

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

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**Case No. CGRF(Gondia) 10/2017**

Applicant : M/s. Shri Sai Agro Rice Mill.  
R/o Churdi, Tiroda, Dist. Gondia,

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

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Applicant: Shri **K. S. Parihar**, Authorised representative.

Non Applicant: - 1) Shri. **S. J. Mohurle**, Dy.E.E. Tiroda S/Dn,

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Quorum Present : 1) Mr. S. K. Wankhede,  
Technical Member.

2) Shri N.V.Bansod,  
Member (CPO) Additional Charge

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**ORDER PASSED ON 07.10.2017.**

- 1) Applicant filed present grievance application before the forum on 11/09/2017 under regulation 6.4. of Maharashtra Electricity regulatory Commission (CGRF & EO) Regulation 2006, hereinafter referred to as said regulations.
- 2) Non applicant as well as IGRC denied applicant's grievance and non applicant filed reply on 6/12/2017.
- 3) Applicant's demand was, not to disconnect supply till disposal of his complaint and cancel the additional amount of Rs.78880/- added in the bill of June 2017 and not to levy D.P.C. and interest if any and award Rs.10000/- towards compensation for harassment & mental agony caused to the applicant.

- 4) Applicant is a bonafide consumer having consumer No. 430010016473 of the M.S.E.D.C.L. and paid energy bill of Rs.6750/- for the month of May-2017. Applicant was surprised that amount of Rs.72296/46 for June 2017 bill when his consumption was only 1040 units. Applicant vide letter dated 7/7/2017 requested the Non Applicant to revise the bill U/S 15.4.1 MERC (Electricity Supply code & Other Conditions of Supply) Regulations 2005 because his meter is defective and revise it for only 3 months because CT. of the meter was not showing "R voltage" since Oct.2016 and Non applicant raised the difference 1/3<sup>rd</sup> consumption for the period Oct.2016 to May-2017.
- 5) Applicant said, in fact the metering equipment is consisting of current transformer and potential transformer which directly gives after calculating the  $VI \cos \phi = \text{KWH}$  (Units) and when CT is faulty means the meter was not showing the proper reading ultimately the meter is faulty & needs to be tested in the lab with existing CT installed presently with the meter. After testing of the meter bills be revised as per 15.4.1 MERC Regulation 2005 because charging of 10274 Units for period Oct.2016 to May 2017 which is totally wrong. Applicant paid energy bill of Rs.13230/- for the month of June 2017. Applicant also requested to replace this entire metering equipment by composite built in CT. meter.
- 6) Reply of the Non Applicant is almost same & identical as before IGRC & IGRC drawn the conclusions that meter is not faulty but due to lose connection "R Phase" supply was consumed by the Applicant but Not recorded by the meter. Non applicant also relied on the MIR report of "Damini Squad" dated 15/5/2017. As per MRI report, in PT of R Phase since 26/9/2016 the Voltage was 23 v to 92, 23 v is found & accordingly 1/3 consumption units were charged due to Incomer Cable Connection for meter terminal affected by Carbon & metering P.T. Voltage was not reaching and only that 10274 were charged. The Carbon was removed and supply was connected properly with proper voltage and applicant shall pay the bill.

7) During pendency of complaint on 27/9/2017, Applicant raise issue of his demand that supply shall not disconnected during pendency of the complaint, on this representative of Non Applicant Mr. Mohurle consented that supply will not be disconnected and necessary noting is taken in the order sheet on 27/9/2017, which are signed by both the parties.

8) We heard the arguments of both the parties & perused all the papers on record filed by the parties. Mr. Mahurle was new person appearing for the 1<sup>st</sup> time before the forum and unable to reply & understand and analysis the provisions of the electricity Act 2003, MERC (Electricity Supply Code & other conditions of Supply) Regulation 2005 etc. and definitions etc., as well as provisions of CPA 1986 and the forum thought to explain the provisions.

(A) Section 55. Use etc., of meters - 55.1 The Electricity Act.2003.  
(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.

(B) Regulation 2.1(q) - definition of the meter. MERC (Electricity Supply Code & Other conditions of supply) Reg.2005.

“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, capacitor voltage transformer or potential or voltage transformer with necessary wiring and accessories and also includes pre-payment meters.

(C) 14.4.1 - Testing & Maintenance of meter.  
The Distribution Licensee shall be responsible for the periodic testing and maintenance of all consumer meters.

(D) 14.3 - Reading of meter.  
Meter readings shall be undertaken by the Authorised Representative at least once in every three months in the case of agricultural consumers, and atleast once in every two months in the case of all other consumers, unless otherwise specifically approved by the Commission for any consumer or class of consumers.

(E) 8.3 - Access to consumer premises.  
While seeking entry into the consumer premises, the Authorised Representative shall visibly display his name-tag and produce for scrutiny, proof of identity or authorization of the Distribution Licensee and shall inform the consumer of his reason for entry into the premises. The Authorised Representative shall also carry the job sheet or work order setting out the work required to be done at the premises and show the same to the consumer before entering the premises.

- (F) 15.4.1 - Billing in the event of defective meter.  
Subject to the provisions of Part XII and Part XIV of the Act, in case of a defective meter, the amount of the consumer's bill shall be adjusted, for a maximum period of 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 alongwith the assessed bill.
- (G)2(i)(f) - definition of defect from C.P.A. 1986. (As not defined in The Electricity Act.2003).  
"defect" means any fault, imperfection or shortcoming in the quality, quantity, potency, purity or standard which is required to be maintained by or under any law for the time being in force or (under any contract, express or) implied, or as is claimed by the trader in any manner whatsoever in relation to any goods.
- (H)3.2 of standards of performance of Distribution Licensees.  
Any failure by the Distribution Licensee to achieve and maintain the standards of performance specified in these Regulations shall render the Distribution Licensee liable to payment of compensation under the EA 2003, as specified in Appendix 'A', to an affected person claiming such compensation
- (I) Order of Electricity Ombudsman Nagpur dated 16/3/2015 in representation No. 140/2014. (Dev Kanoria, Sudarshan Motors Vs The S.E., N.U.C., Nagpur.(Copy provided to Non applicant).
- (J) Sop compensation for No testing of meter as well as no replacement of meter besides request of Applicant.
- (K) Provision of compensations for harassment & mental Agony to the consumer as claimed by Applicant. i.e. 8.2.(c.d.e.) of aforesaid regulations.
- 9) Non applicant did not file the inspection report of the meter as well as report of "Damini Squad" dated 15-05-2017.
- 10) During Arguments, Non applicant accepted their mistake as correct bills were not sent to the applicant as per MRI data from time to time & delay in rectification of the raised defect. Ultimately the Non applicant's Representative Mr. Mohurle Dy.Ex.Engr. after seeking concurrence on phone of his Executive Engineer Mr. Saste, agreed for their lapses & shown readiness to revise bill as per Reg. 15.4.1 of MERC (Electricity Supply Code & other conditions of supply) Regulation 2005 and given the application as under and same is consented by the Applicant as well as his representative on 6/10/2017 before the forum.

“As prayed by complainant, we are ready to set aside the disputed bill as Rs.78880/- & also to waive the DPC & Interest, if any charged & issue the bill as per clause 15.4. 1 of MERC (Electricity Supply Code and other condition of supply) Regulation 2005 as complainant also consented not to press his demand for various sop compensation alongwith compensation for harassment & mental agony with multi consent.

Hence this application to dispose the subjected case.”

11)As per non applicant, meter was replaced on 19-9-2017 and agreed by Applicant.

12)In view of the above letter dated 6/7/2017 & our observations that the applicant's meter can be classified as defective meter and the provisions of 15.4.1 of Reg.2005 squarely apply in this case and applicant consented to waive the sop compensation as well as compensation for harassment & mental agony and aforesaid order of Ombudsman also squarely apply to this complaint as facts are same & identical..

13)Order of the IGRC is totally one sided without observing the aforesaid provisions & legal position and peculiar facts of the case and deserves to be quashed & set aside.

**Hence the following order.**

(1) Application is partly allowed.

(2) Non Applicant is directed to act. As per letter dated 6/7/2017 and cancel the energy bill for additional 10274 units alongwith D.P.C. & interest if any charged.

(3) Non Applicant is directed to issue revise bill as per Reg. 15.4.1 of MERC (Electricity Supply Code) Regulation 2005 within 7 days from the date of this order.

(4) Applicant shall pay the revise bill promptly.

(5) Order of the IGRC is quashed & set-aside.

(6) The compliance of this order shall be done within 15 days.

-Sd -

**Mr. S. K. Wankhede.**  
**Member Technical.**

- Sd -

**Mr. N. V. Bansod.**  
**Member (CPO)**  
**Additional Charge.**