

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

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

Dt-25/04/2013

Complaint No.26/2013

In the matter of President, Oswal Trust Akola for faulty meter, incorrect bill etc.

Quorum :

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

President, Oswal Trust Akola

... Complainant

...VS...

MSEDCL Urban Division ,Akola

... Respondent

1 The complainant trust has approached this forum in respect of grievance about faulty meter, incorrect bill, cancellation of test report of the meter, so also claimed compensation alongwith cost of Rs.5000/-. The complainant has alleged that it has approached to the Consumer Facility Centre as the meter had started erratic behavior and recording consumption even if all the switches are put off, without utilization of energy. The acknowledgement of CFC in respect of said complaint filed with the complainant. Reference has been made to regulation 6.2 of Regulation 2006 stating that the complaint is tenable.

2 As per complainant it is utilizing electric supply to the community hall being used for marriage functions and the yearly user of the premises is for 70/80 days. Upto Oct.12 there was no dispute and the payment of the electric bills have been paid, however in Nov.12 the meter concerned shows abnormal consumption and even without user of the electricity it is moving forward so the complainant approached CFC as referred to above for getting the meter tested. The complainant had received bill of

Rs. 46,600/- for Nov.12 for 3995 units against average bill of Rs. 3000/- for 350 units . The complainant approached Dy.E.E.Sub Dn.I for provisional bill as per average of last six months as per provisions of electricity act, showing willingness to pay the bill till the dispute is resolved, however the said officer did not agree and insisted for payment of arbitral provisional bill of Rs. 10,000/- which is not paid by the complainant.

3 Firm quotation dt. 6.12.12 of testing charges of Rs.500/- was issued. The complainant paid it on 7/12/12 and the concerned documents in that respect filed. Meter in question was replaced and the report given to the complainant on d31/1/13 is also filed on record wherein number of lacunas were found, such as there was no date and time of replacement, reason for replacement is not mentioned. J.E. had not signed the said report, meter body and terminal cover are not sealed. With joint signature of the consumer and others, as enumerated in the complaint.

4 It is alleged that the complainant has received letter of Dy.E.E. dt. 14.2.13 by post, meter testing with result of 33.04% slow and alongwith that submitted bill for Rs. 1,06,190/- to be paid before 18/2/13. The complainant was surprised and shocked to see the contents of the report as slow, whereas the complainants grievances was that the meter was fast. The complainant has made grievance about not following the practice and procedure in respect of testing of the meter. Without giving notice or reasons service wire is removed without mandatory notice and supply was disconnected. Because of such acts the protection given to the consumer has been violated. The complainants is therefore entitled for Rs. 50/-per day till restoration of the supply apart from compensation. The complainant has then narrated his grievance in respect of genuineness of the test report alleging that the life of meter is 15 years and it needs to be replaced on completion of its life. Reference has been made to the provisions of the regulations alleging that these have not been complied with by the N.A.licensee. In view of the lacunas and failure to make compliances of regulations the bill for Rs.1,06,190/- on basis of such test report has to be withdrawn. The billing ought to have been done on average basis preceeding Oct.12 so also interim relief has been sought for alleging that complainant is ready to pay the bill on average basis of 350 units i.e. Rs. 3000/- till the dispute is resolved. The complainant has sought for reliefs prayed for as referred to above.

5 Notice as per regulations was issued to the concerned office of the N.A.licensee for its reply to the complaint. Reply came to be filed accordingly, stating that the

complainant is consumer since 1982 using 3 ph. Electric supply under the meter, so also it is stated that there was no dispute in respect of bill upto Oct.12. During Nov.12 bill for Rs.46,610/- for 3995 units was issued as per meter reading and after receipt of the said bill the complainant has submitted complaint regarding fast meter on 12/11/12 through CFC centre Akola . Issuing of quotation of the testing charges dt. 6/12/12/ and provisional bill of Rs. 10,000/- was issued, the complainant paid Rs.500/- of testing charges on 7/12/12, the meter was replaced for testing on 31/1/13 with final reading recorded as 42,114. It is stated that new meter No.5071643 was installed in the premises of the consumer on that date i.e. 31.1.13 with IR 0000 units. It is further stated that the alleged replaced meter was tested at testing unit Urban Dn, On 4.2.13 in presence of Mr.Pawan Jain, representative of the complainant and it was found that the meter was 33.04 % slow.

6 It is stated that as per Regulations 2005 three months assessment bill amounting to Rs. 14,790/- with current bill of 91,400/- totaling to Rs. 1,06,190/- was issued to the consumer with letter dt. 14.02.13 alongwith meter testing report. As the complainant did not pay the amount within due date, notice under section 56 of Electricity Act was issued on 21.1.13 but the consumer refused to acknowledge the same. After issuing of the said notice the complainant did not paid the bill, so it was disconnected on 15.2.13 and the meter was replaced/removed from the premises of the consumer.

7 With regards to the averments made by the complainant in respect of lacunas of meter replacement report, it is stated that the columns of the said report has been filled by Lineman who has replaced the meter with final reading recorded as 42114 and the reading of previous months bill is 40541. The Lineman has signed the report and obtained signature of the representative of the consumer so also given copy on the spot. The incharge J.E. has later on signed the said report and it has been given to billing section for feeding to computer.

8 It is stated that the complainant has raised doubt on the meter testing report demanding the meter testing in NABL accredited laboratory, it can be done at the cost of the consumer. It is not necessary that the A.E.to sign the test report as the J.E. has signed it.

9 It is stated that there is another three phase connection bearing No.310070912955 in the same premises and the complainant is using the electric power by keeping the arrears of the concerned meter, it is not deliberately paying the

bill and using power supply in violation to the rules and regulations. The bills issued by the N.A.licensee are as per meter reading so also disconnection of the supply was as per the procedure laid down under Act of 2003. There is no shortfall or lacuna in the services of the N.A.licensee, the complaint is therefore liable to be dismissed. Copies of certain documents came to be filed from the side of the N.A.licensee.

10 Heard Mr.D.M.Deshpande, the learned representative for the complainant and Shri Sagne, E.E.(U) Akola, the learned representative of the N.A.licensee. Gone through the available material on record inclusive of the documents. It is not in dispute that the complainant is a trust and the premises in question is community hall being used for marriage and other functions. The averments made by the complainants that the premises in question is user for 70/80 days in a year has not been seriously disputed from the side of the N.A.licensee. It is also an admitted position that till Oct.12 there was no dispute and the electric bills till then have been paid by the complainant. The complainant is admittedly consumer of the N.A.licensee since more than 30 years. The dispute started some time in Nov.12. The complainants grievance was that meter was showing erratic behaviour and inspite no user of the electricity, it was recording consumption of units, so complaint in respect of "Fast" running was submitted to the CFC on 12/11/12. Acknowledgement of the complaint and acknowledgements are on record. The recitals of the complaint dt. 10/11/12 clearly points out the grievance of the complainant. It was admittedly received the CFC centre on 12/11/12, as per acknowledgement with the complaint. Admittedly the bill of Nov.12 for 3995 units for Rs.46,610/- came to be issued, it is dated 20/11/12. In view of the date of bill 20/11/12 the defence raised by the N.A.licensee that after receipt of the (Nov.12)said bill, the complainant had lodged complaint with CFC is apparently not correct. Admittedly the said complaint is made with CFC centre on 12/11/12 much before the date of bill in question. It is also an admitted position that the complainant had approached the authority concerned and shown willingness to pay the bill as per average consumption. However the said request was not accepted by the said authority and provisional bill of Rs.10,000/-, by making writing on the said bill has been issued to the complainant. Admittedly the complainant did not pay the said amount.

11 The complainant has also apprehended of excessive bill in its complaint to CFC seeking request for replacement of new meter. The firm quotation of Rs.500/- dt. 6/12/12 issued to the complainant and complainant remitted the said amount on 7/12/12 as per receipt filed on record. The complainants grievance is in respect of

procedure and manner of removing of the meter, disconnection of the electric supply. These averments have been disputed from the side of the N.A.licensee and as per N.A.licensee it has applied regulations, so also followed the procedure at the time of replacement of the meter as well as disconnection of electric supply. As per N.A.licensee relevant documents have been put on record. Now one has to consider the available material on record. Admittedly the complainants meter is three phase with sanctioned load of 3.00KW . Copy of meter replacement report is filed on record by both the parties. The complainants representative has pointed out that apart from non filing in various columns in the said report there are additions in the copy filed on behalf of the N.A.licensee more particularly column No.12 and 13 which is not in the copy supplied to the complainant. Test report of the meter is also not signed by the Meter Tester who has tested the meter. According to the N.A.licensee as the J.E. has signed the report it does not make any effect whether the said report is signed by meter tester, who has tested the report. This forum is not convinced by such arguments. The person who has tested the meter has to sign the report. His signature is a must.

12 Now if one considers recitals of the test report it is clear that there are certain discrepancies in the meter replacement report dt. 3/1/13 in front of column of "meter reading" figure is written as "42114" whereas in the test report in front of "reading" it is mentioned "42115 KWH" whereas in the format under column "IR" the figure mentioned is "42115.5" and under column "FR" it is mentioned "42115.6". In the column of "diff" it is mentioned as "0.1 unit" and under the column of "percentage" it is mentioned as "minus -33.04%". Under the column " pulses to be taken" it is mentioned "50" whereas under the column " load" there is no figure but only "-". Not only this much the figures of the parameters mentioned in the said report clearly show that they are not at all sufficient or equivalent for testing three phase meter. In any case when admittedly the load of the meter of the complaint is of 3 KW the reading mentioned in the above referred report clearly show that they are not at all be fitting for testing such meter of three phase. One cannot understand the basis of the above referred parameters of pulses and unit of 0.1 unit for considering the accuracy of the said meter. The submissions made by the learned representative for the complainant that on what basis it was mentioned that the said meter was slow at 33.04%. If one considers the initial complaint of the complainant its grievance was that inspite of putting off all the switches still the meter was running and the grievance was that the meter was running fast. During course of arguments the learned representative of the N.A.licensee could not justify the reading taken in the test report. Here it is pertinent to note that as

already observed above even as per meter replacement report the last reading was shown as 42114 whereas in the test report the initial reading is shown as 42115.5, so in fact even there was difference of 1.5 units . There was no explanation putforth from the side of the N.A.licensee. In any case the recitals of the meter replacement report and test report are not at all convinced. One has to accept the contention of the complainant that the said report cannot be said to be just and proper and correct one. The forum has to take cognizance thereof. During course of the submissions the learned representative of the N.A.licensee for the controversy submits the meter can be re-tested so as to avoid unnecessary accusations. During the course of hearing it has been tried to submit on behalf of the complainant that position of the seal on meter may not be in good condition or may be broken so it will not be possible to get it re-tested. The learned representative N.A.licensee has shown willingness to produce the said meter before the forum and after hearing the parties the said meter was called for and in presence of the learned representatives of both the parties it was found that the seals are intact. Considering the available material on record, coupled with the rival submissions this forum is of the view that in order to achieve just and fair result the said meter needs to be tested by E.E.Testing Dn,. Needless to mention here that already Rs.500/- has been got deposited from the complainants on 7/12/12/ as referred to above towards meter testing even so nothing more is required to be charged from the complainant in that respect.

13 As far as other grievance of the complainant in respect of disconnection of the electric supply it is not in dispute that Nov. bill issued by the N.A.licensee for Rs.46,610/- has been disputed by the complaint and by making endorsement of "provisional bill" of Rs.10,000/- it has been asked to remit the same. Averments and submissions made by the complainant that it was ready to pay the bill of average basis has not been disputed or controverted from the side of the N.A.licensee. If one peruses the CPI and other available material on record it is clear that during lastly proceeding 12 months the maximum unit consumption was 700 in May, 12. If one takes the average of last 12 months, the submission made by the complainant that it comes to average of 350 units does not appear to be incorrect. According to the defence and submissions of the N.A.licensee the complainant did not remit the bill hence notice dt. 21.1.13 was issued . the N.A.licensee has issued bill dt. 18/1/13 for Rs.1,06,190/- by making additions in hands to the original bill of 90,920/- on the grounds that the meter was slow and hence there is that much arrears. It is pertinent to note that as per copy of the notice dated 2.1.13 filed on behalf of the N.A.licensee is in respect of bill of Dec.12. The said notice

was issued alleging under Section 45.1 of Electricity Act, there is hand written endorsement at the bottom there of “नोटीस दिली सही करण्यास नकार “ whereas during course of submission it has been tried to submit that the complainant has refused to accept the notice. From the side of the complainant it has been categorically averred that never any notice was issued and it has never refused to accept the notice. The above referred hand written endorsement is not in consonance with the submissions made on behalf of the N.A.licensee. In any case as per the requirement the notice has to be issued by RPAD and notice needs to be fixed on the premises, nothing of that sort has been done from the side of the N.A. licensee. So apparently it is clear that there is no statutory compliance by the N.A.licensee, the electric connection was disconnected without making compliances. If one peruses the last bill of the N.A.licensee filed on record of Jan.13 it is clear that the date mentioned there is 1/2/13. No notice as required under regulations for the said bill has been issued and the notice as referred to above is for the earlier bill. The period mentioned therein clearly show that without giving sufficient notice period, the electric connection has been disconnected. The N.A.licensee has issued letter dt. 14.2.13 and immediately thereafter the electric disconnection has been made, that too, without making any compliances. Consequently it has to be observed that the said action of N.A.licensee is contrary to the regulations. In view of the above observations and conclusions this forum is of the view that the disputed bill in question for Rs.1,06,190/- needs to be set aside so also the test report dt. 4.2.13. It is also necessary to direct the N.A.licensee to issue average bill for the period Nov.12 onwards on the basis of bills of last 12 months, preceeding Oct.12 and the complainant to remit the same immediately. The forum has already made observations in respect re-testing of the meter and whatever may be the result thereof, the additional bill on the basis of the said report to be issued to the complainant and the complainant to remit said amount immediately thereafter. The N.A.licensee needs to be directed to restore the electric supply immediately. Merely there is other electric connection in the premises that does not mean that the N.A.licensee to make disconnection of electric supply.

14 As far as claim of the complainant for compensation as per SOP regulations suffice to say that if it had remitted the amount of electric bills, even as per average basis then it could have been justified in claiming the same. Non payment of the electric bill from Nov.12 onwards, disentitles the complainant from making any such claim. One who claims compensation, has to act fairly. There was no prohibition for the complainant for remitting the amount by cheque, under protest, that has not been done

so. This forum is not inclined to grant compensation as alleged however this forum thinks it proper for appropriate direction to both the parties concerned, in that respect.

15 The next claim of the complainant is for cost of Rs.5000/-. Considering overall material on record and the admissions on behalf of the complainant it will be just and proper to award reasonable cost. With such observations this forum proceeds to pass following unanimous order.

ORDER

1) Complaint 25/2013 is hereby partly allowed. The N.A.licensee is directed to restore the electric supply of the complainant, immediately and the complainant to deposit on the basis of average consumption of 350 units per month from Nov.12 till April,13 and N.A.licensee is directed to issue provisional bill on that basis to the complainant.

2) The bill dated 18/1/13 for Rs.1,06,190/- so also meter testing report dt.04.02.2013 is hereby set aside and N.A.licensee is directed to get earlier meter No.90100128666 in question tested from E.E.Testing Dn. Akola immediately, in view of depositing of meter testing charges by the complainant on 7/12/2012 and after getting the meter testing report to issue correct bill without levying interest/DPC charges by making the adjustment of payment received.

3) The complainant is also entitled for cost of Rs.1000/- of the present proceeding which needs to be adjusted in the forthcoming bill of the complainant.

4) Compliance report to be submitted within a period of three months from the date of receipt of this order.

Sd/-
(A.S.Gade)
Member

Sd/-
(P.B.Pawar)
Secretary

Sd/-
(T.M.Mantri)
Chairman