

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

Case No. CGRF(NUZ)/083/2010

- Applicant : M/s. Shree Udyog
Plot No. EL-23,
MIDC, Hingna,
NAGPUR.
- Non-applicant : MSEDCL
the Nodal Officer-
MIDC Division,
Nagpur Urban Zone,
Nagpur.
- Quorum Present : 1) Shri Shivajirao S. Patil
Chairman
- 2) Adv. Smt. Gouri Chandrayan,
Member
- 3) Smt. K.K. Gharat
Member Secretary

ORDER (Passed on 21.12.2010)

The applicant M/s. Shree Udyog Plot No. EL-23, MIDC, Nagpur filed its grievance application on dated 27.10.2010 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.

1. The applicant, M/s. Shri Udyog, has received power factor penalty for the period October 2008 to October, 2009. According to the applicant, the reason for power factor penalty is the meter connected to its premises appeared to be faulty. The meter was tested, but the applicant did not satisfy with the testing. So the applicant has filed the grievance at IGRC, Nagpur Urban Circle on dated 03.12.2009. But no hearing was conducted by the IGRC, being aggrieved the applicant has filed the grievance in the Forum on dated 27.10.2010 and requested to the Forum that.

a) To refund the excess PF penalty charges collected by the non-applicant.

b) To refund excess energy consumption collected by the non-applicant from October 2008 to October 2009.

2. According to the applicant, since date of connection P.F. was maintained above 0.9 and therefore qualified for PF incentive on every bill. This was possible because of their consequence and installation of right and best quality Capacitors available in the market. In the month of October, 2008 there was an electrical failure of CT installed in the meter box. On intimation to office of the non-applicant and after payment of Rs.3600/- on dated 17.10.2008, CT was replaced by the non-applicant's staff. However at that time the applicant convey to the non-applicant the possibility of damage to the energy meter because of this sudden failure. But this was overlooked by the non-applicant.

3. In September 2008, PF was 0.9 whereas in October 2008, it was 0.30. There was a sudden drop in the PF without any

effective change in the working environment at applicant's end and therefore power factor penalty charges of Rs.9920/- was added in the bill un-necessarily.

In the next bill of November 2008 same was happened. The applicant has immediately informed about this to the non-applicant vide letter dated 26.12.2008 and requested to get the meter tested. But after testing of meter it was informed by the non-applicant that the meter is not defective.

4. Finally the applicant has persuaded the In-charge staff to replace the energy meter which was finally done on 29.10.2009. The result came immediately in next billing. The billed PF was 0.96, in November 2009 bill with PF incentive of Rs.184/-. Therefore with this the applicant has pointed out that all the time the applicant has been penalized without any fault. Apart from the P.F. penalty the applicant paid for excess demand and energy charges in proportionate to their actual consumption which is very less. Therefore applicant requested to the non-applicant to refund P.F. penalty charges and excess energy consumption charged to the applicant during the period October, 2008 up to October, 2009.
5. The non-applicant has submitted the reply in the Forum on dated 12.11.2010. The non-applicant has denied the grievance application of the applicant. It is submitted that there was sudden drop in PF in the October 2008 but it may

be due to fault in the applicant's electrical installation caused in the month of September 2008. There might be some problem with the capacitor or CT's installed by the consumer. Therefore it would not be justified that drop in the PF is due to problem in the meter only. As per request of the applicant meter was tested and found correct. Therefore power factor shown by the meter is totally justified. Even after replacement of the meter, consumer could not get desired power factor, it means consumer could not maintain or made necessary repair in its installation.

6. However, the applicant has again applied for replacement of meter and considering his request the meter was replaced with a advise to check his installation particularly for capacitors. Therefore claim of the applicant is totally not acceptable. It may be due to his improper commissioning of a capacitor. Also it may be merely coincidence to get desired power factor with the replacement of meter on 3rd occasion. In the para 7 of the reply dated 12.11.2010, the non-applicant had given details regarding the date of replacement with make of energy meters etc. The non-applicant has responded to each and every complaint of the applicant, therefore the non-applicant has pleaded the claim of the applicant is false and liable for dismissal.

7. The matter was heard in the Forum on dated 19.11.2010. Both the parties were present. Shri Khandalkar, Executive Engineer, MIDC Division was present. The applicant's side was represented by Shri T.A. Nimje.

The applicant's representative has informed to the Forum that meter testing was not carried out in applicant's presence, therefore testing report is not acceptable to him. Hence the Forum has directed to test the meter in presence of applicant and the hearing was rescheduled on dated 29.11.2010.

8. The hearing is continued on dated 29.11.2010. The non-applicant has informed to the Forum that as about two years has been elapsed the meter is not traceable and hence meter testing is not possible. However, the non-applicant has submitted photo copy of office record with signature of applicant's. Showing that the disputed meter was tested in the presence of the applicant.

The applicant's representative has also confirmed that the signature is of authorized person.

9. Forum heard the arguments from both the sides and observed the record of the case. It is evident from the record that on the request of the applicant, the non-applicant had change the meter on three occasion but all the times meters were found correct. Therefore it is clear that there was absolutely no fault in any of the meter.

10. The non-applicant has also produced a photo copy of the meter testing register which shows that the meter of the applicant was tested. On the photo copy there is signature of responsible representative of the applicant and endorsement of the documents shows that the meter was Ok. During the course of arguments representative of the applicant argued and admitted the signature of the responsible officer of the applicant. Therefore it is clear that there was no fault in the meter.

11. After clearly perusal of the entire record, Forum is of the considered opinion that claim of the applicant is not tenable as per regulations & rules and hence same desires to be dismissed. Forum find no force and no merits in the grievance application. Therefore proceed to pass the following order.

ORDER

The applicant's grievance application is rejected.

(Smt.K.K.Gharat)	(Smt.GauriChandrayan)	(Shri Shivajirao S.Patil)
Member-Secretary	Member	Chairman