

**BEFORE THE CONSUMER GRIEVANCE REDRESSAL
FORUM , AURANGABAD ZONE, AURANGABAD**

Case No. CGRF/AZ/AUR/U/36/ 2007/ 05

Date of Filing: 15.03.07

Date of Decision: 27.04.07

Maharashtra ware Housing Corporation Ltd.

Through Divisional Manager Consumer

Jadhavwadi,Aurangabad.

Complainant.

V/s

Maharashtra State Electricity Distribution Co.Ltd.

Urban Circle, Aurangabad.

Sub: Grievance under the Maharashtra Electricity Regulatory Commission,(Consumer Grievance Redressal Forum and Ombudsman) Regulations 2006.

1. The consumer has filed his grievance in Annexure " A " before this Forum on **15.03.07** under regulation No. 6.10 of the Regulations referred to above. A copy of the grievance was forwarded on 02.04.07 to the Nodal officer and Executive Engineer (Adm) in the office of the Superintending Engineer, Urban Aurangabad with a request to furnish his response on the grievance within a period of fifteen days and hearing in the matter was fixed on **02.04.07**
2. The grievance of the consumer, in brief, as per consumer, is as stated below.

The consumer has taken three phase electricity supply for his office situated at Jadhavwadi Aurangabad. He has paid all the electricity bills issued by the Distribution Licensee till May 2006. For the month of May 2006, he has received bill which was 9-10 times more than his usual bill. It is contended that energy consumption in any way was not more

than normal and therefore he requested by his letter dt. 9.6.06 to Shahgunj office of D.L about abnormally excessive billing and requested to rectify bill and also to test his meter in the laboratory .In the month of August his old meter bearing Sr.No.4176 was replaced by new meter bearing Sr.No.7166. No meter replacement report or copy thereof was given to him till today.

“2”

Thereafter the consumer persuaded with the officers of the D.L. not less than fourteen times by his letters but invain. The consumer also applied to the Chief Engineer, who by his letter dt.1.8.06 directed Dy .Ex. Engineer to redress the grievance of the consumer. The D.L. vide his letter 27.9.06 informed that the meter of the consumer was found to be slow by 37.97 % slow and also informed that arrears on account of this will be recovered from him. The consumer has also stated that at the time of testing of meter neither he nor his representative was called. It is also stated that the electricity consumption for June 2006 was normal. It is further contended that from Sept.06 to Jan.07 (i.e. after installation of new meter) the electricity consumption was equivalent to his monthly average consumption , which would go to show that the report given vide 27.9.06 is deliberate and wrong . After installalation of new meter, two bills i.e. for August 06 and sept.06 were issued on average basis on pretext of Door lock status. The meter installed can

be seen or inspected even besides office hours and during office hours also. The bill for the month of Oct.06 was received in which energy consumption was shown for 840 units. The consumer therefore requested to direct the D.L. to give bill for May 06 as per energy consumption recorded in old & new meter, to quash letter dt.27.9.06 to give upto date rectified bill so as to facilitate early payment , to quash penalty & interest levied by D.L. and to grant compensation of Rs.5000/ towards mental harassment and to appropriate the same in the revised bill.

On the date of first hearing i.e. on 2.4.07, the consumer was present through storage Superintendent, Nodal officer was present on behalf of D.L. and filed application on the ground that details of case have not been received by him and as such he could not file his response on the grievance of the consumer The request was granted and the case was adjourned to 9.4.07

“3”

On 9.4.07 , Nodal officer was present, the Nodal officer filed his response at the time of hearing. The representative of consumer was not present ,. The Nodal officer in his response has stated that as per the test results, the meter is found 31.97 % slow and Y phase stopped and hence assessment of Rs. 15160/ is charged. The Nodal officer further stated that the

energy bill charged to the consumer is as per recorded consumption and requested to dismiss the complaint. The copy of response was directed to be given to the consumer and the case was reserved for decision.. The consumer filed his say on response of Nodal officer on 10.4.07

We have gone through the complaint , the documents filed by the complainant .We have also gone through the response of the Nodal Officer and the documents filed along with the response, especially CPL. On going through the CPL we find that the energy consumption of the consumer from Jan 05 to April 06 ranges between 70 to 514,the initial reading at Jan.05 being 10771 . It is only in the month May 06, the consumption is shown to be 2978 units. The consumption has never crossed figure of 514 units before that. The meter was replaced on 1.8.06 and the reading on the meter at the time of replacement was 18938 which shows that for the period Jan 05 to July 06 i.e. 17 months the total units consumed were 8087 which discloses that the average monthly consumption is 475 units. Here we would like to specifically mention that the consumption of 2978 units displayed for the month of May 06 has also been considered in arriving at the average monthly consumption of 475 units stated above. The new meter was installed on 1.8.06 with initial reading as 0006 .The bill for July to Oct. 06 were issued on average basis i.e. 725 units . The first bill after installation of new meter and which contained the reading of consumption was for Nov.06,l.

the current reading being 816. The current reading of the meter for Jan 07 is 1413 which shows that the average monthly consumption for the period 1.8.06 to Jan 07 i.e. for 6 months is 235 units.

The CPL which is filed by D.L. contains first entry of Jan 05 . As seen above the average monthly consumption from Jan.05 to Jan.07 for three different spells of time gives three figures of monthly average consumption. The monthly average consumption from Jan.05 to April 06 comes to 300 units per month. After considering the figure of 2978 units for the month of May 06 , the average monthly consumption from Jan.05 to July 06 comes to 475 units per month, whereas the average monthly consumption after installation of new meter , from Aug.06 to Jan.07 comes to 235 units. The new meter is installed on 1.8.06 with initial reading as 0006 and the current reading for the bill of Jan.07 is 1413 units. That means the consumption is 1407 units for six months which discloses monthly average consumption of 235 units. As stated above the monthly average consumption till April 06 is 300 units and matches with average consumption after installation of new meter .The CPL ,from Jan.05 to April 06 contains initial reading as well as current reading for all the months and meter status as “**NORMAL**”. Therefore we are unable to accept the contention of the Nodal officer that meter reader might not have taken correct reading from time to time and hence accumulated reading is recorded from May.06. The contention is not supported by any statement that some punitive action has been taken against the concerned meter reader. It is no doubt that the meter reading

for the month of May 06 is highly inflated , compared to the monthly average consumption for past 16 months as well as next 6 months (after installation of new meter).

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Therefore we are inclined to quash the bill for the month of May 06 in which monthly consumption is shown to be of 2978 units. In light of above observations we think that it would be in fitness of the things to charge the consumer at average monthly consumption of 300 units for the disputed period.

During the continuance of the proceedings of the grievance the consumer has been charged with bill for Rs.15160/ on account of slowness of the meter by 31.97 % .The consumer after his pursuance for number of times has been replied by letter dt. 27.9.06 that his old meter i.e. meter No. 4176 , after testing , was found to be slow by 31.97 % and therefore he would be charged for six months as per the test report. The bill for Rs.15160/ appears to be the same bill. Here we would like to observe that the consumer ,after receipt of his bill for May 06 by his letter dt.9.6.06 has complained to the Asst. Engineer that the display of excessive meter reading could be because of some fault of meter and specifically requested for testing of the meter . Irrespective of the fact a specific request for meter testing by done by the consumer on 9.6.06 ,

without paying any heed to the request of the consumer the electricity supply of the consumer was disconnected on 11.7.06. The consumer vide his letter 15.6.06 again requested for testing of the meter. The consumer, after numerous letters to various officers of the D.L. appears to have been informed by letter dt.27.9.06 about the slowness of the meter. The consumer was not informed about the date on which the meter testing is to be done, nor he was asked to be present at the time of testing. Regulation 14.4. .3 of the Electricity Supply Code 2005 stipulates that “ The Distribution Licensee shall provide a copy of the meter test report to the consumer within a period of two months from the date of request for testing of meter by the consumer”

“6”

Here in the present case the consumer has requested for testing of meter by his letter dt.9.6.06 and has also given two reminders. Leave aside a period of two months, the consumer has not been given the test report till the date he filed his grievance before the forum. The consumer lastly by his application dt.6.3.07 has requested the D.L. to give him a copy of the test report, but the same was not given to him till 15.3.07, i.e. the date on which the consumer filed his grievance before the Forum. The letter by which the testing results were communicated to the consumer is issued on 27.9.06, which also is not within the stipulated period of two months from date of request of testing of meter by the consumer. The meter testing report was called and the same

was filed before the Forum. On going through the meter testing report we find that meter was slow by 31.97% .On going through the report we also find that the test results is signed by some Sub Engineer and Dy. Ex. Engineer. The meter test report does not bear signature of meter tester above the printed words meter tester which is at the bottom of left hand corner of the format. Here we would also like to observe that the meter testing report were submitted before us in some other cases of grievance.We have gone to go through the meter testing reports filed in case No.9/2005 , “Shashikant Acharya Vs. MSEDCL” and 8/2006 “ Suraj kumar Rajkumar Vs. MSEDCL.” In both these reports besides signatures of two other persons, signature of meter tester is there at the space provided in the format. For all the reason stated above, we are not prepared to give any credibility to the meter testing report and the meter testing report therefore deserves to be quashed. Needless to say the bill of Rs.15160/ raised on account of slowness of meter also deserves to be quashed.

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We are therefore of the opinion that the grievance of the consumer deserves to be redressed in light of the observations made above. Hence the following order.

ORDER

1. All the bills from May 2006 to Oct.06 are quashed completely. The bills from Nov.06 to Jan 07 are quashed only to the extent of arrears ,DPC and interest charged therein.
2. The D.L. is directed to issue revised bills from May 06 onwards to Oct.06 at the rate of 300 units average consumption per month.
3. Bills from Nov.06 onwards will be issued to the extent of the actual consumption recorded by the new meter.
4. While issuing the revised bills as stated above NO DPC or interest shall be charged.
5. The bill amounting to Rs. 15160/ on account of the slowness of the meter is also quashed.
6. The D.L. shall issue the revised bills within a period of one month from the date of this order.
7. The consumer shall pay the bills within a period 15 days from the date of receipt of the bills by him.
8. The D.L. is directed to pay a compensation of Rs.1000/ towards wrongful disconnection and harassment.

**The Distribution Licensee .& the consumer shall
Comply with the above order and report compliance
to**

the Forum

Inform the parties and close the case.

(H.A.KAPADIA)	(V.G.JOSHI)	(R.K.PINGLE)
MEMBER	MEMBER SECRETARY	CHAIRMAN

Case No. CGRF/AZ/AUR/U/36/2007/5

Dy.Manager Maharashtra State Ware Housing
corporation, Jadhavmandi, Aurangabad.

Vs.

M.S.E.D.C.L. Urban Circle, Aurangabad.

Sub: Grievance under the Maharashtra Electricity
Regulatory Commission (Consumer Grievance
Redressal Forum and Ombudsman) Regulations
2006

INTERIM ORDER

The Distribution Licensee is directed not to
disconnect the electricity supply of the consumer
complainant till the decision in the matter of
grievance.

(H.A.Kapadia)
Member

(V.G.Joshi)
Member secretary

(R.K.Pingle)
Chairman

