

BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM
AURANGABAD ZONE, AURANGABAD

Case No. CGRF/AZ/AUR/U/2005/ 11

Date of Filing: 30 / 09 / 2005.

Date of decision: 28./ 11 / 2005

Shri Satish T. Patel - The Consumer Complainant.

R/o plot No.31,G sector, Town Center ,Cidco,Aurangabad

V/s

**MAHARASHTRA STATE ELECTRICITY
DISTRIBUTION COMPANY LTD. (MSEDCL)**

The Distribution Licensee.

Sub: Grievance under the Maharashtra Electricity Regulatory
Commission,(Consumer Grievance Redressal Forum
and Ombudsman) Regulations 2003

1. The consumer complainant Shri Satish T.Patel (Con.No. 490011403163) has filed his grievance in Annexure “ A “ before this Forum on 30.09.2005 under regulation No. 6.5 of The Regulations 2003. A copy of the grievance was forwarded on 03.10.05 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 fifteen days and hearing in the matter was fixed on 21.10.05.
2. The grievance of the consumer in brief is as stated below.
The Consumer has taken electrical connection for his residence at Plot No.31, G sector, Town center ,Cidco, Aurangabad. It is contended that from last several months he was in receipt of wrong bills from MSEB and that he has made several complaints to the concerned officers for issuing him correct bills but the same was not done. It is further contended that he has made complaint to Internal Grievance Redressal Cell of MSEB in May 2005 but after calling him for discussion , he was told to contact MSEB Cidco office and get his problem solved , which has not been solved till he

filed his grievance before the Forum. It is further stated that he has received bill for Rs. 88780/ for August 2005 which shows arrears of Rs. 86579/ which includes interest of Rs. 12344/

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The consumer therefore requested to issue necessary instruction to MSEB to issue him correct bill, interest charged be totally withdrawn as the same is based on wrong bills and to issue necessary instruction to D.L. to grant him 3-4 instalments in paying bill after its receipt

3. On the date of hearing i.e on 21.10.05, the representative of consumer was present. However nobody was present on behalf of the D.L. Since the consumer has not filed copies of the bills in dispute, he was asked to file the same and also copy of the CPL. The case was adjourned to 27.10.05 .The response of the Nodal Officer was filed on 21.10.2005 after the hearing was over and proceeding was written.

On 27.10.2005, the representative of consumer was present. Nodal Officer and Divisional accountant were present on behalf of the D.L. In the response filed on 21.10.05, the Nodal officer has stated as below:

(1) The consumer is given bill reversion for average consumption till Oct.2002 and paid regularly.

(2) Due to compliant in Oct.2002 , bill was corrected for average use after bifurcation in 16 months for Rs. 7799/.

(3) In Nov/Dec.2002 meter reading was 6640 units also corrected for Rs. 13042/ RNA / REJ status for 12 months i.e. Rs. 35880- 13042= Rs.27255/ which was paid by consumer.

(4) Nov./Dec.2003 to April 2004 again was disputed period which was also rectified in June 2004 with credit of Rs. 6631/

(5) Meter was changed in 2004 with reading 10 + 10007 and bifurcated bill revision i.e. already submitted to C.A. for withdrawl of REJ/ RNA status and to consider only consumption by him

(6) Approximate amount of bill revision Rs. 34785/ is under consideration. up to Dec.2004 which was also communicated to him and he paid Rs. 50,000/ in Feb.2005

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The reply submitted by the Nodal Officer was very vague and on enquiry the Nodal Officer was also not in a position to explain and stated that unless original proposal is seen the necessary clarification can not be given. Therefore the consumer and the Nodal officer were directed to sit together and get explained /explain the necessary details ,and the case was adjourned to 14.11.2005

1. On 14.11.2005, the representative of the consumer was present. The Nodal officer was present. The representative of consumer filed application stating that he had been to the office of D.L. as directed but the Nodal Officer did not turn up there and the concerned officer/ employee did not show him details/documents so far as

position of his bills is concerned. The Nodal officer therefore was directed to be present along with all the details in respect of position explained in his response dt.21.10.05. The concerned officers of the sub division were also directed to be called ., However the Nodal officer shown willingness to call the concerned and after telephonic talk with them told that they are coming within half an hour. But even after waiting for hour and a half, the concerned officer did not report. With direction to call them ,the case was adjourned to 22.11.05.

2. On 22.11.05, the representative of consumer was present. The Nodal Officer & Executive Engineer Shri Pawar, Dy.Executive Engineer Shri Syed Abdul Khaleel and Shri Khalse, Asst.Accountant were present on behalf of D.L. The Nodal Officer, the Dy.Executive Engineer & Asst.Accountant stated that the consumer has been given set off for wrong billing on different occasions as mentioned below.

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| A) Rs. 466=00 | in January 2000 |
| B) Rs. 1667=23 | in August 2000 |
| C) Rs. 1081=30 | in June 2001 |
| D) Rs. 7799=04 | in October 2002 |
| E) Rs. 6631=11 | in June 2004 |
| F) Rs.9483=80 | in September 2004 |

Since the meter replacement report was not available, the member secretary was directed to procure the same.

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3. We have gone through the CPL. From the CPL, it appears that the connection was given in July 1999.It is also shown that in

August 2001 the meter was changed .The CPL bears reading up to sept.2005 and the current reading shown is 23815. The CPL also discloses that the reading from July 1999 to June 2004 are taken once in two months and from August 2004 onwards the meter reading is taken every month. On going through the documents filed by the consumer, we find that the consumer has applied to change his single phase meter and to instal three phase meter. The consumer has also paid Rs. 16651/ in June 2001 against the demand note issued to him. On going through the CPL we find that there are 44 (forty four)readings and only 8 (eight) readings (from Feb2005 to Sept.2005) are reflected in the CPL i.e. the previous reading, current reading and units consumed are mentioned in the CPL. So far as rest of the readings in CPL are concerned ,either they are not correctly taken, they are not taken ,lock status is displayed or reading given there in are rejected. The CPL discloses status such as RNA,RNA-REJ, LOCK,INACC. Therefore the CPL so far as the previous reading, current reading and units consumed by consumer is concerned does not deserve any consideration so far as the factual aspect is concerned.

7. The single phase meter that was installed in July 1999 bears number 89042340. The CPL also discloses that the meter number of the consumer was same i.e.89042340 till April 2004. As observed above the consumer has already applied for three phase meter and paid the amount as mentioned in demand note in the month of June 2001. Since the meter replacement report was not filed till last moment, the same was procured by the Member secretary. The meter replacement report discloses that the new meter i.e. bearing No.4021 was installed on 06.07.2001 with its initial reading as 00010. The meter replacement report also discloses that the reading of the old meter bearing No. 89042340 at the time of removal i.e. on 06.07.2001 was 04437. However the CPL discloses that the meter reading of old meter i.e. Sr.No. 89042340 for April 2004 is 13298.The CPL also discloses that for June 2004 the meter number mentioned is 4021 and its previous reading has been shown to be 00010 and current reading as 17107 and the consumption is shown as 17097 units.

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8. From this it will be quite clear that the entries in the CPL do not deserve any consideration as already stated above. Though the new meter was installed on 06.07.2001, it is surprising that this position is reflected in the CPL in the month June 2004. It is also surprising that though the readings in the CPL disclose status such as RNA/REJ/LOCK/INACC etc for over four years , none of the concerned officers found it necessary to go into the matter and reflect correct position in the CPL. It is highly irresponsible on the part of the concerned officer that they allowed this position to continue on CPL for over four years. It is because of this that the consumer was given inflated bills and on his representation he was given set off number of times as observed above. Since the meter replacement report discloses that the old meter at the time of removal i.e. on 06.07.2001 displayed reading 04437, the fact to be taken in to consideration is that the consumer has been charged bills against the old meter up to its reading up to 13298. Therefore irrespective of the fact the consumer is given set off number of times, the very base taken for consideration does not appear to be correct. As observed above the previous reading of the new meter for June 2004 is shown to be 00010 the meter reading in Sept.2005 of this very new meter is shown as 23815. In other words it means that the consumer has been charged and given set off considering 13298 as final reading of the old meter and 23815 (in Sept.2005) of new meter. As a matter of fact though the new meter was installed on 06.07 2001 with its initial reading as 00010 and is still there and the consumption is being recorded on it only which is 23815 in Sept.2005, the consumer has been charged for 13298 units against old meter till August 2004 and for 23815 units in Sept.2005 against new meter. Therefore it is quite clear that though the consumer has been charged against

recorded reading of 23815 of the new meter after deducting initial reading of 00010, he has also been charged for 13298 units against the old meter. As observed above the old meter was replaced by new meter on 06.07.2001 and reading at the time of removal of old meter was 04437 would disclose that the consumer has been charged for $13298 - 04437 = 8861$ excess units though after the removal of the old meter he has been charged for all the units recorded by the new meter from 06.07.2001 onwards.

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9. Having regard to the facts of the case, we have to consider the grievance in two aspects i.e. 1) as against the old meter and 2) as against the new meter . As observed above the readings recorded in the CPL excluding readings after Feb.2005 , are totally useless from the point of ascertaining the consumption of the consumer. Therefore so far as the old meter is concerned , we are left with no alternative than to consider its initial reading at the time of installation and its final reading at the time of removal i.e. on 06.07.2001, in ascertaining the total consumption of the consumer from Sept.1999 to June 2001 for arriving at average consumption during this period. The initial reading of the old meter was 00001 and therefore the total units consumed by the consumer from Sept.1999 to June 2001 would be 04436. The average monthly consumption of the consumer in the period so long as old meter was there would come to $4436 / 24 = 185$ units per month i.e. 370 units per billing cycle as was the practice in vogue during that period.

4. So far as the new meter is concerned the units consumed up to Sept.2005 are 23805 (23815-00010 as initial reading) and the consumer has been charged for all these units though the CPL discloses that the reading against the new meter since June 2004. Considering the reading from Feb 2005 till Sept 2005 as they stand recorded in the CPL the average consumption would come to $3455/8= 432$ units per month.
- a. In light of the above facts we are of the opinion that the consumer should be charged on the basis of the average units consumed during all the disputed period i.e. from July 1999 to Sept.2005. The disputed period from July 1999 to June 2001 is in respect of old single phase meter and average consumption during this period as observed above is 185 units per month or 370 units per billing cycles of two months. The average consumption from July 2001 to Sept.2005 i.e. disputed period in respect of new three phase meter is concerned , as observed above would be 432 units per month.

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Therefore it is ordered that,

- 1. The consumer should be charged @ average 185 units per month or 370 units for two month from July 1999 to June 2001**
- 2. The consumer should be charged @ average 432 units per month from July 2001 to Sept.2005.**
- 3. Rectified bill should be prepared considering average monthly consumption as stated in 1 and 2 above.**

4. **DPC or interest should not be charged while preparing the rectified bill or bills.**
5. **The payment made by the consumer against electricity charges shall be considered and amount deducted from amount to be paid.**
6. **After the bills are rectified and served on the consumer, the consumer shall pay the same within a period of three weeks from the date of receipt thereof.**
7. **The request of the consumer to permit him to pay the rectified bill amount in 3-4 instalments cannot be granted by the Forum. However the consumer is at liberty to make such a request to the D.L. Should such a request be made by the consumer, the D.L. may charge DPC & interest etc. in accordance with the rules in this regard, while permitting payment in instalments.**
8. **Necessary action, if deemed fit, may be taken after necessary enquiry in the matter of meter change report having not been in the CPL at proper time and also for allowing the position to continue in the CPL for over four years as observed in para 8 above.**

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