

CONSUMER GRIEVANCE REDRESSAL FORUM,
AKOLA ZONE, AKOLA.

" Vidyut Bhavan " Ratanlal Plot,Akola. Tel No 0724.2434475

ORDER.

Dt. 15/05/2017

Complaint No.15/2017

In the matter of grievance pertaining to faulty meter replacement and revision of bill and SOP compensation.

Quorum

Shri. R.A. Ramteke ,Member-Secretary

Shri. D.M.Deshpande-Member (CPO)

Chandrakant Ramkrishna Dalvi, :- Complainant
At & Po. Nimgaon Tq. Nandura,
Distt.Buldhana RL- 293250015078

.....Vrs.....

Executive Engineer, O&M Division,
MSEDCL, Malkapur :- Respondent.

Appearances :-

Complainant :- Shri Dipak Tade.
Non Applicant :- Shri A.G. Kathode, Dy. E. E.,Jalgaon Ja.

1. On being aggrieved by the fact that IGRC Buldhana have not communicated its decision despite written complaint on 28.10.2016, complainant Chandrakant Ramkrishna Dalvi. At & Po. Nimgaon Tq. Nandura, Distt.Buldhana has approached this forum with grievance. According to complainant, N.A.-M S E D CL have provided residential electric connection to his residence in 2004 with meter No. 1000304381 . Cause of grievance arose when N.A.-M.S.E.D.C.L. issued average bill of 149 units from March-2015 to Jan-2016. According to complainant though the meter was in sound condition, it was shown as faulty by N.A.-M.S.E. D. C. L. and issued energy bill for 149 units without taking actual reading, thereby putting the complainant in financial loss. According to complainant, the fact is

brought to the notice of concern authorities of MSEDCL from time to time by giving personal visit to their office but they have not corrected the bill instead given assurance of correction in future. According to complainant the said meter was replaced by new meter in Feb-2016 bearing serial No. As 5804876974 with assurance from MSEDCL to correct the bill in future and hence the bills were paid subject to correction, on 22.03.2016. According to complainant regarding correction, above bill was given to Assistant Engineer Rural(2) on 08.08.2016. According to complainant the act on the part of MSEDCL to issue average bill of 149 units, instead of actual reading, though the meter was in sound condition, is unlawful. Complainant referred commercial circular No.50 dt.22.08.2006 issued by MSEDCL and claimed that difference in the energy bill should have been recovered from reading agency for the month March-2015 to Jan-2016 but NA-MSEDCL did not follow the Circular, and the amount is shown as recoverable from complainant. According to complainant after approaching IGRC Buldhana on 28.10.2016 the IGRC Buldhana have not communicated its decision though hearing was held on 30.11.2016. According to complainant disconnection notice under section 56 is issued which is illegal and requested Forum to issue suitable directions to N.A. to cancel the said notice. Complainant prayed for (i) allowing the complainant (ii) direction to N.A. not to disconnect the electric supply till the case is decided by forum (iii) prayed to issue reading bill from March-2015 without charging DPC and interest. (iv) claimed SOP Rs.100 per week from 08.08.2016 for not taking cognizance of complainant. (v) Claimed SOP Rs.200 per month for not issuing reading bill from March-2015, till issue of correct bill (vi) As per circular 50 of MSEDCL bill should be recovered from agency (vii) Loss of revenue to be recovered from erring officials of MSEDCL as per Supreme Court judgement in Lucknow Development agency Vrs M.K.Gupta. (viii) All future energy bills should be reading bills. Complainant annexed grievance submitted to IGRC Buldhana, energy bills from Oct-2015 to Sept-2016 complaint dtd. 08.08.2016, Commercial Circular No. 50, Dy.EE Nandura letter dtd. 12.11.2016, site inspection report dated 18.11.2016, energy bill for Oct-2016 to Feb-2017 and CPL from Jan-

2014 to Sept-2016, with disconnection notice dated 17.01.2017 with the complaint.

2. NA- MSEDCL offer 15 days notice from this forum filed reply on 05.04.2017. According to N.A. the allegation of complainant about issue of faulty bill though the meter was in sound condition is denied. According to N.A. the meter was faulty as per photo enclosed and CPL. According to N.A. faulty meter was replaced in Feb-2016. After replacing the old meter by new meter No.4876974 in Feb-2016 reading bills are issued. According to N.A. the said meter was tested in the presence of complainant by installing series meter from 12.02.2016 to 15.09.2016 and found to be in order and intimated to complainant by letter no. 2398 dtd.19.11.2016. According to N.A. commercial circular No.50 is not applicable in this case, as meter was faulty. According to N.A. IGRC order dated 30.11.2016 is received in Dec-2016 and complainant has never intimated about non- receipt of same earlier to MSEDCL. NA- MSEDCL have not denied that complaint was registered at IGRC Buldhana on 28.10.2016. N.A. further pressed that as meter was faulty reading bill could not be issued up to Feb-2016 and prayed for dismissal of the complaint. N.A. Annexed copy of CPL from Jan-2014 to Sep-2016, test report dated 07.02.2016, photo copy of bills from March-2015 to Sept-2016.

3. Heard Shri Pramod Khandagale learned representative of complainant as well as Shri D.R.Misal Dy.E.E. Nandura learned representative for N.A. MSEDCL. Complainant's representative urged that IGRC order dated is received by him 01.04.2017 by post after 18.03.2017 when complaint is registered with CGRF. Complainant representative urged that from March-2015 to Jan-2016 average bill for 149 units are issued though the meter was in good condition, and thus violated the SOP regulation regarding issue of reading bill. Representative for complainant referred commercial circular No.50 issued by N.A. MSEDCL and urged

that complete energy bill for the period should be recovered from reading agency. Complainant representative further urged that N.A. MSEDCL have replaced the old meter though in good condition in Feb-2016. Complainant representative in written note of argument urged that when meter was faulty, in Jan-2014 what is the reason for replacing it in Feb-2016 and testing in Sept-2016 and further referred supply code provision 14.4.1 and 15.4.1 and urged that MSEDCL have violated supply code provision. Complainant's representative have specifically brought to the notice of Forum that N.A.MSEDCL took two years to replace the faulty meter. Complainant's representative urged that it is not correct to say that meter were not available from Jan-2014 as claimed by MSEDCL when they have released so many new connections from Jan-2014. Complainant's representative brought to the notice of Forum of letter from Chief Engineer(MMC) No.SP/Rolox-Flash/X/778 Dt. 09.03.2016 wherein instructions have been issued to MSEDCL field officers for non utilisation of **ROLEX Make meter** either for new connection or faulty replacement, due to poor performance of Rolex meter. The said letter has been filed on record with copy to N.A. MSEDCL. Complainant's representative finally urged to allow the complaint as per the prayer.

4. N.A's representative urged that meter was faulty from Jan-2014 as there was no display as visible from the photo meter reading filed on record and meter Testing report dtd. 01.09.2016. N.A's representative admitted the fact that said faulty meter was replaced in Feb-2016 and brought to the notice of forum that commercial circular No.50 as claimed by complainant is not applicable in this case, as it was faulty and is applicable in case of meter which are in good condition. N.A's representative has admitted the fact in hearing that average consumption was in range from 99 Units P.M. to 149 Units P.M. without any verification. N.A's representative urged that they have acted promptly on complaint dtd. 08.08.2016 and tested the meter and requested forum to dismiss the claim of SOP in this respect. On interrogation by forum N.A's representative

have agreed that consumption recorded by Rolex meter can not be taken as authentic in view of Chief Engineer (MMC) MSEDCL letter No. 778 Dt. 09.03.2016. N.A's representative urged that SOP demanded by complainant is never claimed before 28.10.2016, and hence claim for SOP be dismissed as per regulation.

5. Forum have gone through the complaint on record, verified the documents on record, considered the reply by N.A. and deliberations by both the parties. Forum is satisfied that the consumer meter was faulty from Jan-2014 as display was not appearing in the reading. It was the duty of the MSEDCL authorities to replace the meter within specified time as per supply code and issue reading bill. The fact is admitted by N.A. MSEDCL in written reply and during argument. The reason given by N.A. MSEDCL as non-availability of meter for two years is not accepted by the forum. Forum is of the view that MSEDCL have violated the supply code, in not issuing the reading bill from Jan-2014 to Feb-2016. As per regulation amended in 2014 the complainant has to claim SOP compensation within 60 days of cause of grievance. Forum is satisfied that NA-MSEDCL have issued reading bill from March-2016 and claim for SOP was tenable up to April-2016. From record claim for SOP is submitted to the MSEDCL on 23.10.2016 received on 28.10.2016. Forum is of the view that claim for SOP is not tenable since time barred as per the provisions of SOP regulation 2014. It is noted by forum on verification of CPL on record that average bills are being issued from Jan-2014 and average units are increased from 99 to 149 without any verification by N.A. and no satisfactory reason is given by N.A. MSEDCL for this act. Average units can not be altered without replacement of meter and issue of reading bill. So Forum is of the view that average of 99 units as earlier to March-2015 should be continued to be considered as consumption for issue of the bill till replacement but as meter which is replaced in Feb-2016 by faulty meter which is discarded by MSEDCL, so consumption recorded by such meter can not be accepted as authentic and correct and hence average billing of 99 Kwh per month from March-

2015 till it is replaced by correct and proper meter should be done and energy bills from March-2015 till replacement of meter be revised without charging any DPC or interest. Rolex make meter which is replaced by MSEDCL in Feb-2016 needs to be replaced by proper meter immediately. As regards the claim for SOP for other complaints claimed by complainant, forum is of the view that complaint dtd. 08.08.2016 has been taken cognizance of by MSEDCL and tested the meter in consumer premises in Sept-2016 and intimated to complainant and hence complainant is not entitled for SOP of Rs. 100 per week which is otherwise time barred as not claimed within 60 days. Forum is of the view that energy bills from March-2015 till today, needs to be set aside and corrected bills of average of 99 Kwh per month be issued and payments in Sept-2015 and March-2016 paid by complainant needs to be adjusted in revised bills. With these observations forum proceeds to pass following unanimous order.

// ORDER //

1. That the Complaint No.15/2017 is hereby partly allowed.
2. The N.A. MSEDCL is directed to set aside the energy bills issued from March-2015 and issue bill for consumption of 99 units per month from March-2015 till existing Rolex make meter is replaced by correct meter without charging DPC or interest. Amounts paid by complainants in intervening period be adjusted in forthcoming correct of bill.
3. The N.A. MSEDCL is directed to replace the existing Rolex make meter by proper and correct meter immediately.
4. No order as to cost.

5. The N.A. MSEDCL is directed to submit the compliance report within period of one month from this order.

Sd/-
Member/Secretary

Sd/-
Member (CPO)

Contact details of Electricity Ombudsman appointed by MERC (CGRF&EO) Regulations 2006 under Regulation 10:

THE ELECTRICITY OMBUDSMAN,
Office of Electricity Ombudsman (Nagpur)
Plot No.12, Shrikrupa, Vijaynagar, Chhaoni,
Nagpur-440 013.
Phone : 0712-2596670

No.CGRF /AKZ/ AKL/ 89

Dt. 15/05/2017

To,
The Nodal Officer,
The Executive Engineer
MSEDCL,O&M Division,
Malkapur

The order passed on 15/05/2017 in the Complaint No. 15/2017 is enclosed herewith for further compliance and necessary action.

Secretary,
Consumer Grievance Redressal Forum,
MSEDCL, Akola Zone, Akola

Copy fwcs to:-

- 1) The Superintending Engineer, MSEDCL, O&M Circle, Buldhana.
- 2) Chandrakant Ramkrishna Dalvi, At & Po. Nimgaon Tq. Nandura, Distt. Buldhana.