL (here in after referred to as, Non-Applicant) issued him a disconnection notice dated 03-06-2017, and directed to deposit the arrears amount immediately and made it clear that if the applicant failed to deposit the outstanding arrears his power supply would be disconnected. The applicant approached this forum under Regulation 6.5 of MERC (CGRF & EO) Regulation 2006 and requested that the Non-applicant may be restrained from disconnecting his power supply till the dispute about the bill dated 30-07-2016 is settled by the forum.

4. The case was fixed for hearing on this forum on 15-06-2017. Forum heard arguments of both the sides on dated 15.6.2017 for interim relief and accordingly passed interim order under regulation 8.3 of the MERC (CGRF & EO) regulations 2006.

5. The case was fixed for hearing with this forum on 28-06-2017. At the time of hearing on dated 28.6.2017 applicant was absent, hence hearing was adjourned till 17.7.2017 as per convenience of both the parties. On dated 17.7.2017 the applicant requested for adjournment due to non receipt of reply from the applicant till 18.7.2017. Hence, as per mutual consent given by both the parties, case was adjourned till 18.7.2017.

6. On dated 18.7.2017 Applicant Shri Rajendra B.Sayre was present personally. Shri K.P.Bhise, Executive Engineer, Congress Nagar Division represented the Non-applicant. Forum heard the argument and perused record.

7. It was argued on behalf of the applicant that his consumer. No. is

410015581585. He submitted statement showing his electricity consumption from the month of June-

2016 to February-2017. On perusal of the same it will be seen that the consumption indicated in a bill dated 16.06.2016 and 30-07-2016 is 1731 and 1879 units respectively. On the contrary in other months his monthly consumption is on lower side. So the meter reading is excessive and wrong. He alleged that the agency prepare the bills without going to the door of the consumer. He also alleged that the photocopy of meter reading on the bill is never clear. He deposited the amount under protest. However the Non-applicant has not taken any action to correct this bill. The applicant approached the IGRC; however his application has been dismissed. Hence aggrieved by IGRC order, he filed grievance appeal with this forum requesting the forum to waive of Rs.6800/-charged to him towards interest due to excessive units charged to him in the energy bills for the month of June 2016 and July 2016

8. It was stated on behalf of the Non-applicant that the consumption of the applicant in March-2016 and April-2016 was 1240 and 1651 units respectively. May, June and July are the peak summer months and the consumption recoded as 1815, 1731 and 1879 units respectively. The consumption indicated in the bill dated 30-07-2016 is for the period from 09-06-2016 to 09-07-2016. The period pertaining to the disputed bill was a summer period. So it is but natural that the power consumption is somewhat on the higher side. Further stated to the forum that as the bills are issued correctly, the applicant is liable for payment of the same, therefore prayed to direct the applicant to pay the outstanding bill & dismissed the grievance application.

9. We have perused the record and heard the arguments of both the parties.

10. At the time of hearing on 17.07.2017 and 18.07.2017, the Parties were informed

that due to expiry of tenure of of the Chairperson holding additional charge of the Forum on dt.30.06.2017,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) Regulation2006 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) Regulation2006 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, it is seen that, the dispute is about the only bills dated 16-06-2016 and dated 30-07-2016. The applicant alleged that the Non-applicant recorded the consumption on a higher side. Hence forum ordered to submit the soft copy of

Photometer readings. On submission of the soft copy by the Non-applicant on record, Forum has verified the same in detail. It is seen that except June 2016 and Aug-2016 readings for the month from March 2016 to Sept-2016 are clear and as per CPL only. Reading for Aug-2016 is not available as reading is taken through Mobil app. and subdivision did not download the same,

From photo meter it is seen that the final reading of May 2016 is 51312 and for July 2016 it is 54922, hence the total consumption for the period from June -2016 to July 2016 is $54922 - 51312 = 3610$ units, whereas on perusal of the consumption statement of the applicant the sum total of units charged to applicant in the month of June 16 and July 16 is $1879 + 1731 = 3610$ units. Hence it can be concluded that units charged to applicant in the month of June and July are in order. So allegations of the applicant that, the meter reading is excessive and wrong, the agency prepare the bills without going to the door of the consumer along with the allegation that the photocopy of meter reading on the bill is never clear, are found to be incorrect and baseless. Forum also holds the Non-applicants argument that, the consumption indicated in the bill dated 30-07-2016 is for the period from 09-06-2016 to 09-07-2016. As this period contains almost $\frac{2}{3}$ rd of maximum summer period, so it is but natural that the power consumption is on the higher side.

After taking in to consideration the facts and circumstances of the case, we are of the considered opinion that the grievance needs to be rejected. As claimed by the applicant, energy bills cannot be revised and therefore Applicant has to make its payments with interest if not paid already. Hence the observation & findings as well as order of IGRC are justified and needs no Interference.

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

Dissent note By Member (CPO) Mr. Naresh Bansod Dated 01.08.2017 in case No 64/2017

The argument heard in this case on 18.7.2017 and as per Reg. 8.4 of MERC (CGRF & EO) Regulation 2006, it was expected to have discussion on any point or points of difference but without discussion from 18.7.2017 till 1.8.2017, the case file is sent for writing dissent note at 1.45 pm on 1.8.2017.

We heard the arguments of both parties on 18.7.2017 and perused all the papers on record.

1. The main grievance of the applicant is that he received the excess bill for the month

July 2016 i.e. 1879 units even though it is rainy season and details are as under

May 2016 – 1815 units - due to high temperature

June 2016 - 1731 units – due to high temperature

July 2016 - 1879 units – be less due to start of rainy season

2. Applicant said that bouncing of cheque for May 2016 was due to over writing which is fault of agency and they should not have accepted the cheque of applicant. Non applicant also did not reply the letters dated 15.7.2017 & 30.7.2016. Applicant in letter dated 30.7.2016 (page 3) accepted the reading of may 2016 i.e. 1815 & June 2016 i.e.1731units and disputed bill of July 2016 i.e. 1879 for our consideration.

3. Applicants application dated 6.3.2017 for the afore said grievance before IGRC was dismissed as cannot be accept vide order dated 2.5.2017.

4. Applicant after disposal of grievance by IGRC & due to receipt notice of disconnection dated 3.6.2017 (Page 83) approached the forum & prayed for granting stay from disconnection of supply

5. Forum heard both the parties on the point of interim order and in the interest of Justice to avoid hardship to the applicant & his business, Interim order under Reg. 8.3 of MERC (CGRF & EO) Regulations 2006, was passed restraining the Non Applicant from disconnection.

5A. Applicants grievance regarding bouncing of cheque due to overwriting and penalty & interest levied in bill. I am of the opinion that it was responsibility of the employee of bill collection centre to accept proper cheque. Hence cheque return charges & the penalty & interest imposed by Non Applicant, does not deserves to be charged.

5B. It is not the case of Non Applicant that meter is not accessible. Non Applicant grievance is that inspite of letter for shifting of meter dated 16.1.2013, Applicant failed to taken cognizance which further shows the lethargic approach of Non Applicant. On the contrary Non Applicant should have acted promptly to avoid inconvenience in recording Reading and assuming that even though the meter is on height, if they would have taken efforts to record reading correctly, same would have been convenient to use the stool or ladder which is generally available in Applicant's premises like Restaurant and excuse of Non applicant appears to be baseless.

As per 21.4 (Installation of meter) & 21.5.2 (Reading of meter) of MSEDCL (Conditions of supply based on the MERC (Electricity Supply Code & other Conditions of Supply) Reg 2005, is as under

INSTALLATION OF METER:

The MSEDCL shall install the meter at the point of supply in such a manner that it is easily accessible to the MSEDCL's employees / representatives for meter readings, inspection and other purposes. The meter once installed shall not be transferred or shifted from one location to another except in genuine cases where the cost towards shifting will be borne by the consumer as per the schedule of charges approved by the commission.

READING OF METER

The MSEDCL (employees or the authorized representative/ agency appointed by the MSEDCL) shall have easy access to the consumer's premises for meter reading at all reasonable time and the consumer shall extend all facility to the MSEDCL for meter reading, which the consumer can verify then & there;

Hence it is total responsibility of Non Applicant and Non Applicant cannot shift the responsibility on Applicant, for violation of above regulation by them.

6. On perusal of order of IGRC, it appears that case is heard by Mr. Dhoble Mr. Likhar & Mr. Raut but it is signed by only chairman of IGRC and other members were not present at all as per allegation of the Applicant and applicant disagree with the order. I feel this wrong practice adopted by IGRC chairman is not correct practice to put the names of members who were not present but to mislead the consumer as well as forum.

7. It is true that reading of may 2016 & June 2016 are not visible (page 67 & 69) and hence applicant denied the correctness of the meter even though it was responsibility of the Non Applicant To satisfy the consumer by showing the soft copy available with then but the non applicant did not take any efforts to satisfy the consumer which is deficiency in service

& negligence on the part of non applicant and applicant feels that he is harassed. Non applicant shall take note of the same for future.

8. To decide the controversy about the reading for May 2016, June 2016 & July 2016. I have verified the soft copy of the applicant's meter on 20.7.2017 at 12.15 pm of the applicant and all reading for month march to may 2016 & July 2016 are found correct compare to his CPL, and June 2016 was not clear and not readable visually and hence As per Reg. 15.4.1 (Billing in the event of defective meter) Non Applicant should have treated

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and decided the grievance as per MERC (Electric supply code and other conditions of supply) Regulations 2005.

9. IGRC tried to analyzed the dispute but it is not clear whether soft copy is verified by them. The disputed bill of July 2016 is for 9.6.2016 to 9.7.2016 i.e. 22 days of June & 9 days of July and hence expectation of less unit consumption cannot disbelieved and IGRC failed to thought comprehensively and IGRC report does not deserve to be accepted.

10. Regarding non replying of letters of applicant, I feel it is the right of consumer to get reply as per provisions of right to service Act and same is applicable to the Non applicant also and hence Non applicant shall take note of this for future correspondence and due to this approach, Applicant feels that cognizance is not take, which is expected. Hence due to non reply of letter and accepting overwritten cheque by employee of bill collection centers and not showing reading in soft copy. I am of the opinion that Applicant is harassed due to impractical approach of Non Applicant.

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In view of the above observations, Hence applicant's grievance case deserves to be allowed.

Hence the following order A] Application is partly allowed B] Non Applicant is directed not to levy cheque Return charges and delayed payment charges as well as interest on it and issue the corrected bill within 7 days. Applicant is directed to pay the corrected bill promptly within 15 days from date of receipt of corrected bill.

Member Secretary claims to be in charge chairperson. As per Reg. 4.1 (c) last provision means that when chairperson is appointed in the CGRF and he is absent from sitting of the forum, then 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 as per 5.2 of Regulation 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 not any one as chairman as per seniority or Regulations. Hence order of the Technical person or so called member secretary cannot be a "Majority order".

Naresh Bansod
Member (CPO)

14. In view of the majority we hold that the consumption utilized by applicant is correctly recorded by the meter and Energy bills are charged as per meter reading

only. Hence Energy Bills issued for disputed months cannot be revised; Grievance application deserves to be dismissed.

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