

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

Case No. CGRF/AZ/AUR/U/2006/ 04/24

Date of Filing: 03.04.06.

Date of Decision: 15.05.06

Shri Vithal Manikrao Kulkarni - **The Consumer  
Complainant.**

**Plot No. 12 , Gut No.93, near High court colony, New  
Satara Area ,Aurangabad.**

V/s

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

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

1. The consumer complainant Shri Vithalrao M.Kulkarni.  
( Con. No. 490011485682) has filed his grievance in  
Annexure “ A “ before this Forum on **03.04.06** under regulation No.  
6.5 of The Regulations 2003. A copy of the grievance was  
forwarded on 03.04.06 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 **24.04.06**.
2. The grievance of the consumer, in brief, as per consumer, is as  
stated below.

The consumer received electricity bill for **December 2005** on  
07.01.06 in which an amount of **Rs. 1831.90** was charged under the  
guise of bill adjustment. Since there was no proper explanation  
about this amount he orally enquired with the office of the  
Distribution Licensee, Railway station unit but no reply was given to  
him. Thereafter he enquired with the Deputy Ex. Engineer, Chavani  
sub division, Aurangabad who told him to pay the bill first then he  
will look into the matter. Since no proper explanation was given and  
since the amount was not acceptable to consumer he filed his  
grievance before the Internal Grievance Redressal Cell ( I.G.R.C.)  
Aurangabad urban circle on **21.01.06** Though he was told that he  
will be informed about the date of hearing , no communication was  
received by him. Therefore he personally went to the IGRC office  
and obtained letter on 14.02.06 of the hearing scheduled on  
16.02.06. Though he was present at the time of hearing on **16.2.06**,  
no body was present in the office .At 4-00 PM the Ex. Engineer  
came but since no body from Chavani or Railway station office was  
present, the hearing was adjourned to **21.02.06**.

On that date also the consumer was present but no body from Chavani or Rly. station unit were present till 5 PM. The consumer left with permission of Ex.Engineer after appointing his representative The Executive Engineer of the IGRC after discussion with the representative of the consumer concluded the hearing and informed that the decision will be communicated to him within 10 days. Since no decision was communicated to him he personally went to the office of the IGRC on 10.03.06 , when he was informed that the decision was given on 3.3.06 only. No heed of the grievance of the consumer was taken in the decision of the IGRC. Though the meter of the consumer was not burnt the decision mentioned the same having been burnt and ordered replacement thereof and also ordered recovery of the cost of the meter from the consumer. Similarly the bill was directed to be revised On 14.03.06 the consumer applied to the Dy. Ex., Engineer for revision of the bill but the same was not done. The old meter of the consumer was replaced on 02.03.06 . At the time of replacement the meter was in perfect working condition and disclosed reading 6903. On this very meter on 3.2.06 he was given a spot bill , which discloses that his meter was in perfect working condition. The bill for Feb.06 was for Rs. 2850/ and he has paid Rs.1500/ out of it... The consumer therefore requested to deduct Rs.1831.90 and give him a revised bill and he should not be asked to pay the cost of the meter and no DPC or interest should be charged to him.

On 24.4.06 , the consumer was present in person. The Nodal officer was present on behalf of Distribution Licensee, but he did not file his response even at the time of hearing. The Nodal officer was directed to submit copy of the report dt.26.12.05 of the Jr. Engineer and copy of the CPL and file of the IGRC and the case was adjourned to 27.4.06.

On 27.4.06 , the consumer was present .The Nodal officer & Dy.Ex. Engineer Chavani sub division were present on behalf of the Distribution Licensee. The Nodal officer filed his response on the grievance along with copy of CPL and decision of IGRC. Copy of the report dt.26.12.05 was not filed by the Nodal officer along with his response .The Nodal officer in his response stated that the report of the Jr.Engineer dt.26.12.05 & assessment sheet are not submitted ( to him ). When asked the Dy.Ex.Engineer stated that the report is there . When asked to file a copy thereof the Dy. Ex. Engineer stated that there is no separate or single report but the Jr.Engineer has given a report on a sheet in which entries under head “ seal broken consumer”, “Meter direct consumers”, and “meter burnt consumer “ are shown. The Dy. Ex. Engineer was asked to file copy of the same sheet and copy was filed. The case was reserved for decision.

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However since the meter replacement report & the assessment sheet relating to Rs. 1831.90 were not filed , the same was directed to be filed . Though the case papers relating to the grievance filed before the IGRC were not filed the same were directed to be filed.. On the same being filed, case is taken up for decision.

On going through the bill of Dec.05 , we find that besides the electricity & other charges for the electricity consumed, the consumer has been charged Rs.1831.90 in the name of bill adjustment and bill of Rs.2200/ was raised against the consumer.

We have gone through the grievance and documents filed by the consumer. We have also gone through the response filed by the Nodal officer , CPL of the consumer ,the meter replacement report, the assessment sheet and the report dt.26.12.05 of the Jr.Engineer , which is in the form of a sheet and the decision of the IGRC.

On going through he decision dt. 3.3.06 of the IGRC, we find that the concerned unit or the sub division of the Distribution licensee did not file any report or single paper containing the say of the DL before the IGRC. Similarly though the consumer in his grievance has stated that the hearing of the grievance was scheduled on 16.2.06 & 21.2.06 , the file of the IGRC does not disclose any thing relating to this. The consumer in his grievance has stated that on both the dates of hearing , no body from Railway station unit or chavani subdivision were present at the time of hearing before the IGRC. The file or the decision of the IGRC does not disclose the presence of anybody from Dy. Ex. Engineer or Rly. station unit. However surprisingly the contention of the Dy. Ex. Engineer ,chavani based on the report of the unit that the meter of the consumer was burnt and hence assessment is charged finds a place in the decision of the IGRC. When the file of the IGRC does not disclose any body from Dy. Ex. Engineer or unit office was present at the time of hearing , accepting the so called contention of the chavani Dy.Ex.Engineer about meter being burnt etc, in absence of any single paper embodying such contention , we are really surprised that a contention which is not justified anyway as explained above , has been made the sole base of the decision by the IGRC. The IGRC in its decision has ordered as below.

1. Assess the electricity charges to the consumer for the period for which meter was not available due to burning of the meter as per commercial circular No. 17.
2. Replace the burnt meter on priority.
3. The cost of new meter which is replaced may be recovered by the consumer.

4. Revised energy bill should be issued to the consumer within 15 days from the date of decision.
5. The consumer should pay the revised energy bill within 15 days from the date of receipt of the bill.
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7. On going through so called meter inspection report dt.26.12.05 , we find that the so called meter inspection report is not a report relating to a single meter but in fact a sheet in which information under subheads such as seal broken consumers, meter direct consumers, meter burnt consumers etc is given under twelve columns. The twelve columns are Sr. No. consumer name, consumer number, meter number, reading, route, make capacity, sanction load , seal position, category , remarks. We have gone through the entire file of so called meter inspection report at the time of hearing. There are total 14 sheets signed by the JE under sub heads and columns as mentioned above. Out of 14 sheets, only three sheets bear a date on the top left hand corner and the dates mentioned are 15.12.05 ,10.11.05 and 15.11.05. The relevant sheet so far as this consumer is concerned relates to Bank colony DP and no date is mentioned on top left hand corner of this sheet. The date mentioned on top left hand corner of the sheet possibly may be date of inspection. However all the 14 sheets have been signed by the JE and date 26.12.05 has been written by him under his signature. Though there are entries of 20 consumers in the sheet , signature of not a single consumer appears to have been taken thereon.

The Entry relating to the present consumer appears under sub head meter burnt consumer and entry of consumer is at sr.no. 1. We have also gone through the meter replacement report which shows date of replacement as 2.3.06. In the replacement report against column no.7 i.e. reason, nothing has been mentioned. However against seal position, mentioned of two seal broken is made. The meter replacement report does disclose that the meter is being replaced because the old meter is burnt. The meter replacement report discloses the reading of the old meter No. 06766604 at the time of replacement was 06903 .The consumer has also filed copy of electricity bill given to him under spot billing scheme .The bill No. 0324 dt.3.2.06 relates to the consumer and the reading of the meter on **31.12.05 & 25.1.06 is 6582 & 6783** respectively.

The meter when replaced on 2.3.06 showed reading as 6903 as per meter replacement report. The meter inspection report, rather the sheet though does not disclose the date on which the inspection of the meter was carried out, bears date 26.12.05 under the signature of the Jr. Engineer.

The contention of the Dy.Ex. Engineer & of the Nodal officer is that the meter inspection has been carried out on 26.12.05. If the meter on 26.12.05 was found to be burnt we fail to understand as to how it could give a reading 6783 on 25.1.06 at the time of spot billing and 6903 on 2.3. 06 at the time of replacement of meter. All these taken together we are of the opinion that the meter was not burnt. Had the meter been burnt on 26.12.05 it could not have given reading as 6783 on 25.1.06 and 6903 on 2.3.06. If a burnt meter could show progressive reading, the circumstances under which this could be possible has not been mentioned or explained by the DL. The bill no.0324 dt.3.2.06 ( spot bill ) discloses status of meter as normal. The order part at Sr.No.1 of IGRC in its decision dt.3.3.06 mentions "assess the electricity charges to the consumer for the period for which meter was not available due to burning....). It is surprising that the IGRC appears to have accepted the mere word of the Dy. Ex. Engineer ( we do not know whether the same was passed or not to the IGRC by the Dy.Ex. Engineer, as it does not appear from the case papers of the file of the IGRC.) and ordered to assess the charges for the relevant period. As observed above the meter was very much available there and the same was also disclosing reading and the status of the meter on 25.1.06 was normal. In light of the above observation we are of the opinion that the action on the part of the Distribution licensee in raising bill in the name of adjustment charges is unilateral, highhanded and unjustified and hence deserves to be set aside.

We are not inclined to accept the contention of the DL that the meter was burnt and therefore Rs.1831.92 have been charged under the name of bill adjustment .Since the contention of the Distribution Licensee about the meter having been burnt, is not accepted we do not find it necessary to go into the correctness or otherwise of the action of the Distribution Licensee in charging,500 extra units therefor.

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On going through all the record before us we are of the opinion that the grievance of the consumer is correct and deserves to be redressed. Hence the following order.

**ORDER**

- 1) The decision of the IGRC dt.3.3.06 is quashed and set aside.**
- 2) The bill raising demand of Rs.1831.92 by way of bill adjustment is quashed. The amount of DPC and interest thereon till today is also quashed .**
- 3) The consumer shall not be charged cost of the meter as the old meter was in working condition.**
- 4) The consumer shall be issued a revised bill within a period of one month from the date of this order and the consumer shall pay the same within a period of 21 days from the date of receipt thereof. While issuing the revised bill the consumer shall be given setoff of the amount already paid by him.**
- 5) The Distribution Licensee. is ordered to pay Rs.500/ as compensation to the consumer for undue hardship & harassment caused to him , within a period of 90 days from the date of this order**

**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)**  
**MEMBER**

**( V.G.JOSHI)**  
**MEMBER SECRETARY**

**( R.K.PINGLE)**  
**CHAIRMAN**