

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

“Vidyut Bhavan”,
Ratanlal Plots,
Akola: 444 001
Tel.No.2434476

January 30,2014.

Complaint No.104/2013

In the matter of grievance in respect of excessive bills

Quorum :

Shri T.M.Mantri,	Chairman
Shri A.S.Gade,	Member
Shri P.B.Pawar,	Secretary

Shri Babanrao Radhakrushna Ghatе, Akola ... Complainant

...VS...

The Executive Engineer(U), MSEDCL, Akola ... Respondent

Appearances:

Complainant Representative: Shri D.M.Deshpande,Akola

Respondent Representative: Shri Rahate,Dy.E.E.(U)III MSEDCL,Akola

1. The complainant has approached this forum with respect to his complaint on receipt of excessive bills. According to the complainant he is domestic consumer of the N.A. since 21/9/1979 and applicable tariff is LT-I. All the bills of the electricity have been paid regularly upto May,13. Reference has been made about the present dispute pertaining to bill dt. 21/6/13 of June,13 for alleged 3107 units amounting to Rs. 32,860/- which was too excessive, than average of consumption of 273 units. Further it is alleged that display of photo meter reading was doubtful, showing double figures, so complaint was lodged with CFC Centre, Akola on 08/07/13. So also approach has been made to the

concerned office with reminder dt.18/9/13 but no remedy has been provided between the period, hence complainant is approaching this forum. Reference has been made to provision 6.2 of Regulation of MERC(CGRF and Ombudsman Regulation 2006).

2. It is further alleged that before making complaint on 08/07/13 the authorities of the N.A. on their own replaced the old meter with new meter No.9801159921 without giving any intimation or without giving copy of replacement report to the complainant. Reference has been made to clause 7 of Supply Code Regulation 2005 and alleged that it has been contravened. Even the meter was not sealed in presence of the complainant and no signature was obtained. No final reading was recorded so also status but adjustment of 255 units added in the bill of June, July 13.

3. It is alleged that when the complainant has made grievance, the authorities concerned should have tested the meter as per regulations in presence of the complainant and results thereof should have been intimated to him but there is failure on the part of authorities of N.A. It is alleged that Dy.E.E.(U)III has not taken any cognizance of the directives of the E.E.(U)Akola but corrected the bills of August,13 to Oct.13 pending grievance and issued provisional bills which have been paid by the complainant. According to the complainant in view of non compliance of the provisions the bill of June,13 needs to be set aside, with direction to issue revised bill of June,13 of 273 average units. Interim reliefs about supply has been also asked for apart from payment of cost. Along-with complaint copies of documents came to be filed.

4. Notice as per regulations sent to the concerned office of the N.A.licensee for its reply to the complaint. Reply was filed, but belatedly, stating that the

sanctioned load of the complainant is of 200 Watt. The complainant has deposited the electric bills without making any grievance. Reference has been made to CPL but fact of submission of complaint by complainant on 8/7/13 is admitted with further averments that J.E. FCC V has changed the meter on 06/07/13. The complainants meter was tested on 24/7/13 and the documents such as meter replacement report, meter test report are alleged to be filed with reply.

5 It is stated that the impugned bill of June,13 was also as per meter reading with normal status. That upon making grievance by the complainant and on seeing prima facie the enhancement of the bill, the meter was replaced for testing on 6/7/13 and provisional bill has been issued to the complainant. It is stated that on the meter replacement report of 6/7/13 signature of the complainant was obtained by informing him.. During the meter testing it was found in dial test that the meter found OK by the concerned officer of the inspection, in the said report.

6 The meter was tested as per complainants request. The complainant was informed on 27/10/13 about the test report and proper functioning of the meter by alleging sending of some documents. Signature of the complainant was obtained . Meter change report contains final report . The regulations have not been contravened. The photo reading appears to be correct and even in testing it was found correct. It is stated that on 26/10/13 inspection of the connection, premises was carried out and it was found that the connected load was 5290 watt. The complainant has used more load than the sanctioned load, by referring to spot inspection report and there was no fault in the meter. The complainant was asked to remit the bill time and again and his connection has

not been disconnected. Lastly submitted that the complainant is not entitled for the reliefs sought for. Copies of documents annexed with the complaint.

7 The matter was then posted for arguments. Heard Mr.D.M.Deshpande, the learned representative of the complainant and Shri Rahate, Dy.E.E.(U)III the learned representative of the N.A.licensee. From the record and submissions it is clear that the complainant is domestic consumer since about 35 years. It is also not in dispute that the complainant has paid the electric bills regularly in past but the controversy/dispute is in respect of impugned bill of June, 13. Copy of which is filed on record which is for 3107 units. The copy of the bill on record shows the photo of the impugned meter and there seems to be substance in the submission made on behalf of the complainant that initial figures of the reading appears in two layers. Admittedly, immediately on receipt of the bill complaint was lodged on 8th July,13 with CFC . Here it is pertinent to note that the meter in question has been replaced on 6/7/13 and copy of the report is filed on record. The submission made on behalf of the N.A. that the said report bears signature on behalf of the complainants has not been disputed from the side of the complainant, during the course of arguments, but it has been submitted by the learned representative of the complainant that the meter reading shown therein was not correct so also Sr.No.6 of the said form , nothing has been mentioned with regards to position of “meter seals” as well as Sr.No.14 i.e. “reason for replacing the meter”. As already observed above for years together there was no grievance from the complainants side and he has paid the bills regularly.

8 According to the complainants as per Meter Regulation 2006 it was compulsory to install static meters. According to the learned representative,

since initial installation till 2013 i.e. for about 35 years the meter was not replaced, though in general the life of the meter is taken as ten years. In any case according to him the regulations of 2006 referred to above, have not been followed. As against this the N.A's defense and submission is that the meter was correct and in the test report it was found to be OK. Reliance has been placed on the test report. The learned representative of the complainant has vehemently submitted that it does not bear signature of the complainant and it was not tested in his presence, apart from position of the seals. Even as per N.A's defence the complainant was informed on 27/10/13. As per the test report filed by the N.A. on record the date of testing is mentioned as "24/7/13". It has not been explained or justified from the side of N.A. as to why even the said report was sent late on 27/10/13, as mentioned in the reply. There is no justification put forth thereabout.

9 During the course of arguments this Forum has called upon the N.A. to produce testing report so also to produce disputed meter so as to ascertain the factual position. It is pertinent to note that though the Dy.E.E.(U)III has sent written communication to Dy.E.E.(O&M) on 20/1/14 for producing the said meter, however it was not produced and during course of further hearing the learned representative of the N.A. has expressed his inability to make available the said meter before the Forum.

10 Upon considering the submissions made on behalf of the parties including that of submission of the complainant about life of the meter and non changing thereof for more than 35 years i.e. even after the expiry of the normal life, coupled with facts that nothing has been mentioned in the report about the seals of the impugned meter, as referred to above, this forum finds

substance in the grievance that there was reason to believe about erratic reading in the impugned meter. According to the complainant there was no change in the user of the complainant, as it was in past. So this forum finds some substance that there was no reason or occasion for such exorbitant consumption/reading. The copies of the CPL placed on record supports the contention of the complainant. It is pertinent to note that even subsequent bills have been remitted by the complainant, upon making of correction by the authority of the N.A. and there was nothing due except the disputed period's excessive units charges. Admittedly the complainant has made payment of the provisional bill. That in view of not producing the original meter inspite direction, this forum is inclined to draw adverse inference and has to accept submissions made on behalf of the complainant in that respect. This forum finds substance in the grievance of the complainant and considering the past consumption and as per the provisions, the impugned bill needs to be corrected on average basis i.e. for 275 units. Consequently the further bills needs to be corrected.

11 The complainant has also claimed cost apart from other reliefs. This forum is of the view that because of some technical error the dispute has been arisen, consequently it will not be just and proper to award cost. This forum therefore proceeds to pass following unanimous order.

ORDER

- 1 The N.A. is directed to set aside the impugned bill of June,13 for Rs.32,860/- and to issue revised average bill of 275 units to the complainant in its place as per average consumption.
- 2 In the circumstances parties to bear their respective costs.
- 3 That the compliance report to be submitted within one month from this order.

Sd/-
(A.S.Gade)
Member

Sd/-
(P.B.Pawar)
Secretary

Sd/-
(T.M.Mantri)
Chairman