

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

Case No. CGRF(NZ)/65/2017

Applicant : The Principal, Lad College for Woman,
Shankar Nagar, NA Road,
Nagpur 10.

Non-applicant : Nodal Officer,
The Executive Engineer,
O&M Division, Congress Nagar,
MSEDCL, Nagpur.

Applicant: - Shri. Ashok G. Chandak Applicant's representative

Non-applicant:- Shri. K. P. Bhise, EE, Congress Nagar, MSEDCL, Nagpur

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

2) Shri N.V.Bansod,
Member

ORDER PASSED ON 04.09.2017.

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 Redressed Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as said Regulations).
2. Non applicant, denied applicant's case by filing reply dated 24.07.2017
3. Forum heard arguments of both the sides and perused record.
4. The case of the applicant is as follows:-

A) M/s principle LAD College, bearing consumer no. 419990158372 received

a letter dated 02-08-2016 from non-applicant, for payment of assessed bill for the period from dt.29-03-2012 to dt.31-07-2016 amounting Rs.4,17,160.00 due to the reason that during this period due to failure of Y Phase CT, existing meter was recording less consumption. Accordingly ,the bill for additional assessed 43901 units was issued to them. Being a reputed education organization and honest consumer of the licensee, they have deposited the same bill under protest vide MR No. 5703061 dated 20-06-2016 under protest. As their's being an educational institute running on Govt. grant, it was very difficult for them to convince the Govt. auditor such additional abnormal bill issued when it was not their fault.

B) They have further contended that, as per the inspection report, the meter seals were intact, no tempering was observed but still Non Applicant has recovered the amount retrospective from 29-03-2012. So in their opinion the Non Applicant has installed a defective meter in their premises. For that they rely on provisions of section 15.4.1 of MERC's supply code Regulation 2005 which states billing in event of defective meters *"Subject to the provisions of Part XII and part XIV of the Act, in case of defective meter, the amount of the consumers bill shall be adjusted for a maximum period for three months prior to the month in which the dispute has arisen, in accordance with the results of the test taken subject to furnishing the test report of the meter along with the assessed bill"*,

Similarly in support of this, applicant has cited judgment passed in representation no.140/2014 of Hon'ble Electricity Ombudsman Nagpur dated 16-03-2015 in case of Dev Kanoriya, Sudarshan Motors- v/s- Superintending Engineer, Nagpur Urban Circle, MSEDCL, Nagpur, wherein at Para 11, it is stated that:-

"It is specific provision regarding billing in the event of a defective meter and it is fully

applicable to the present case. It is surprising to find that thought since beginning the appellant has been requesting the Authorities of the respondents as well as the IGR Cell and the Forum that the provisions of Clause 15.4.1 are attracted. Neither the IGR Cell nor the Forum even considered the plea of the appellant. The IGR Cell and the Forum have apparently ignored contention of the appellant and upheld application of wrong provision”.

And hence sought relief to revise the bill as per provision of clause 15.4.1 of MERC Supply Code Regulation 2005. The excess amount deposited should be refunded in next energy bill along with interest as per section 62.6 of Electricity Act 2003 which read as follows, “62(6) if any licensee or a generating company recovers a price or a charge exceeding the tariff determined under this section, the excess amount shall be recoverable by the person who has paid such price or charge along with interest equivalent to the bank rate without prejudice to any other liability incurred by the licensee”.

Hence, they prayed for the following reliefs –

- a] Excess amount recovered and paid Rs.4,17,160.00 for 52 months should be restricted to only 3 months as per section 15.4.1 MERC’s supply code Regulation 2005.
- b] Excess amount deposited under protest should be refunded with interest as per Electricity Act 2003, section 62 para 6, in their next energy bill.
- c] The appropriate action shall be initiated for not following prescribed procedure as mentioned in both MERC’s supply code 2005 and SOP regulation 2014.

5. However the Non-applicant defended the action taken by them in raising the back billing charges. He has stated that on 21-07-2016, the meter in r/o M/s.

Principal, LAD College bearing Consumer No. 41999158372 was checked. The meter was found to be recording less consumption by 34.89%. The data of meter was retrieved by MRI and it was seen from the results that, Y-phase CT has failed and the occurrence has taken place on 29-03-2012 at 1446 Hrs. Both Copy of inspection report and MRI report are produced on record.

6. They have contended that, in this specific case neither the meter was defective nor its seals were tampered. There is no dispute about the correctness of meter i.e. Meter was not faulty. However fault was in the arrangement which feeds the meter. The inspection of CPL reveals that, there is sudden drop in consumption pattern of the applicant from the m/o. April 12, but this fact was not brought to the notice of MSEDCL by applicant. Instead, the applicant had enjoyed reduced bill for longer period. Hence, assessment of 43901 units for the period of 52 months charged to the consumer due to less recording done by the meter is in order.

7. They have further submitted that, section 15.4.1 of MERC's supply code regulation 2006 is about defective meters. It has already been stated that meter was not defective and therefore question of assessing the bill for maximum period of 3 months does not arise. In this particular case only escaped billing from dt. 29.03.2012 to 31.07.2016 which is in fact electricity consumed by applicant is recovered. The MRI report of meter ascertained that, meter has recorded 34% less consumption from 29.03.2012, as such the date is clearly established through the MRI report. The sudden & drastic reduction in consumption pattern is also reflected in the CPL. Hence this is a clear case of the under billing/ escaped billing.

8. To substantiate their claim of "escaped billing" Non-Applciant rely on judgment given by Hon'ble Forum in case No. 206/2013 who has dismissed the grievance

application, and wherein the Hon'ble Forum held that revenue earned by MSEDCL is public money.

9. They further said that, this particular case is analogous to the case No.206/2013 of NUZ, Nagpur. In that case, there was clerical mistake of multiplying factor, whereas in the instant case, the meter started recording the consumption less by 34% on account of malfunctioning of Y-phase CT connected to meter i.e. technical mistake, which should have been rectified earlier. Thus it was concluded by them that Multiplying Factor of meter was reduced to 0.66 from its original value of 1. For such a gross negligence, the Disciplinary Action is already initiated against the concern employee by them..

10. Further, they rely on judgment given In case No. 16 of 2008, Hon'ble Forum at Pune, in the matter of M/s. Venco Research and Breeding Farms Ltd .-VS- MSEDCL Pune Rural Circle which states that, *"In the light of Hon'ble High Court decision, the amount of difference of the electricity charges for the period Feb.2002 to May 2007 became first due on 30-07-2007 and respondent is expected to recover it within two years. Therefore, the said period of 2 years from 30-07-2007 is yet to be over and therefore the recovery of the said amount is not barred by time. "Further it is held that, "Unless demand is made it does not fall due". In this case the bill period needs no restriction to the period of three months as this is not a case of defective meter.*

11. In light of above facts, it is submitted by them that, the supplementary bill of Rs.4,17,160/- for the period 29-03-2012 to 31-07-2016 which was issued on dt.02.08.2016, *became first due on 02.08.2016. Therefore, the said period of 2 years from dt.02.08.2016, is yet to be over and therefore the recovery of the said amount is not barred by time. The applicant has paid the same under protest. As such, time*

limitation may please not be made applicable in raising the supplementary demand.

12. Applicant filed his grievance with IGRC on dt.06.03.2017.IGRC passed the order on dt.06.04.2017, rejected the grievance application of the applicant. It states that, due to 'Y' phase CT failure, consumption is less recorded, but since consumer has actually used the electricity, hence is liable to pay bills issued by Non-applicant.

13. Hence aggrieved applicant filed this application for necessary relief.

14. To enable the Applicant and Non-applicant to put forth their arguments in person, a hearing was conducted before the forum on dt.10.07.17.Non-applicant sought adjournment for collection of documents. As mutually decided by both applicant and non-applicant, case was adjourned till 24.07.2017.Again on dt. 24.07.2017, the non-applicant vide their email dt.24.07.2017 filed for adjournment, the case was adjourned till 11.08.2017.On dt.11.08.2017, Forum heard the argument of the both sides and perused documents furnished by them.

15. During the hearing, Applicant reiterated the facts of written application and vehemently argued that, as per definition of meter, CT being part and parcel of metering equipment. If any fault is developed with the allied equipments of meter, in this case it is CT, and then complete metering arrangement is defective. As such their case is of defective meter only. , hence are liable for billing as per section 15.4.1 of MERC's supply code regulation 2006.

16. Non-applicant too reiterated facts submitted in their written reply and contended that, this is a case of escape billing which is caused by human error. As Meter is not defective; section 15.4.1 of MERC's supply code regulation 2006 is not

attracted to this case. Hence, prayed to forum to reject the application.

17. At the hearing on 11-08-2017, the Parties were informed of the expiry of term of Chairperson of the Forum on dt 30.06.2017, 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) 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:

18. On perusal and consideration of both the oral and written submissions made by both the parties, it is seen that technical flaw erupted in Y-phase CT connected with the meter had not come to the notice of concern officer till July-2016. and being three phase metering system, the meter was recording only on R and B phase. Therefore the meter has recorded less than actual consumption due to reduction in multiplying factor from 1 to 0.66. The date of eruption of technical flaw in y phase CT ascertained from MRI report is dt.29.03.2012 at 14.46 hrs. Therefore immediately on receipt of Inspection report, non-applicant has issued the bill for recovery of arrears for the period from 29/03/2012 to 31/07/2016 for additional 43901 units. it is also seen that the non-applicant has raised the bill in the month of August 2016, and the inspection is carried out on dt.21.07.2016. and hence no delay is made.

19. *Further the judgment of Hon'ble Electricity Ombudsman comes to the aid of the action of non applicant in the instant case. Para (15) of the judgment passed in the representation no.70/2015 of Simplex Papers Ltd.- v/s –The Superintending Engineer, MSEDCL, O & M circle Gondia reads as follow :-*

“On merit also the grievance of the applicant is not tenable. The measuring equipment B phase PT was bypassed due to failure on 23.07.2003 and the meter was recording on R phase and Y phase. The meter system was three wire systems. Therefore, the meter was recording 50% of the actual consumption. So, bill dated 04.09.2003 issued by respondent to the appellant for the month of August 2003 is correct. Thus the appellant is not entitled to any relief whatsoever.”

20. Thus, it is evident to the forum that, applicant had consumed electricity

Supplied by licensee is not disputed. The MRI report discloses the particulars of the Exact date of Status of CT, and those particulars are corroborated by the fall in consumption during the period which was noticed during the inspection carried out on dt. 21.07.2016.

21. In view of this fact, applicant's contention that in their opinion the licensee has installed a defective meter in their premises is rejected. Forum however holds non-applicant's contention as this is not a case of defective meter as per order passed by Hon'ble Ombudsman in the case no. *no.70/2015*, assessed bill cannot be revised as per 15.4.1 of MERC supply code regulation 2005 hence, the applicant cannot avoid payment for the electricity consumed by it. The supplementary bill dated 02.08.2016 raised on account of defective "Y" phase CT is justified. Hence we find no reason to interfere in the IGRC order and Grievance application is rejected.

Therefore on merit applicant is not entitled to other claims from Non-applicant.

Separate dissenting Note by Member (CPO) Mr. Naresh Bansod dated

11-09-2017 in Case No. 65/2017 is given as under.

The Arguments heard in this case on 11-08-2017 and file is received on 06-09-2017 at 1.35 P.M. for concurrence on order and as not agreeable, hence the Dissent note here below.

(1) I heard the arguments of both parties on 11-08-2017 and perused all the papers on record alongwith citations.

(2) Applicant's grievance is that they received Non applicants letter No. Addl.EE/SNSD/T1661 dated 02-08-2016 for consumer No. 419990158372 demanding Rs.417160/- towards 'Y' phase potential of existing meter showing

30% less in pulse Test & dial Test and on that basis above bill for a period 29-03-2012 to 31-07-2016 for 52 months (Units 43901) was issued as Escaped Billing (Annex.I).

(3) Applicant being reputed education organization & honest consumer they deposited amount of same bill under protest vide MR No.5703061 dated 20-06-2016.

(4) As per the inspection report meter seals were intact, No tempering was observed but still license has recovered the amount retrospectively from 29-03-2012 because licensee has installed a defective meter in their premises.

(5) Applicant said. As per 15.4.1 of MERC (Electricity supply code and other conditions of supply) Regulations, 2005 i.e. billing in the event of defective meters, the amount of bill shall be adjusted for a maximum period of 3 months prior to the month in which the dispute has arisen.

(6) Applicant relied on order in representation No. 140/2014 of Electricity ombudsman Nagpur dated 16-03-2015 in case of M/s. Dev Kanoriya, Sudarshan Motors V/S S.E., N.U.C., MSEDCL, Nagpur and requested to revise the bill as per provision clause 15.4.1 of electricity supply code and prayed for refund of excess amount deposited and excess amount should be adjusted in next energy bill alongwith interest as per section 62(6) of The Electricity Act.2003 with bank rate. Applicant also prayed for appropriate action against N.A. for not following procedure in Electricity supply code 2005 & sop regulation 2014.

(7) Non applicant in their reply mentioned the date of checking 21-07-2016 and slowness by 34.89% which is result of "Y phase" CT has failed since

29-03-2012 at 14.46 hrs. by relying inspection report & MR report. N.A.

stated that neither meter was defective nor its seals were tampered and straight assessment of 43901 Units for 52 months was charged. CPL also reveals sudden drop in consumption pattern from April 2012 and meter was replaced on 31-07-31-07-2016.

(8) As per Non Applicant, they denied dispute about correctness of meter (Meter was not faulty) but the arrangement which feed the meter, developed fault in it which was not brought to the notice neither by consumer nor MSEDCL Official.

(9) As per Non Applicant meter was not defective and question of assessing the bill for maximum period 3 months does not arise but in this particular case only escaped billing from 29-03-2012 is recovered as per MRI report meter, recording 34% less, Consumption from 29-03-2012.

(10) Non Applicant rely the order in Case No. CGRP (NUZ)/2006/2013 and Case No.16/2008

Of Pune CGRF with reference to the high court decision. N.A. said that time limitation.

May please not be made applicable in raising the supplementary demand.

(10A) In view of the controversy, I wish to mention Clause 14.4 (Testing and Maintenance of meter) of MERC (E.S. C.) Regulations of 2005.

14.4.1 – The Distribution Licensee shall be responsible for the periodic testing and maintenance of all Consumer Meters.

Section 55 of The Electricity Act. 2003.

55(i) No licensee shall supply Electricity after the expiry of Two years from the appointed date, except through installation of a correct meter in accordance with regulations to be made in this behalf by the Authority.

Hence inspite of responsibility of Non applicant as mentioned in regulation, Non applicant failed to discharge duty from 29-03-2012 to 31-07-2016 which is total negligence on part of their employees still non applicant dared to say that Applicant did not brought the developed fault to the notice of Non Applicant which is further illegal act of throwing ball in the court of Applicant.

(10B) On perusal of order of IGRC dated 06-04-2017, the forum present (1) Mr. M. S. Dhoble (2) Mr. S. S. Vikhar (3) Mr. A. Y. Raut but it is revealed that order is signed by Mr. M. S. Dhoble only and not signed by Mr. S. S. Vikhar and Mr. A. Y. Raut because they were not agreeable to the order. Hence the order of IGRC is null & void in the eyes of law.

(11) The main questions for my consideration are as under.

(A) Whether the aforesaid meter can be termed as defective meter and provisions of 15.4.1 for billing in the event of defective meters are applicable?

Yes

(B) Whether this particular case can be termed as a case of escaped billing from 29-03-2012 and bill for 52 months can be issued for period 29-03-2012 to 31-07-2016 ? No

(C) Whether the cited judgments by Non applicant are applicable in this particular case on facts & law as well as regulations ? No

(D) Whether the order of Electricity Ombudsman, Nagpur in representation No.140/2014 in case of "Dev Kanoriya, Sudarshan Motors V/S MSEDCL, Nagpur

is applicable to the present case ? Yes

(E) Whether the applicant is entitle for refund of excess amount charged & paid under protest by Applicant with interest as per section 62(6) of the Electricity Act. 2003 ? Yes

(A) The word 'Meter' is defined in Regulation 2.1 (s) of MERC standard of performance of Distribution Licensees, period of Giving supply & defermination of compensation) Regulations 2014 as well as in MERC (E. supply code and other conditions of supply) Regulations 2005 – 2.1(9) is as under.

“Meter” means a set of integrating instruments used to measure, and /or record and store, the amount of electrical energy supplied or the quantity of electrical energy contained in the supply, in a given time, which include whole current meter and metering equipment, such as current transformer capacity voltage transformer or potential or voltage transformer with necessary wiring and accessories and includes prepayment meters”.

Non applicant in their reply admitted that the meter was checked on 21-07-2016 and their was slowness by 34.89% which is result of “Y phase” CT has failed since 29-03-2012. N.A. also admitted that meter seals were not tampered but tried to divert that meter was not defective. N.A. also stated that the arrangement which feed the meter, developed fault and meter was replaced on 31-07-2016.

On minute reading of above definition of meter and failure of Y phase CT” resulting in slowness by 34.89%, hence I am of firm opinion that the meter was defective and provision of 15.4.1 (Billing in the event of defective Meter) i.e. – “Subject to the provisions of Part XII and Part XIV of the Act, in case of a defective meter, the amount of the consumers bill shall be adjusted, for a maximum period of

3 months prior to the month in which the dispute has arisen, in accordance with the results of test taken, subject to furnishing the test report of the meter alongwith the assessed bill”, are attracted”.

The contention of N.A. that meter was not defective is without any basis and can be termed as baseless because failure of “Y phase” CT proves the defectiveness of the meter. Meter means a set of integrating instruments used to measure etc. Hence Non applicant failed to prove that it is not a case of defective meter and N.A. is liable to act as per Reg. 15.4.1 mentioned above.

(B) Non applicant in reply admitted that in this particular case only escaped billing from 29-03-2012 is recovered. On the point of escaped billing and its recovery, I wish to place the order of MERC dated 11-02-2003 in Case No. 24/2001.

Para 23 – MERC directed that no retrospective recovery of arrears can be allowed on the basis of any abrupt reclassification cation of a consumer, even though the same might have been pointed out by the auditor. Any reclassification must follow a definite process of natural justice and the recovery, if any, would be prospective only as earlier classification was done with a distinct application of mind by the competent people.

The same cannot be categorized as an escaped billing in the strict sense of the term to be recovered retrospectively.

In all these cases, recovery if any would be prospective from the date of order or when the matter was raised either by the utility or consumer and not retrospective. Accordingly, the bill issued to MIDC should be corrected to ensure prospective recovery of dues from date of communication about reclassification.

In view of the above, the contention of Non applicant that the term, escaped

billing is misconceived and Non applicant are not entitle to recover on the pretext of so called escaped billing even though it is proved earlier that the meter is termed as defective and term escaped billing is not recognized by MERC but rejected by MERC.

(C) Non applicant place reliance on the order of Hon'ble forum in Case No. CGRF (NUZ)/206/2013 dated 30-12-2013 which is on the point of multiplying factor and it differs an facts in the present case i.e. defective meter. The order of this forum in aforesaid Case No. 206/2013 cannot be a precedent while dealing with other case. In case Quorum present in above case and present case is same, then to avoid discrimination, may adopt but the present Quorum is totally different. It appears that quorum in Case No. 206/2013 is totally unaware about the order of MERC dated 11-02-2003 in Case No. 24/2001 regarding prospective recovery and no retrospective recovery. Hence order of forum doesnt support contention of Non Applicant.

Non applicant also placed reliance on the order dated 05-11-2008 of CGRF Pune in Case No. 16/2008 which is again on the point of multiplying factor & C.T. Ratio and it differs on facts in the present case i.e. defective meter. Secondly, in representation on No. 21/2008, Hon'ble ombudsman vide order dated 05-05-2008 discussed Section 56(2) of the Electricity Act. 2003 and set aside the order of the forum and held that since supplementary bill was raised after a period of 4 years from the date when it first become due the amount was not recoverable under provision of Section 56(2). The copy of order of ombudsman as well as High Court are not before the forum and mere observations are of no use on different fact and it cannot create precedent to decide the case because both the forums are parallel working in different zones of MSEDCL. Secondly it appears that the quorum of the

forum is totally unaware about order of MERC dated 11-02-2003 in case No. 24/2001. Hence the order of Pune Forum & its observations etc. cannot be precedent to support contention of the non applicant.

Non applicant filed copy order Electricity Ombudsman Nagpur dated 24-01-2015 in Representation No. 70/2015. In this case also issue under section 126 & 127 of the Electricity Act was involved and the grievance was bar by limitation. Hence in the said order of Electricity Ombudsman does not support contention of the Non Applicant as present case pertaining to defective meter.

In view of above observation, the cited orders are of no use to resolve the contention in favour of Non Applicant.

(D) Applicant relied on the order of Electricity Ombudsman Nagpur dated 16-03-2015 in Representation No. 140/2014. M/s. Dev Kanoria, V/S S.E., N.U.C., Nagpur.

On perusal of the order, the facts the representation are 'Y' phase was not recording the consumption & meter was found to be slow by 30% in pulse Test and dial Test and Y phase potential missing from the meter & 24 months was taken in to consideration for assessment which is totally identical to present case i.e. slowness by 34.89% which is result of Y phase CT has failed even though seals were not tampered and meter was replaced because it was defective.

In the order of ombudsman in Para II (Page 5 and classified as defective meter as under.

“It would be seen that it is a specific provision regarding billing in the event of a defective meter and it is fully applicable to the present case. It is surprising to find that though since beginning the appellant as well as IGRC and the forum that the provisions of clause 15.4.1 are attracted, neither IGRC

Cell nor the forum even considered the plea of the appellant. IGRC & the forum have apparently ignored contention of the applicant and upheld application of wrong provision. Hence the impugned order cannot be sustained” and ordered that order of Forum dated 24-12-2014 upholding order of IGRC dated 21-10-2014 is set aside. It is also ordered that bills are quashed and directed to issue Revised bill to the applicant as per provisions of clause 15.4.1 of the Electricity Supply Code”.

It is pertinent to note that the order of Electricity Ombudsman in representation No. 140/2014 above, was complied by Non applicant without any challenge which proves that Non applicant were in consent with order on facts & law, Regulation and it appears that Non applicant just to support their negligence, they are contesting the present case without application of MERC Elect. Supply Code) Regulations.

Hence this order fully support the case of applicant on facts as well as regulations & law.

(E) In view of the above observations, applicants grievance about defective meterstand proved and Non Applicant is liable to quash the bill dated 02-08-2016 for Rs.417160/- paid under protest and issue revised bill to the applicant as per the provision of Clause 15.4.1 of the Electricity Supply Code and refund the excess amount with interest as per Section 62(6) of the Electricity Act. 2003. The order of IGRC is deserves to be set aside as without appreciation fact, Regulation and spirit of law etc.

Hence the following order – The order of IGRC dated 06-04-2017 is set aside and bill dated 02-08-2016 for Rs.417160/- is quashed and Non applicant to revise bill of the applicant as per provisions of Clause 15.4.1 of Electricity Supply Code 2005 and refund excess amount paid, with interest as per section 62(6) of The Electricity Act from 20-06-2016

(Date of payment) i.e. with interest @ 9% P.A. till by adjusting in next energy bill of the Applicant and compliance be reported within 1 month.

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 Ajj 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".

Mr. Naresh Bansod
Member(CPO)

22. In view of the majority we hold that the application is deserved to be dismissed.

Hence 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

