

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

Case No.1/2016

Applicant : Shri Sundarlal Nandlal Katare
At.Po.Kurhadi, Tq.Goregaon
Dist.Gondia.

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

Applicant' Representative :- Shri Parihar,

Respondent by:- 1) Shri Pramod Saste, E.E.Gondia Dn.

Quorum Present : 1) Shri Shivajirao S. Patil,
I/C. Chairman.

2) Shri N.V.Bansod,
I/C.Member

3) Shri D.H.Agrawal,
Member/Secretary

ORDER PASSED ON 24.08.2016.

1. Applicant filed present grievance application on 21-06-2016 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. Applicant's case in brief is that it is a residential connection. Applicant was regularly paying the bills till June-2014. Thereafter since June-2014 non-applicant was issuing the bills without taking the meter reading approximately. Applicant filed the application dated 28-05-2015 and informed to non-applicant that he is not receiving the bill as per meter reading. On 02-06-2015 old meter was replaced and new meter was installed. In the month of February-2016 applicant received bill of Rs.15338/-. Applicant applied to non-applicant for revision of this bill but it is not revise. Therefore applicant approached to IGRC. IGRC did not redress grievance of the applicant to his satisfaction therefore applicant approached to this forum.

3. Non applicant, denied applicant's case by filing reply dated 03.08.2016. It is submitted that meter reading agency has not taken photographs of actual reading and issued bill as per average basis 48 unit p.m. since December-2014 to May-2015. As per application of the applicant dated 18-05-2015, old meter was replaced on 28-05-2015 and new meter is installed. Reading of old meter was 5751 unit and reading of new meter was 1 unit. Considering that consumption online bill was issued in June-2015. Till June-2015 meter was replaced but meter reading agency had not taken meter photograph of the reading and had shown "RNT" status. Therefore bill of 50 unit was issued till January-2016 on average basis. In February-2016 reading of old meter was 5751 units and reading of new meter was 118 units. Reading up to November-2014 was consider as 3530 units and out of that about 2221 units were deducted and therefore bill of 2339 unit was issued. Amount of Rs.2916.48 p.s. was given credit of 636 units for the period December-2014 to February-2016. Bill issued to the applicant is correct.

Grievance application deserves to be dismissed.

4. Forum heard arguments of both the sides and perused record.

5. There is difference of opinion amongst all 3 members of the forum therefore judgment and decision is based on Majority view of Hon'ble I/C. Chairperson and Hon'ble I/C. Member(CPO), whereas dissenting note of Hon'ble Member/Secretary is noted in the judgment and it is part and parcel of the judgment.

Reasoning and finding of majority view of Hon'ble I/C. Chairperson and Hon'ble I/C. Member(CPO).

6. During the course of argument representative of the applicant Mr.K.S.Parihar argued that non-applicant is not taking the actual reading and issued the average bill since January-2012 and therefore all the bill since January-2012 may be revised.

7. We have carefully perused grievance application of the applicant filed before IGRC. In that application, applicant challenged the bills only since June-2014 and not prior to that. Applicant did not challenge the bills since January-2012 till June-2014 before IGRC. In grievance application filed before this forum also it is nowhere mentioned that applicant is challenging the bills since January-2012 till June-2014. Therefore bills of the applicant since January-2012 till June-2014 can not be revised as there is no prayer of the applicant in his application before IGRC and before this forum. Secondly, **According to Regulation 6.6 of the MERC(CGRF & E.O.) Regulation, 2006 "The Forum shall not admit any grievance unless it is filed within two (2) years from the date on which cause of action has arisen"**. Present grievance application is filed before this forum on 21-06-2016 therefore bills

since 22-06-2014 are only within limitation. For these reasons also bill of the applicant since January-2012 to May-2014 are barred by limitation and can not be revised.

8. Bills of the applicant since 22-06-2014 are within limitation. So we have to consider, what are those bill. It is noteworthy that CPL of the applicant shows that in many months actual reading is not taken and faulty status, "RNT" status, "inaccessible" status are shown. In January-2012, March-2012, April-2012 and May-2012 status is shown "inaccessible". In August-2012, September-2012 status is shown "inaccessible". In October-2012, November-2012, December-2012 status is shown "RNT". In January-2013 status is shown "inaccessible" and February-2013 status is shown "RNT", in March-2013 status is shown "inaccessible", in February-2013 "RNT", May-2013 "inaccessible", September-2013 "RNT". In November-2013 status is shown "inaccessible", in December-2013 "RNT" status. In January-2014, March-2014 & May-2014 status is shown "inaccessible".

9. Again in December-2014 status is shown as "locked", in January-2015 status is shown "faulty". On 28-05-2015 old meter is changed and status is shown "meter replaced". Again in July-2015, April-2015, September-2015, October-2015, November-2015, December-2015 & January-2016 there is "RNT" status in every month. In March-2016 status is shown "inaccessible".

10. It is great surprise that in number of months meter is shown faulty therefore it is clear that meter is faulty. Officer of the non-applicant argued that meter was installed on much height and therefore meter reader was not taking trouble to stand on the ladder or stool and therefore meter reader was not taking actual reading and therefore bogus status i.e. RNT, inaccessible etc. are shown. According to relevant

Regulation it is duty of Distribution Licensee to take actual reading every month properly and to issue correct bill. Admittedly meter reader was not taking the reading and in February-2016 lump sum bill of Rs.15338.18 p.s. considering all previous consumption was issued. In our opinion it is not legal and proper. Distribution Licensee can not force to pay lump sum bill of 2 years period in one stroke. It is residential connection. The ordinary consumer can not afford to pay last 2 years bill in one stroke.

11. CPL is the document issued by the Distribution Licensee. In CPL meter is shown "faulty". Therefore we have no hesitation to hold that meter is faulty. It was argued by officer of MSEDCL that meter is not tested and unless and unable it is not tested, it can not be said that meter is faulty. However we do not agree with this argument because in document of non-applicant i.e. CPL meter is shown faulty therefore it clear that meter is faulty. Therefore provisions of Regulation 15.4.1 (2nd Proviso) of MERC (Electricity supply code and other condition of supply) Regulation, 2005 is applicable to this case. **Regulation 15.4.1 of MERC (Electricity supply code and other condition of supply) Regulation, 2005 (2nd Proviso)** reads as under,

"Provided further that in case the meter has stopped recording, the consumer will be billed for the period for which the meter has stopped recording, upto a maximum period of three months, bases on the average metered consumption for twelve months immediately preceding the three months prior to the month in which the billing is contemplated".

Officer of MSEDCL admitted at the time of argument that when new meter

was installed on 28-05-2015, thereafter new meter was also not showing the display. Therefore it is clear that old meter and new meter both were not showing the display and hence it is clear that meters had stopped recording. Therefore provisions of Regulation 15.4.1 (2nd proviso) is clearly applicable to this case. It is necessary to revise the bills of the applicant according to 15.4.1 (2nd proviso) since 22-06-2014 till February-2016.

12. **Dissenting note of Hon'ble Member/Secretary is as under,**

"1. The grievance applications is filed on dt.21-06-2016 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. An Applicant applied for revision of Bill of Feb'16. By seeing the CPL of consumer, it is observed that in the consumer's bill Inacc, RNT, Faulty & lock status of meter since Aug'12. On verification, it was observed that as meter was not installed at proper height, and hence due to this reason it was not possible for meter reader to record the reading properly. However Consumer's meter was replaced on 28.05.2015 on request of the consumer and final reading of old meter was 5751. As the meter was working, not faulty as seen from progressive reading of the meter, bifurcation of recorded consumption since Aug'12 to May'15 i.e. $5751 - 2952 = 2799$ units proposed for charging the applicant for revision of old/ past bills is correct in my opinion. And Therefore, as meter is not defective, section 15.4.1 of MERC,

(ESC and OCS) regulation 2005 cannot be attracted in the present case.

In view of circumstances mentioned above, I am of the opinion that , proposed revision of Energy bills of Shri Sundarlal N Katare by MSEDCL for the month from Aug'12 to May'15 with application of no DPC and interest is in order.”

Concluding finding of majority view of Hon'ble I/C. Chairperson and Hon'ble I/C. Member(CPO).

13. Therefore we hold that provisions Regulation 15.4.1 (2nd Proviso) is applicable to this case. It is necessary to revise bills of the applicant as per said provision since 22-06-2014 till February-2016. As the meter had stopped recording, consumer shall be billed for the period for which meter has stopped recording i.e. since 22-06-2014 till the end of February-2016, upto a maximum period of 3 months based on the average metered consumption for 12 months immediately preceding 3 months prior to the month in which billing is contemplated.

14. Present application is filed on 21-06-2016 therefore it was necessary to dispose of it i.e. 2 months on or before 20-08-2016 but applicant himself sought long adjournment. On 28-06-2016 applicant filed application in writing that first date of hearing may be fixed during the period 05 August to 21 August because representative of the applicant was out of station. Applicant gave in writing that date 08-08-2016 for hearing is convenience to him. Therefore though grievance application is filed on 21-06-2016 as per request

of the applicant first hearing was fixed on 08-08-2016. On the first date of hearing was on 08-08-2016. Officer of MSEDCL filed adjournment application and as per convenience of both the parties matter was adjourned for hearing on 24-08-2016. Therefore we are deciding it today. Therefore forum could not decide the application within 2 months because applicant himself claimed long adjournment. Therefore there was no delay in judgment on the part of the forum. Applicant himself is responsible for the delay in Judgment.

15. Therefore Majority view proceed to pass the following order.

ORDER

1. Grievance application is partly allowed.
2. Non-applicant is directed to revise monthly bills of the applicant since 22-06-2014 to end of February-2016 according to the provision of 15.4.1 (2nd proviso) of MERC (Electricity supply code and other condition of supply) Regulation, 2005. As the meter has stopped recording, consumer shall be billed for the period for which the meter was stopped recording i.e. since 22-06-2014 up to February-2016, up to a maximum period of 3 months, based the average metered consumption for 12 months immediately preceding 3 months prior to the month in which billing is contemplated.
3. Non-applicant is directed to comply within 30 days from the date of this order.

Sd/-
(N.V.Bansod)
I/C. MEMBER

sd/-
(D.H.Agrawal)
MEMBER/SECRETARY

sd/-
(Shivajirao S. Patil),
I/C.CHAIRMAN

