

**CONSUMER GRIEVANCE REDRESSAL FORUM,**  
**AKOLA ZONE, AKOLA.**

*“ Vidyut Bhavan ” Ratanlal Plot, Akola. Tel No 0724.2434475*

**ORDER.**

**Dt. 18/02/2017**

**Complaint No. :- 7/ 2016**

**In the matter of grievance pertaining to the incorrect bills, threat of disconnection etc.**

**Quorum**

**Shri T.M.Mantri, Chairman**

**Shri. R.A. Ramteke ,Member-Secretary**

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

Dayal Energy & Proteins Ltd.

"Dayal House" Oppsite to Govt. :- Complainant.

Hospital, New Radhakisan plot, Akola.

Consumer No.

Ind.No. 318719025240

**.....Vrs.....**

Superintending Engineer MSEDCL, :-  
O&M Circle, Akola.

Respondent

**Appearances: -**

Complainant Representative :-

Shri. Ashish Chandarana

Respondent Representative :-

Shri. Dilip Dodke, Sup.Engineer

1. The complainant's case in brief is that it is H.T.consumer with contract demand of 1000KVA, on 7 Dec-2016 letter has been sent to SDO Akola(R) for non visibility of reading so also reminder on 9 Dec-2016. It is alleged that upon making inspection by the N.A. & found that according to the N.A. the assessment sheet confirms that the meter recorded reading till 16.12.2016. No assessment sheet was furnished but it was in the form of office note, even no MRI extract. Prints have been supplied for the alleged period of

06.12.2016 to 14.12.2016, of not recording readings by the meter. Only after demand by letter dt.13.01.2017, the assessment sheet is supplied but it is not attested/ verified by the concerned officer and it is in violation of provision of Electricity Act-2003, as well as 2014 regulation. The complainant opposed the methodology under taken by the N.A. for making assessment for defective meter. It is alleged that had the concerned officer of the N.A. acted promptly on the complaint of complainant, there could not have been reason for the dispute.

2. The alleged bill dt.13.01.2017 was disputed, by sending communication. The complainant has then given the details of plant non operation with the reason. It is alleged that the assessment made by the N.A. in its bill, considering reading of higher data only, hence unjust & unlawful. According the complainant there is no dispute for the billing till 30.11.2016 & the N.A. ought to have made billing treating meter faulty from 01.12.2016 till replacement of meter as per regulation 15.4, the alleged bill has been disputed, reference has been made to section 50 of electricity act as well as supply code -2005 more particularly regulations 15.4 ,hence the same need set aside. It is alleged that by letter dt.30.01.2017 threat has been given for disconnection of supply on the basis of alleged disputed bills & submitted that this forum can visibly entertained the complaint, further alleged that even the alleged notice is in contravention to the section 56 of Electricity Act, alongwith the complainant copies of document have been annexed.

3. On behalf of the complainant the matter was pressed for interim application. Considering the facts and circumstances order was passed by the Forum on 04.02.2017. Accordingly , notice was issued to the N.A. returnable on 10.02.2017. Accordingly N.A. appeared and filed reply opposing the complaint , admitting that complainant is HT Industrial consumer with further averment that the meter display was hanged during the period 06.12.2016 to 14.12.2016. After consultation with testing team Akola, faulty meter was replaced on 16.12.2016. in presence of the consumer by bringing the reading of old as well as new meter to the notice of the consumer, so also by supplying copy of meter replacement report. It is stated that upon analysis of MRI data of the said meter, it

was found that it has not recorded energy during the period from 06.12.2016 to 14.12.2016, so assessment for the same period has been carried out, as per consumption trend of the new meter for 16.12.2016 to 31.12.2016 in the bill of Dec-2016. The assessment of 125576 units is proposed on the basis of per day consumption recorded by new meter installed on 16.12.2016. According to the N.A. assessment is carried out for 8 days only i.e. 06.12.2016 to 14.12.2016 & the consumption recorded by old & new meter during healthy period has been considered as per actual usage recorded by those meters, reference has been made MRI report analysis for the period of 06.12.2016 to 14.12.2016 which shows non recording any consumption though the factory was running. Reference has been also made to MRI tamper report with averment that daily/hourly record of load on particular feeder is maintained at each substation & it revealed that during the dispute period the load was almost consistent, which establishes that the factory of the complainant was in working condition.

4. Reference has been made to complaint lodged by complainant on 19.01.2017 & 21.01.2017 which were properly replied by email. According to the N.A. there is no evidence submitted by complainant that the plant was non operational and complainant further treating the old meter faulty from 01.12.2016 is not correct in view of reading of consumed units by the meter during healthy condition i.e. 01.12.2016 to 06.12.2016 & 14.12.2016 to 16.12.2016. According to the N.A. the complainant is disputing the actual consumption recorded by old & new meter, thereby holdup the revenue of the N.A. & this action is incorrect, as the licensee is facing financial crunch situation & lastly pressed for dismissal of the complaint, alongwith the reply copy of documents have been annexed.

5. Heard Shri Ashish Chandarana and Shri Dilip Dodke S.E., the learned representatives for the parties, the complainant & the N.A. respectively. On going through the record as well as revival submission of the learned representatives for the parties, it is clear that there was fault in the old meter of the complainant on 06.12.2016. Though initially load survey report data for the relevant period was not produced from the side of N.A. and during course of arguments the learned representative for the N.A. has squarely

agreed to submit the said data, accordingly it was produced before this forum on 14.02.2017. Admittedly the old meter was not showing the display of the reading and even according to the N.A. it is because of fault in the meter. Even in the reply of the N.A. in para no.2 in the 5<sup>th</sup> line it has been stated “ And faulty meter was replaced on 16.12.2016 “ According to the complainant the abnormality noticed & immediately on 7<sup>th</sup> Dec-2016 itself it was informed to the concerned office of the N.A. for taking necessary steps. Again by written communication dtd. 9<sup>th</sup> Dec-2016 intimation was given on behalf of the complainant for taking necessary steps. Copies of both these letters are on record, with seal and signature of receipt clerk of the N.A. duly signed by mentioning the dates.

6. Admittedly the earlier old meter was replaced by the N.A. on 16.12.16. The complainant is not disputing the entries / consumption recorded therein, so the controversy is relating to the period 06.12.2016 to the date of replacement of new meter,(16.12.2016). Whereas according to N.A. it is for the period 06.12.2016 to 14.12.2016. The N.A. has issued bills on the basis of assessment made, Considering the daily log sheet as per consumption recorded in new meter for the period 16.12.2016 to 31.12.2016 of units 2,51,155 KWH is not disputed by the complainant. The controversy is for the earlier period in view of abnormal behavior of the meter. It has been admitted from the side of N.A. in reply as referred to above that the old meter was faulty during the relevant period. As per provisions under Electricity Act as well as supply code Regulations, the provision has been made for making assessment of such faulty meter in clause 15.4 of MERC regulation 2005 and bills should be issued. As per 2<sup>nd</sup> proviso of regulation 15.4.1, on the basis of average meter consumption for twelve months. Even the load survey report filed by the N.A. shows that there are entries pertaining to 06.12.2016 & then 14.12.2016 to 16.12.2016 ( 16.12.2016 as per new meter & earlier entries of old meter). No details of the intervening dates after 06.12.2016 till 13.12.2016 have been given. Even the details of Tamper Report filed on record from the side of N.A. does not support the action of the N.A. For the alleged assessment for the month of Dec-2016 carried out by the N.A. there is nothing in support either in the Electricity Act 2003 or MERC regulation. Even therein it has been categorically mentioned that the meter was faulty & it was replaced,so instead of adopting and applying

the provision given under regulation referred to above, the N.A. has applied different methodology. The same has neither legal nor equitable base. From the MRI data submitted the meter was in working condition and consumption for that period i.e. 01.12.2016 to 05.12.2016 comes to 82409.93 KWH . As per assessment for the disputed period of 10 days from 06.12.2016 to 15.12.2016 by taking total billed KWH for 12 month comes to 1236550 KWH. Average of 1 month comes to 10345.84 KWH. On that basis for the period of 10 days ( 06.12.2016 to 15.12.2016) comes to 34348.60 KWH. Admittedly actual consumption for 16.12.2016 to 31.12.2016 is 251155 KWH. So if these figures are taken in to consideration, it comes to 367914 KWH ( 82409.93 +34348.6+251155), so for slotwise billing the N.A. to take and consider average of 12 months in each slot and bill needs to be assessed accordingly. The impugned bill of Dec-2016 for Rs.3199331.35 for alleged total consumption 488811 KWH therefore needs to be revised. The earlier bills as well as subsequent bill of Jan-2017 appears to be in the similar range, so apparently the alleged assessment carried out by the N.A. is not correct being not in terms of the provision under MERC Regulation as well as Elect. Act, hence it requires to be set aside. Admittedly the complainant has made payment of Rs.9,98,709/- in the intervening period which needs to be adjusted.

7. Before parting with the order it needs to be mentioned that both the learned representatives for the parties. & more particularly the learned representative of the N.A. has conducted the matter in right and positive spirit without keeping any prejudice/grudge. Hence the matter could be finally heard & decided within 15 days only. This forum With such observations proceeds to pass following unanimous order.

### **ORDER**

1. The complaint No.7/2017 is here by partly allowed.
2. The impugned bill of Dec-2016 dt. 13.01.2017 for Rs.3199330/- is hereby set aside and N.A. is directed to issue fresh bill for Dec-2016 as per assessment for 01.12.2016 to 15.12.2016 for 116759 KWH in addition to actual consumption of 251155 KWH for the period 16.12. to 31.12.2016 totaling to 367914 KWH, by

making adjustment of Rs.9,98,079/- already deposited by the complainant , immediately and the complainant to pay the amount of revised bill within 7 days of receipt thereof.

3. The N.A. is directed not to charge delay payment charges, interest on such revised bill so also to allow prompt payment discount, as per normal practice.
4. In the circumstances no order as to cost.
5. That the compliance report to be submitted within period of one month from this order.

s/d  
Member/Secretary

s/d  
Member (CPO)

s/d  
Chairman

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

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**No.CGRF /AKZ/ AKL/ 34**

**Dt. 18.02.2017**

**TO**

The Nodal Officer,  
Superintending Engineer O&M Circle, MSEDCL,Akola.

The order passed on 18/02/2017 in the Complaint No. 7/2017, is enclosed herewith for further compliance and necessary action.

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

**Copy fwc to:-**

1. The Chief Engineer Akola Zone, Akola.
2. Dayal Energy & Proteins Ltd "Dayal House"Oppsite to Govt. Hospital,  
New Radhakisan plot, Akola.