

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

*“ Vidyut Bhavan ”
Ratanlal Plots,
Akola : 444001
Tel No.2434476*

Dt.04/04/2014

Complaint NO. 68 / 2014

In the matter of grievance about excessive and incorrect bills.

Quorum :

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

M/S Jatariya Oil Industries, Amravati. (Con. No.366479008390) Complainant

...vrs....

The Executive Engineer (U.)Dn. Amravati. Respondent

Appearances :

Complainant Representative : Shri D.M. Deshpande.

Respondent Representative : Shri S.M. Shungare, Dy. Ex. Engineer.

1. The Complainant has approached this forum in respect of his grievance for issuing of excessive and incorrect bills for April 2013 and seeking issue of revised bills only for the fixed charges. The complainant's case in brief is that it is the industrial consumer since 1985 and paid all energy bills till March 2013. It is alleged that when the complainant's factory was closed down from 9.3.2013, monthly reading was recorded on 12.3.2013. On 17.3.13, while the employees of MSEDCL, replacing the DTC, some electric fault occurred resulting in burning of DTC meter so also the consumer's meter, damaging the display of meter. It is

alleged that it was brought to the notice of the concerned Jr.Engineer on 17.3.2013 by the telephonic communication. The fact of burning of meter was also intimated by the Letter dated 21.3.2013. It is alleged that the authorities of N.A. visited the Factory without any intimation to the Complainant, contrary to the Regulations and alleged that the meter was replaced on 25.3.2013. In spite of complaint but no replacement report was given, So also the final reading at the time of replacement was not recorded. On enquiry on 26.3.2013, so also on making payment, no document has been furnished to the complainant, including the replacement report. However, the Complainant has received the disputed bill of April 2013 for Rs.103490/- wherein 15007 units have been shown as adjustment units. The said bill has been disputed. Though the complainant has made approaches in writing, for redressal of his grievance, nothing has been done, Hence the Complainant approached this Forum.

2. It is alleged that the Complainant's factory was closed as stated consumption of 15007 units was shown in the disputed bill illegally and it needs to be withdrawn. It is alleged that the Complainant is ready to pay payment of fixed charges as per the tariff order and sought relief as prayed for alongwith interim relief. Alongwith the complaint the copies of the bunch of documents came to be filed. Considering the available material on record, the N.A. was directed not to disconnect the electric supply till next date.

3. After the notice of the Forum, a short reply came to be filed on behalf of the N.A. belatedly, stating that the meter in question was burnt on 17.3.2013 and the same was replaced on 1.4.2013 as per the Meter Replacement Report. It is further stated that from the last 12 months average 15007 units bill is given towards average bill per month and same has been charged for April 2013. It is stated that the complainant's meter was sent to the Testing Division for retrieval

of data and snap shot reading, but the data could not be retrieved. Alongwith the reply copy of meter replacement report has been filed, where on certain remarks have been written in writing.

4. The matter was then posted for argument wherein MR D.M.Deshpande, Learned Representative for the Complainant and Shri S.N.Shringare, Dy.Engineer for the N.A. have made submissions. During the course of hearing, it was thought proper to have shap shot reading as per the submissions made. Accordingly, the Learned Representative of the NA has requested to keep the matter on the next date. Accordingly, it was kept on 24.3.2014, on that date he has filed on record the copies of the letter addressed to Executive Engineer, O&M Testing Division, Amravati for providing Snap Shot reading by giving details of the meter. He has also filed on record the reply of Executive Engineer of Testing Division, Amravati stating that the burnt meter cannot be tested at Testing Lab and MRI data of the said meter could not be retrieved, and hence snap shot reading is also not available.

5. According to the Learned Representative of the Complainant, the factory was closed since 9.3.2013 and on 17.3.2013, meter was burnt, as is even the case of N.A. As per the reply as well as during the course of argument meter was replaced on 1.4.2013. Alongwith the reply copy of meter replacement report has been filed from the side of N .A. The Meter Replacement Report does not bear the signature of the Complainant or anybody on its behalf. The Annexure A-3 is impugned bill of April 2013 for Rs.1,03490/- According to the Learned Representative for the Complainant, adjustment of 15007 units shown in the said bill, has not been explained and has submitted that in such case of burnt meter, the average billing is not provided. According to the complainant correspondence was with the N.A. and even the Officers of the N.A. verified the

factory, stock etc., those information are available with the N.A. The Learned Representative of the Complainant has submitted that the Complainant is ready to pay the fixed charges only as it is not at fault so the bill in question needs to be revised. According to the learned Representative of N.A. the data could not be retrieved and even snap shot reading is not available, it being the burnt meter. He has made reference to the letter of Executive Engineer of Testing Division. When it was pointed out as to what steps thereafter have been taken, his reply was no further steps have been taken. As mentioned in the letter of Executive Engineer, Testing Division, it could have been referred to the manufacturer of the meter for required analysis or even to NAB Lab, but that has not been done. The only submissions is that as per the endorsement made on meter replacement report, monthly average consumption is taken of 15007 units and accordingly bill for April 2013 came to be issued to the Complainant. On going through the provisions of MERC (Electric Supply Code and Other Conditions of Supply), 2005, more particularly Regulation 14.2, it is for "Lost / Burnt meters". Regulation 14.2.3 is in respect of "burnt meter". Second proviso of the said Regulation states.....

"Provided further the estimated electricity charges for the period for which the meter was not available, during the period, may be billed to the consumer in the ensuing bill.....after supply is restored".

6. As per the N.A.'s defense and submissions of documents, the burnt meter was replaced on 1.4.2013. The representative of the N.A. could not satisfy as to how the impugned bill "on average basis" has been issued. As per the Proviso, 14.2.3 referred to above, estimated electricity charges may be billed to the Consumer by the Licensee. Here, it is pertinent to note that the Complainant's case is that since 9.3.13, there was no working of the Factory. It has been

categorically stated in the Complaint as well as correspondence made with the concerned authorities of the N.A. The specific averment made by the complainant about the closing of Factory production from 9.3.13 has not been at all replied in the reply of the N.A. So also there is no denial to the specific averment as well as the correspondence made on behalf of the complainant. As per the settled legal position, it amount to admission of facts. During the course of arguments, the learned Representative of N.A. has categorically stated that the supply was not given by passing the meter, so it is clear that the supply has been made on 1.4.2013, even as per the NA's defense and documents. So even as per N.A. there was no electric supply till 01.04.13, consequently there was no production in the factory for want of supply. As referred to above, the N.A. has not taken further steps for retrieval of data or analysis from the manufacturer/NAB lab, for the reasons best known to the N.A. Issuing of bills on average basis has not been justified and explained from the side of the N.A. specially in the background of facts narrated above i.e. closure of the production in the factory. As per the Regulation referred to above, "estimated electricity charges" ought to have to be billed for the period for which meter was not available due to burning of the meter and non availability of electric supply. Consequently, **impugned bill** on average basis 15007 units cannot be said to be the just and correct, hence it needs to be revised as per the Regulation. This Forum is of the view that the N.A. needs to be directed accordingly for issuing of revised bills to the Complainant instead of impugned bill of April 2013. Consequently, the Forum proceeds to pass the following unanimous order :-

ORDER

1. The Complaint No.68 /2014 is hereby partly allowed. The impugned bill of April 2013 for Rs.1,03,490/-has to be revised by the N.A. by giving correct bill as per the Maharashtra Electricity Regulatory Commission (Electric Supply Code and Other Conditions of Supply) Regulations 2005, immediately and whatever payments the complainant has made during the intervening period, are to be adjusted in the forthcoming bills from April 2013 onwards.
2. In the circumstances no order as to costs.

Sd/-
(A.S.Gade)
Member

Sd/-
(P.B.Pawar)
Secretary

Sd/-
(T.M.Mantri)
Chairman

No.CGRF / AMZ/

Dt.

To
The Nodal Officer / Executive Engineer,
MSEDCL,
Urban Division,
Amravati

For information & necessary action.

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

Copy To:
M/S Jatariya Oil Industries, Plot No. 15, MIDC, Amravati.

Copy s.w.r.to:-

The Superintending Engineer, O & M Circle Office Amravati.