

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

Case No. CGRF(NUZ)/006/2008

- Applicant : Shri Mukesh Amrutlal Soni
At Atul Jewelers, Sarafa Bazar,
Itwari Nagpur.
- Non-applicant : MSEDCL represented by
the Nodal Officer-
Executive Engineer,
Gandhibag Division, NUZ,
Nagpur.
- Quorum Present : 1) Shri S.D. Jahagirdar,
Chairman,
Consumer Grievance Redressal
Forum,
Nagpur Urban Zone,
Nagpur.
- 2) Smt. Gouri Chandrayan,
Member,
Consumer Grievance Redressal
Forum,
Nagpur Urban Zone,
Nagpur.
- 3) Shri S.J. Bhargawa
Executive Engineer &
Member Secretary,
Consumer Grievance Redressal
Forum, Nagpur Urban Zone,
Nagpur.

ORDER (Passed on 18.02.2008)

This grievance application has been filed on 18.01.2008
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.

The grievance of the applicant is in respect of order bearing no. 2690 dated 29.12.2007 of the Dy. E.E. Itwari Sub-Division, MSEDCL, Nagpur by which the Dy.E.E. Sub-Division, Nagpur has asked the applicant to pay assessment amount of Rs.15,755/- towards differential energy charges payable by him since his meter was found to be running slow by 89.77%. The applicant has requested to quash and set aside this order dated 29.12.2007.

Before approaching this Forum, the applicant had filed his complaint on the same subject matter before the Internal Grievance Redressal Cell (in short, the Cell) vide his application 07.12.2007 under the said Regulations. The Cell, upon inquiry and hearing, informed the applicant by its letter, being letter no. 7915 dated 19.12.2007 that the applicant's meter, being meter no. 8000098574, was inspected on 25.08.2007 during the special campaign of meter inspections and it was detected that this meter was running slow by 89%. The Cell further informed the applicant that an assessment bill has accordingly been given to the applicant in view of the applicant's meter running slow by 89% under the provisions of section 126 of the Electricity Act, 2003 and the assessment bill pertains to three months' period. The Cell further asked the applicant to pay this assessment amount. The applicant being aggrieved by this order passed by the Cell has filed the present grievance application.

The matter was heard on 06.02.2008 and 14.02.2008.

The applicant contended that he is a consumer of MSEDCL and he is having two electricity connections in his Jewellery shop at Itwari Sarafa Oli, Nagpur vide consumer no. 410011266090 and no. 410011261811. The applicant has been paying all his energy bills regularly against these two connections. On 25.08.2007, some officers of MSEDCL conducted inspection of his meters and they found that the meter no. 8000098574 attached to service connection no. 41001126690 was running slow by 89%. Therefore, this meter was replaced by a new meter and the applicant was charged assessment amount of Rs.15755/- being differential amount equivalent to 89% short payment of amount of his energy bills for a period of three months.

He strongly submitted that his meter was not faulty and the assessment made is erroneous. Therefore, the applicant filed his objection dated 07.12.2007 to the non-applicant requesting for waiving this amount. However, the non-applicant rejected the applicant's request on 29.12.2007 and maintained the assessment report based on inspection dated 25.08.2007. According to him, the order of assessment is ab-initio illegal and it is liable to be quashed and set aside. He also challenged the non-applicant's contention that his meter was running slow by 89% and relied upon his usual monthly pattern of consumption. In that, he added that his average consumption per month against his replaced old meter attached to service connection no. 410011266090 was almost similar to one reflected by the new meter. Hence, according to him, the non-applicant's claim that his meter was running slow by 89% is unjust and improper.

He lastly prayed that the said amount of Rs.15,755/- may not be recovered from him.

The non-applicant has submitted his parawise report dated 02.02.2008 which is on record. It is submitted by him that the applicant's meter in question was found running slow by 89% upon checking by accucheck meter by the departmental staff on 25.08.2007. He has produced on record a copy of this inspection report dated 25.08.2007. After opening of the meter, nothing abnormal, however, was found. Due to slowness of meter by average 85%, the applicant was earlier billed less by 85%. Hence, as provided in Regulation 15.4.1 of the MERC (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005 hereinafter referred to as the Supply Code Regulations, he was billed according to the result of the test for three months only.

He further urged that there is no substance in the grievance application and the same may be rejected.

It is a matter of record that the applicant's meter was tested on 25.08.2007 by the Jr. Engineer by accucheck and he found that the meter was running slow by 89%. He, therefore, recommended that assessment should be done for the last three months. The allegedly defective meter was replaced upon inspection and a new meter was installed in its place. The old meter is in the custody of the non-applicant.

With a view to ascertain correctness of the spot inspection report dated 25.08.2007, it was decided by this Forum with the consent of both the parties to test the meter in question once again in the testing laboratory of Testing Division, NUZ, MSEDCL, Nagpur.

Accordingly by the meter in question was tested on 14.02.2008 by the Executive Engineer, Testing Dn., NUZ, Nagpur on 14.02.2008. A copy of the test report is produced on record on 14.02.2008. This report clearly makes a mention that meter result is found to be satisfactory. The load test carried out in the Testing Division revealed that the meter in question is fault-free. The percentage error in the context of load testing is -0.977% which is well within the permissible limits. This demonstrates that the applicant's meter in question was not defective. It, therefore, follows that the same was not running slow by 89% as reported by the Jr. Engineer at the time of testing of the meter on 25.08.2007. It is not understood as to how the inspecting Jr. Engineer recorded his opinion that the meter in question was running slow by 89.77%. The meter testing results would not have been found to be satisfactory upon the testing of the meter in the Testing Division, NUZ, Nagpur on 14.02.2008 if the meter was really running slow by 89%. This falsifies the spot inspection report dated 25.08.2007 prepared by the inspecting Jr. Engineer.

The net result is that the applicant's meter was fault-free and it was not running slow. Consequently, the assessment done by the non-applicant consequent upon inspection dated 25.08.2007 was unjust, improper and illegal.

Hence, we direct the non-applicant not to recover from the applicant the assessment amount of Rs.15,755/-. The Dy. E.E's order asking the applicant to pay this amount vide his letter dated 29.12.2007 is, therefore, quashed.

The Cell's order dated 19.12.2007 confirming the assessment done also stands set aside.

The Cell in its order has referred to Section 126 of the Electricity Act, 2003 and stated that the assessment done for a period of three months was as per Section 126 of the Electricity Act,2003. It is not understood as to how Section 126 comes into play in this case when admittedly there was no element of un-authorized use of electricity. We pity the poor knowledge of the Cell in this respect.

With the above observations, the applicant's grievance application stands allowed in toto and the non-applicant is directed not to act upon the impugned order dated 29.12.2007 issued by the Dy. E.E.

The non-applicant shall carryout this order and report compliance thereof to this Forum on or before 15.03.2008.

Sd/-	Sd/-	Sd/-
(S.J. Bhargawa)	(Smt. Gauri Chandrayan)	(S.D. Jahagirdar)
Member-Secretary	MEMBER	CHAIRMAN
CONSUMER GRIEVANCE REDRESSAL FORUM		
MAHARASHTRA STATE ELECTRICITY DISTRIBUTION CO LTD's		
NAGPUR URBAN ZONE, NAGPUR.		

Member-Secretary
Consumer Grievance Redressal Forum,
Maharashtra State Electricity Distribution Co.Ltd.,
Nagpur Urban Zone, NAGPUR.