



**CONSUMER GRIEVANCE REDRESSAL FORUM**  
**M.S.E.D.C.L., PUNE ZONE, PUNE**

**Case No. 43/2017**

**Date of Grievance : 29.05.2017**

**Date of Order : 30 .06.2017**

In the matter of issuance of revised bills as per meter reading & refund of meter cost with interest.

Mr.Madhukar Narayan Kawade,  
 Gat No.323, At Post-Naigaon,  
 Tal. Haveli, Dist.Pune- 411042.

**Complainant**  
 (Herein after referred to as Consumer)

**Versus**

The Executive Engineer,  
 M.S.E.D.C.L.,  
 Mulshi Division,  
 Pune -411011.

**Respondent**  
 (Herein after referred to as Licensee)

**Quorum**

**Chairperson**  
**Member Secretary**  
**Member**

**Mr. S.N.Shelke**  
**Mrs. B.S.Savant**  
**Mr. S.S.Pathak**

**Appearance**

**For Consumer**

Mr. Balasaheb Modak (Representative)  
 Mr.Madhukar Narayan Kawade

**For Respondent**

Mr.Chandrakant Dhamase,Ex.Engineer,  
 Mulshi division.  
 Mr.Nandkumar Phanse, Asstt.Acctt.  
 Urulikanchan Sub-division.

1. The Consumer has filed present Grievance application under regulation No. 6.4 of the MERC (CGRF& E.O.) Regulations 2006. Herein referred to as the Regulations.
2. Being aggrieved & dissatisfied by the order dated 31/03/2017 passed by IGRC Pune Rural Circle, Pune, the consumer above named prefers the present grievance application on the following amongst other grounds.

3. The papers containing the above grievance were sent by the forum to the Executive Engineer, Mulshi Division vide letter No. EE/CGRF/PZ /197 Dated 30/05/2017. Accordingly the Distribution License filed its reply on 13/06/2017.
4. We heard both sides at length, gone through the contentions of the consumer and reply of the respondent & documents placed on record by the parties.
5. The facts giving rise to the grievance may be stated as under :

The consumer namely Mr.Madhukar Narayan Kawade having consumer No.170300004469 and sanctioned load 10.00 HP in the category LT-IV Ag.(metered) was connected on 2.6.2011. The employee of the Licensee visited the premises of the consumer in the first week of May-2015 & asked him to deposit meter cost of Rs.2500/- immediately since the existing meter no.5303535999 was burnt. Accordingly the consumer deposited Rs.2500/- at Urulikanchan sub/dn. office vide receipt No.2499108 dated 11.5.2015. Thereafter the consumer made enquiry on several times for installation of new meter in place of old meter but he was told that the new meter was not available. The Licensee did not replace new meter for about six months. Therefore the consumer made application on 18.11.2015 for installation of new meter. Thereafter on 8.12.2015 the Licensee replaced & installed the new meter having no. 60085454. According to consumer for installation of new meter the delay of 210 days was caused which is attributable to the Licensee. Therefore the consumer claims SOP compensation as per Reg.No.6.5 read with Appendix-A item no.4 (ii) of MERC (SOP) Regulations, 2014 amounting to Rs.50 per hour totaling to Rs.2,50,800/-. The consumer complains that the Licensee did not issue the bills as per meter reading & therefore the said bills are not admitted by him and hence the bills be corrected. The consumer claims refund of meter cost of Rs.2500/- alongwith interest.
6. The IGRC vide impugned order dated 31<sup>st</sup> March 2017 directed the Licensee i.e. Ex.Engineer, Mulshi Dn. to investigate the matter regarding delay in submission of meter replacement report & feeding the same in I.T. & to initiate action as per MSEDCL rules & regulations on guilty employees. It is

further directed that the meter replacement report should get filled in I.T. immediately if not fed previously & bill should be corrected by observing CPL as per meter reading. The demand for compensation by the consumer is set aside as compensation is to be paid, if supply is not available for that period, here it is no where mentioned that supply was not available from May-2015 to Dec.2015.

7. The consumer representative Mr.Balasaheb Modak submitted that the Licensee issued incorrect bills during the period Dec.2014 to Dec.2016. Therefore the consumer could not deposit the said exorbitant bills. The consumer made complaints about incorrect bills at the sub/division office Uruliknchan. The Licensee manually corrected the bills for the month of Dec.2014, March-2015 & Sept.2016. But the Licensee has charged interest in the said bills. The said bills are not issued as per meter reading. The reading shown in the bills are not as per consumption. He further submitted that the said meter was not working. The concerned employee of the Licensee asked the consumer to deposit meter cost for installation of new meter. Accordingly the consumer deposited the meter cost of Rs.2500/- on 11.5.2015. However the Licensee did not replace the meter immediately. The consumer visited the office of the Licensee time to time for replacement of meter but all the times it was stated that the meter was not available. The Licensee replaced the meter on 8.12.2015 i.e. after 210 days (5040-24=5016 Hrs.). Therefore Mr.Modak submits that the consumer is entitled to get SOP compensation of Rs.50/- Per Hour totaling to Rs.250800/-. He further submitted that the Licensee did not fully implement the decision of IGRC. It is the responsibility of the Licensee to replace the faulty/burnt meter immediately. Therefore the meter cost of Rs.2500/- deposited by the consumer be refunded alongwith interest and revised bill as per consumption be directed to be issued.
8. On the other hand, Mr.Chandrakant Dhamse, the Ex.Engineer, Mulshi Dn. submitted that though the meter was not working, electricity supply of the consumer has been continued from May-2015 till date. Therefore the

consumer is not entitled to get any compensation as claimed for. He further submitted that as regards the delay caused for replacement of the new meter and the delay for feeding the information about replacement of meter in the IT, the necessary enquiry was held & the responsibility was also fixed against the defaulting employees and the action is being taken as per MSEDCL rules.

9. It is seen from the CPL of the consumer that for the month of Dec,2014 current reading & previous reading is shown same as 57563; for the month of March-2015 - current reading 61613 & previous reading 17098 ; for June-2015 current reading - 67313 & previous reading -24898 ; for Dec.2015 current reading - 77063 & previous reading shown as 71213, therefore it is clear that the reading shown in the CPL is inconsistent & not as per the consumption/reading.
10. Admittedly, the old meter having no.3535999 make Kaifa was replaced with new meter having no.60085454 Make- - - on 8.12.2015 vide meter replacement report dated 13.1.2017 submitted by Asstt.Engineer, Urulikanchan Rural to the Dy.Ex.ngineer, Urulikanchan. In the said report the reason for replacement is shown as ,” **NO DISPLAY**’. On the contrary, in the CPL meter status from Dec.2014 to March-2017 is shown as normal. In the CPL the old meter no. 53/03535999 has been shown till Sept.2016 despite the fact the meter was replaced on 08.12.2015 with new meter No.60085454. Therefore it is clear that the CPL record of the Licensee was not updated till Sept.2016.
11. Provisions of meter related activities have been incorporated under Reg.No.7 of MERC (Standards of Performance of Distribution Licensees, period for giving supply and determination of compensation ) Regulations, 2014 as under :

*7. Metering :- 7.1 The Distribution Licensee shall perform the following meter related activities in accordance with the MERC (Electricity Supply Code and other Conditions of supply) Regulations, 2005 including any*

*amendment Regulations and codes. The Distribution Licensee shall maintain the meter reading records to note down the periodical readings, the checking of meter and the changes if any. The copy of such records shall be made available to the consumer on demand and a duly attested copy of such records shall be given to the consumer*

*Provided that the consumer request for such record Six (6) months of the activity.*

7.2 *The Distribution Licensee shall carry out the reading of consumers meter at least once in every three months in case of agricultural consumers and at least once in every two months for all other consumers.*

*Provided that in case, for any reason, the Distribution Licensee fails to carry out the meter reading during a billing cycle, the Distribution Licensee shall prepare and provide a provisional bill to the consumer, based on the average consumption of last three billing cycles wherein the meter readings were carried out.*

*Provided further that normally provisional billing shall not continue for more than two billing cycles at a stretch,. The amount paid as per the provisional bill shall be adjusted against the bill raised on the basis of actual meter reading during subsequent billing cycles.*

7.3 *The Distribution Licensee shall carry out an inspection for faulty/non-working (Stuck up, running slow/fast or creeping) meter within four (4) days of the receipt of a complaint in Class-I cities, within seven (7) days of the receipt of a complaint in Urban Areas and within twelve (12) days of the receipt of a complaint in Rural Areas and in case the meter is found faulty the same shall be replaced before the end of subsequent billing cycle.*

7.4 *The Distribution Licensee shall replace at its own cost the burnt out meters within the timeline specified herein in Regulation 6.5, if the burning of meter is due to the causes attributable to the Distribution Licensee.*

*Provided that, if the meter is burnt due to causes attributable to the consumer such as tampering, defect in consumer's installation, meter getting wet, connecting unauthorized additional load etc., the Distribution Licensee shall serve a notice to the consumer for recovery of cost of the meter*

*mentioning the cause behind the damage of meter within seven (7) days of the detection thereof and shall replace the burnt meter within timeline specified herein in Regulation 6.5.*

*Provided that such charges recovered for such meter (same as burnt meter) shall be remitted back to the consumer if competent authority doesn't find the consumer responsible for the burnt meter.*

12. The consumer deposited the cost of meter Rs.2500/- on 11.5.2015, at the instance of concerned employee of the Licensee. The Licensee replaced the meter after much longer time i.e. on 8.12.2015. The Licensee had not served any notice under Reg.No. 7.4 that the meter was burnt due to causes attributable to the consumer. The meter replacement report dated 13.1.2017 discloses the reason for replacement as, "NO DISPLAY". Therefore it is clear that non working of old meter Sr.No.3535999 was not due to burn, consequently, such incident cannot be attributable to the consumer. In such case the replacement of meter should be at the cost of the Licensee. Hence the consumer is entitled to get refund of meter cost deposited by him on 11.05.2015 vide receipt no. 2499108 alongwith interest equivalent to bank rate vide section 62(6) of E.A., 2003 from the date of deposit till the refund of said amount. It is to be clarified that the liability for payment of such interest initially casted upon the Licensee but the Licensee can recover the said amount by making necessary enquiry, fixing the responsibility from the defaulting employees.
13. It is seen that the Licensee has partly implemented the order dated 31.3.2017 passed by IGRC. However the consumer has grievance that he has not received the revised energy bill as per meter reading after the said order. The Licensee has corrected the previous bills during the period April-2015 to Sept.2016 by way of bill revision (B-80) dated 17.2.2017. Therefore the Licensee to issue revised bills as per actual meter reading/as per consumption. The grievance is liable to be allowed.  
Lastly, we proceed to pass following order.

**ORDER**

1. Grievance of the consumer is allowed with cost.
2. The licensee to issue revised bills to the consumer as per actual meter reading/consumption. The Licensee to refund/adjust meter cost of Rs.2500/- deposited by the consumer vide receipt No.2499108 dated 11.5.2015 alongwith interest from the date of deposit till the date of refund/adjustment in the bill vide Section 62(6) of E.A., 2003.
3. The Licensee to fix responsibility for delay in replacement of meter & payment of interest on the amount of meter cost & recover the interest amount from the defaulting employees.
4. The licensee to report compliance within one month from the receipt of this order.

Delivered on: - 30.06.2017

**Sd/-**  
**S.S.Pathak**  
Member  
CGRF:PZ: PUNE

**Sd/-**  
**B.S.Savant**  
Member/Secretary  
CGRF:PZ: PUNE

**Sd/-**  
**S.N.Shelke**  
Chairperson  
CGRF:PZ:PUNE

Note: - The consumer if not satisfied may filed representation against this order before the Hon'ble Ombudsman within 60 days from the date of this order at the following address.

Office of the Ombudsman,  
Maharashtra Electricity Regulatory Commission,  
606/608, Keshav Bldg.,  
Bandra Kurla Complex, Bandra (E), Mumbai-51.