

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

**Case No. CGRF/AZ/AUR/R/654/2017/47  
Registration No. 2017090021**

Date of Admission : 19.09.2017

Date of Decision : 23.02.2018

The Chief Officer, : COMPLAINANT  
Nagar Parishad,  
Sillod. Tq. Sillod 431112,  
Dist. Aurangabad.  
(Consumer No. 900010345091,  
900010082821, ... 495511437805.  
Total 41 Nos. of Street Light  
Connections)

**VERSUS**

The Executive Engineer (Admn) : RESPONDENT  
Nodal Officer, MSEDCL, Rural Circle,  
Aurangabad.

Complainant Representative : Shri HA Kapadia

Respondent : 1) Shri PM Rajput, EE, Kannad Dn.  
2) Shri SM Adhikar, Dy. EE,  
Sillod Sub Division.

**CORAM**

Smt. Shobha B. Varma, Chairman  
Shri Laxman M. Kakade, Member Secretary  
Shri Vilaschandra S. Kabra Member.

**CONSUMER GRIEVANCE REDRESSAL DECISION**

1) The applicant The Chief Officer, Nagar Parishad, Sillod, Tq. Sillod 431112, Dist. Aurangabad is a consumer of Mahavitaran having (Consumer No. 900010345091, 900010082821, ... 495511437805. Total 41 Nos. of Street Light Connections). The applicant has filed a complaint against the respondent, the Executive Engineer i.e. Nodal Officer, MSEDCL, Rural Circle, Aurangabad under Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulation 2006 in Annexure (A) on 19.09.2017.

**Brief History of the case :-**

The Petitioner has filed the complaint raising following contentions:-

1) That, the petitioner is working as Chief Officer of Nagar Parishad, Sillod which is a local self Government body constituted under the Maharashtra Nagar Parishad Act. Respondent is authorized officer of Maharashtra State Electricity Distribution Company which is working as Licensee as per provision of electricity Act 2003.

2) The petitioner is providing obligatory services like health, education, Street lighting, drainage, water supply etc. to the residents of sillod, District Aurangabad through it's Technical staff and skilled workers.

1. The Petitioner submits that providing street lighting in common areas under jurisdiction of Nagar Parishad is also part of the obligatory services.

2. It is submitted that petitioner has taken 41 Nos. of LT connections from Respondent for providing street lighting for the areas falling under jurisdiction of Sillod Nagar Parishad. The said meters are installed by the Respondent at respective locations which are easily accessible.

3. It is submitted that since there was no technical person to verify correctness of the bills issued by the Respondent, petitioner used to pay part payment as per funds made available by Govt. of Maharashtra. However, after deputation of technical person, the petitioner verified the bills issued by Respondent and found that most of the bills are either issued without taking the meter reading or by showing wrong and abnormally high readings.

4. It is submitted that, Respondent issued 15 days notice on 19.06.2017 for payment of street light bills and thereafter disconnected the supply in the month of July 2017. The supply was reconnected after making part payment of Rs. 50,000/- as per directives issued by Hon'ble Energy Minister, GOM. The copy letter addressed to Energy Minister is annexed herewith.

5. That after reconnection of supply, complainant submitted complaint regarding issuing correct bill as per consumption and meter reading revised bill as per actual meter reading. Copy of letter dtd. 04.09.2017 is filed.

6. That, no response was received from Respondent, so, petitioner deputed his staff to inspect and verify actual meter reading shown on meters installed for street lighting. After noticing huge difference in the readings on 23 locations, petitioner once again requested Respondent to verify the readings and to issue revise bill as per actual meter readings. Copy of letter dtd. 15.09.2017 is filed.

7. The petitioner has submitted that while reconnecting supply of street lighting, the petitioner submitted details of arrears payable by Respondent towards property tax and other charges and requested to either pay the same or adjust in the arrears.

8. It is submitted that in spite of incurring heavy financial loss towards performing obligatory duty of providing street lighting to the resident of Sillod, the petitioner has paid the monthly bills regularly. The petitioner has already submitted details of meter reading and difference in amount due to wrong reading taken by Respondent. That, petitioner is ready to make arrangement for payment of arrears subject to settlement of account towards property tax and other charges.
- 3) It is prayed to allow the grievance and
- 1) The Respondent may be directed not to disconnect electricity supply till final disposal of the grievance.
  - 2) Respondent may be directed to jointly inspect street lighting meters installed at all locations.
  - 3) Respondent are directed to pay or adjust the property and other charges due with MSEDCL.
  - 4) Respondent may be directed to issue revise bill as per actual reading on meter after deducting amount paid by the petitioner and after waiving of interest and DPC charges.
- 4) The Respondent has filed his say on 23.10.2017 (Page No. 22) & raised following defence :-
1. There are 50 Nos. of street light connections in the name of the Chief Officer, Nagar Parishad Sillod.
  2. That the Respondent is providing uninterrupted services to above mentioned street light consumers against that they are providing energy bills to all 50 street light by taking meter readings of each consumer, but it is seen that most of them are burnt and missing from site, remaining meters which are at site and having normal condition are found in

by-passed condition. In such circumstances MSEDCL is compelled to calculate the energy bill on the basis of connected load and working hours.

3. It is submitted that they have replaced burnt meters to get the correct energy bills to the petitioner, but their efforts are proved futile by some miscreant staff of Nagar Parishad, Sillod by tampering these new meters. That they have preserved the photographs and video shootings of street light locations, where the malpractices are being carried out. Such activities are covered within the ambit of section 135/138 of an IE Act 2003.

4. It is alleged that the petitioner is not paying the energy bill regularly and pretending for wrong bills being issued by MSEDCL. That they were making every effort to be precise for issuing electricity bills as per consumption recorded in energy meter, but the meters installed by MSEDCL are being bypassed.

Further to avoid frequent burning energy meters they have installed higher capacity of energy meter (3ph) at each location with prior information to CO, Nagar Parishad, Sillod. As each street light location there is excessive load which is more than sanction load, at some location CO, Nagar Parishad, Sillod has not paid firm quotations and utilizing the electricity for streetlight without authorized connection.

5. It is submitted that, for regularizing these unauthorized street light connections, they have issued firm quotations to CO, Nagar Parishad, Sillod. So petitioner can't demand for correct bill. That, the Assistant Engineer, Sillod urban has recorded the event of bypass the energy meters. That the petitioner is unwilling to pay the energy bill & hence it is not honest consumer. That, in order to avoid conflict in future, petitioner's

- representative may remain present while taking monthly readings from time to time.
6. That, the bills issued by respondent MSEDCL are admitted by the complainant and has made payment to the respondent. The correspondence between the parties is filed.
  7. That, the complaint is not within limitation, hence may be dismissed.
  8. It is submitted that to order the petitioner for the payment of energy bills in time & in case of financial inability, Petitioner approach to the higher authority for part payment of arrears.
- 5) The complainant has submitted rejoinder to inspection report & calculation sheet submitted by the Respondent.
1. That, the complainant, along with his grievance submitted copy of letter dt. 15.09.2017 addressed to Asst. Ex. Engineer, Sillod and brought to his notice the difference between actual readings on meters and billed by Respondent.
  2. That, on receipt of CPL of street light connections from Respondent and after observing that all the bills were issued without taking actual meter reading. The monthly consumption shown on bills, from date of release of connection, were also on very much higher side as compared to actual use.
  3. That, the third party commission submitted report of 39 Nos. of street light connection out of 41 Nos. connection as the data of 10 Nos. of connections was not made available to them by the Respondent.
  4. That the complainant fully agrees with the inspection report and the assessment carried out by the third party commission, the same is based

on technical calculations and is as per Electrical Engineering practice of evaluation of electrical consumption.

5. That, in order to settle the issue amicably, the complainant submitted his proposal to Respondent along with details of consumption actually required to be billed. That, Respondent initially agreed to settle the grievance amicably, however after receipt of general directives from their Head office expressed their inability to settle the issue as the period of assessment is above six months.
  6. That, the Respondent has issued disconnection notice dt. 19.06.2017 and demanded payment of Rs. 1,89,56,207/- for all street light connections provided in jurisdiction of Nagar Parishad, Sillod. Respondent has not issued a separate disconnection notice for each street light connection. In addition to above, respondent has shown amount recoverable in all bills issued for each connection. The above fact confirms that the cause of grievance is from date of connection and is continued till toady.
- 6) The Respondent has filed additional say (Page No. 272, 385, 386 & 488) & raised following submission :
1. As per CPL reports the consumption for 41 nos. of consumers which is billed as 39,84,580 units. Where as if actual load taken for 41 nos. of consumers then 63,79,565 units required to be billed but here again we MSEDCL Billed less 23,94,985 Units. The cause for burning of meters is overloading & not switching arrangement.
  2. That, the Petitioner is using 49 Nos of unauthorized street light connections whose consumption is 47,25,316 units which is to be billed by

MSEDCL. That the complaint may be directed to regularized the illegal street light load.

3. As per Inspection Report, the petitioner is required to be billed 25,24,468.8 units for 41 no of consumers, as compared third party committee report with reference to CPL the difference is -14,60,111.2 units, But the illegal load having 47,25,316 units, so the difference again remain as  $(+47,25,316 - 14,60,111.2)$  32,65,204.8 units which are remain to be billed by MSEDCL. The proposed consumption is not justified. The consumption is required to be calculated on load basis.

4. That, Before 2 years Nagar Parishad Sillod totally using sodium vapour lamps (500 Watts Each) instead of Tube light Fixtures (96 watts each) for street lights, also as per today's scenario at some places Nagar Parishad Sillod uses sodium vapour lamps, therefore the shown consumption 63,79,565 units is as per today's connected load is less than previous connected load which is used by Nagar Parishad Sillod previously.

5. As per CPL Records it is found that, Nagar Parishad Sillod NOT Paying A Single Street Light energy Bills for 5 years in a ROW. Due to which the arrears are tremendously reflecting in energy bills as interest DPC are automatically raised through IT system. Hence, it is submitted that the energy bills given by MSEDCL is correct & may be finalized & Petitioner may be directed to regularize the illegal street light load as Sillod is one of the RAPDRP Town selected by Govt. of India. for loss reduction and better services to the Town Ship Sillod.

6. That, the funds given by Govt of India for loss reduction are converted into Loan amount if appreciable reduction in Loss (up to 15%) is NOT achieved by MSEDCL. and accordingly stringent action will be imposed on

Town Incharge and employee's. That, the Petitioner is irregular in payment.

7) We have perused entire record, heard argument of both parties.

Following points arise for our determination with our findings thereon for reasons to follow :-

Sr. No.	POINTS	FINDINGS
1)	Whether bills are required to be revised to complainant about street light consumption of energy ?	Partly yes
2)	If yes, for what period ?	From 19.09.2015
3)	Whether amount of interest & DPC charges are required to be deducted from the bill & if yes for what period ?	Partly yes, to the extent of bills from 19.09.2015
4)	Whether the complaint filed is within limitation?	Partly yes, to the extent of bills from 19.09.2015
5)	Whether the bill of arrears is adjustable as claimed by the complainant?	No
6)	What order & costs?	As per final order

### REASONS

8) **Point No. 1 to 4 :-** The dispute raised by the complainant is about revision of bill on the basis of actual reading.

9) The Petitioner is challenging reading of the bill of following 41 consumers of list is submitted at Page No. 14. Those Nos. are as follows.

Sr. No.	Consumer No.
1	900010345082
2	900010345074
3	900010345091
4	900010082812
5	900010082821
6	900010082928
7	900010082987
8	900010082995
9	900010083029
10	900010082936
11	900010082961
12	900010082839
13	900010229422
14	900010229431
15	900010229449
16	900010229457
17	900010229465
18	900010229473
19	900010229481
20	900010229490

Sr. No.	Consumer No.
21	900010082847
22	900010082863
23	900010082880
24	900010082910
25	900010082979
26	900010083002
27	900010083037
28	900010083045
29	900010083053
30	900010083061
31	900010083088
32	900010083070
33	900010082901
34	900010082944
35	900010082952
36	900010082855
37	900010082871
38	900010082898
39	900010083011
40	900010083096
41	900010412944

10) It is an admitted fact that on 19.06.2017 demand notice under section 56 of Indian Electricity Act (Page No. 9) was issued by the Respondent to complainant claiming arrears of Rs. 1,89, 56, 207/-, which was received to the complainant on 28.06.2017. Second demand notice was issued on 15.07.2017, claiming same above amount & received to complainant on 18.07.2017. It is contended by the complainant that they have deputed their staff & verified the meter reading for the month of July 2017 & it was found that there was much difference between meter readings given by the Respondent than actual reading for which the complainant has submitted the details to respondent on 15.09.2017, copy of it is produced at page No. 11. So, they claim revision of bills. The prayer of revising is

without specifying any period. It is submitted by Consumer Representative Shri Kapadia that the bills may be revised since its installation, i.e. from 1998-99, 2002 onwards. It is important to note that neither the Respondent has made consumer wise demand, nor there was such payment. But, the payment was made in lump-sum & was allocated by the Respondent to each of the consumer.

11) In order to substantiate the claim the complainant has produced copies of energy bills for June 2017 (Page No. 441 to 489).

12) On perusal of entire documents, it is transpired that the complainant though has raised dispute about 41 consumer Nos. of Sillod town, however, the Respondent has in their say (Page No. 22) raised contention about 50Nos. street light connections legal & 47 Nos. connection ( Page No. 292) as illegal. It is an admitted position that out of street light connection existing in Sillod town some meters are burnt, some are missing from site, & some are found by passed. So considering the state of affair, it is not unnatural that meter reading as given by the Respondent is incorrect.

13) Now, let us examine correspondence occurred between the parties, that on 26.07.2017 & 28.07.2017, the Respondent issued letter (Page No. 29 & 30) for regularizing 65 unauthorized connection (excluding 50), that on 11.08.2017, Dy. Executive Engineer of Respondent (Sillod) issued to Assistant Engineer for spot inspection of all street light connection of Sillod Town. That, on 08.08.2017, the complainant issued letter (Page No. 32) to the Respondent & claimed to correct the bill as there was difference in meter reading given by Respondent & actual reading On 04.09.2017, the complainant by issuing letter (Page No. 35) claiming correctness of the bill of July 2017.

14) In the backdrop of the fact of correctness of meter reading is in dispute & the situation of burning of meter, by pass & missing of meter, this Forum on hearing both sides has appointed committee consisting of three members from Urja Sahayog & two members from Urja Manch, NGO. These members are namely. S/Shri 1) S. D. Mangulkar, Rakashbhuvankar, J.G. Aher, Sharad Chobe & Pathan Sherkhan, who are technical experts, who are retired engineers of MSEDCL & having complete technical knowledge in the field of distribution of electrical energy. Directions are issued to these members for spot inspection of 41 consumer cited in the list of complainant, to examine meter reading, by-pass, cause of burning of meter, to inspect connected load on each meter & to examine the meter reading whether recorded correctly or not. That, on 03.11.2017 in presence of consumer representative Shri Kapadia & Shri Adhikar, Dy. EE, Sillod Sub Division, Shri Wadurwar, Asstt. Engr, Sillod Unit & Shri Kole, Dy.EE, Kannad Division, spot inspection was made & the inspection report submitted by them is reproduced as follows :

15) **Observations of the third party inspection committee.**

1. Even though 50 Nos. of locations are inspected, 39 consumer Nos. are tallying with CPL provided to us.
2. At most of the locations meter reading does not tally with the reading shown on CPL.
3. The meter change reports are not made available.
4. The meters are installed without meter box.
5. There is no proper switching arrangement for street lighting.

6. At 3 Nos. of locations no meter were provided for recording street light consumption.
  7. At most of the location, load side neutral was found not connected to meter resulting in to incorrect recording of consumption.
  8. At some locations meter was found burnt or having No display.
  9. At 3-4 locations, it is observed that the street lights are connected directly to phase as there is no street light phase on existing pole.
- 16) **Recommendation** : In view of above observations and in order to arrive at correct consumption, we have measured the voltages, current and noted the power factor at each locations. We have considered 10 hrs. per day and 30 days in month for calculating the proposed consumption. The proposed consumption at each location is attached.
- 17) The committee has submitted separate sheet of each and every details of each 39 consumer meter Nos. examined by them & have drawn average consumption of these connections. Further the committee has found nine consumer number (as listed at Page No. 62) which are not given & no meter & CPL is available. The committee has proposed average consumption drawn by the committee by using standard formula :-
- $$\text{Voltage} \times \text{Current} \times \text{Power Factor} = \text{KW}$$
- $$\text{Monthly KWH} = \text{KW} \times \text{Daily Hours} \times 30 \text{ days.}$$
- 18) Following is the table prepared by us showing average consumption drawn by the Committee (presuming daily 10/12 hrs consumption) & also consumption proposed by MSEDCL ( Page No. 304) & consumption as per CPL.

Sr. No.	Consumer No.	Meter No.	Third Party Inspection Report Discrepancies observed	Third Party Inspection Report proposed monthly consumption (Units)		Last month consumption as per CPL (Sept. 2017)	Proposed monthly consumption by Respondent	Last receipt of payment	Remarks
				Considering daily					
				10 Hrs.	12 Hrs.				
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>
1	900010345082								3rd Party not inspected
2	900010345074	5468368	--	1440	1728	--	857		Revised bill as per average proposed on connected load
3	900010345091								3rd Party not inspected
4	900010082812								3rd Party not inspected
5	900010082821	60288048 (As per CPL 1658427)	No meter seal	540	648	1094	1464	10 August 17 Part Payment	Revised bill as per average proposed

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>
6	900010082928	1658452	Meter out going burnt	218	262	561	494	10 August 17 Part Payment	Revised bill as per average proposed
7	900010082987	1157766	No display	424	509	406	357	10 August 17 Part Payment	Revised bill as per average proposed
8	900010082995	1658429		186	223	480	499	10 August 17 Part Payment	Revised bill as per meter reading
9	900010083029	584564	Neutral outside	798	958	840	928	10 August 17 Part Payment	Revised bill as per average proposed
10	900010082936	1658427 (As per CPL 1657760)	No meter seal	190	228	1213	1788	10 August 17 Part Payment	Revised bill as per average proposed
11	900010082961	8589435	No terminal seal	394	473	443	428	10 August 17 Part Payment	Revised bill as per average proposed
12	900010082839	60288036 (As per CPL 60288037)	No display	330	396	67	3089	10 August 17 Part Payment	Revised bill as per average proposed on connected load
13	900010229422	585245	Cover broken	110	132	468	214	10 August 17 Part Payment	Revised bill as per average proposed
14	900010229431								3rd Party not inspected

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>
15	900010229449	7288050 (As per CPL 585247)	Meter not working	490	588	664	999	10 August 17 Part Payment	Revised bill as per average proposed
16	900010229457	584519	No neutral connection	200	240	747	607	10 August 17 Part Payment	Revised bill as per average proposed
17	900010229465	(As per CPL 60288045)	No meter	72	86	133	416	10 August 17 Part Payment	Revised bill as per average proposed
18	900010229473	60288044		600	720	133	2731	10 August 17 Part Payment	Meter replaced in Sept. 2017 Revised bill as per New meter reading.
19	900010229481	60288049	No reading on meter	345	414	133	785	10 August 17 Part Payment	Revised bill as per average proposed
20	900010229490								3rd Party not inspected
21	900010082847	60288038		469	563	67	0	10 August 17 Part Payment	Revised bill as per meter reading
22	900010082863	1658443	No neutral connection	207	248	1000	907	10 August 17 Part Payment	Revised bill as per average proposed
23	900010082880	589438	No display	533	640	502	535	10 August 17 Part Payment	Revised bill as per average proposed

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>
24	900010082910	1657768	Load Shifted	197	236	697	607	10 August 17 Part Payment	Revised bill as per average proposed
25	900010082979	584422 (As per CPL 60288040)		96	115	133	785	10 August 17 Part Payment	Revised bill as per meter reading
26	900010083002								3rd Party not inspected
27	900010083037								3rd Party not inspected
28	900010083045	1658426		611	733	1528	499	10 August 17 Part Payment	Revised bill as per meter reading
29	900010083053								3rd Party not inspected
30	900010083061								3rd Party not inspected
31	900010083088	1657767	Meter burnt	306	367	589	800	10 August 17 Part Payment	Revised bill as per average proposed
32	900010083070								3rd Party not inspected
33	900010082901	5468638 (As per CPL 60288047)	Meter direct	59	71	133	1535	10 August 17 Part Payment	Revised bill as per average proposed

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>
34	900010082944	1658428	Neutral not connected	690	828	--	892	--	Revised bill as per average proposed on connected load
35	900010082952	60288047 (As per CPL 60288042)		249	299	67	285	10 August 17 Part Payment	Revised bill as per meter reading
36	900010082855	1657770 (As per CPL 1657768)	Neutral bypass	507	608	611	749	10 August 17 Part Payment	Revised bill as per average proposed
37	900010082871	584568	Meter direct	243	292	1293	1821	10 August 17 Part Payment	Revised bill as per average proposed
38	900010082898	-	No meter	180	216	67	252	10 August 17 Part Payment	Revised bill as per average proposed on connected load
39	900010083011	584517	Neutral not connected	131	157	468	372	10 August 17 Part Payment	Revised bill as per average proposed
40	900010083096	60288040 (As per CPL 588437)		200	240	313	357	10 August 17 Part Payment	Revised bill as per average proposed
41	900010412944	1658430 (As per CPL 1658428)	Neutral not connected	294	353	759	886	10 August 17 Part Payment	Revised bill as per average proposed

19) Clarification (Page No. 345 to 359) on the point of assessment of proposed average units, its calculation was asked by this Forum to Third Party Inspection Committee. So also, the Respondent also sought some clarification points consumerwise as submitted on (Page No. 324 to 343). Almost in respect of all consumers the common objection raised by Respondent is Load Test by measuring voltage & current to proposed assessment submitted by Committee is not clear & not justified & proper procedure was not followed. On the other hand, complainant has fully agreed with the inspection report & the assessment carried by them as submitted in the rejoinder (Page No. 389 to 391) para 7. The third party inspection committee submitted their clarification ( Page No. 360) & explained that,

1. They have inspected all meters of street lighting of Sillod town.
2. Those are 50 Nos. wherever readings available, actual reading is taken status of each meter is noted. Locations where meters not provided is specified.
3. At many locations, neither meter box, nor cut out / MCB & no proper switching arrangement provided by MSEDCL which might be the cause for burning & non functioning of meters.
4. That, recording of electricity consumption on energy meter depends on voltage, current & power factor i.e.  $KWH = \text{Voltage} \times \text{Current} \times \text{Power Factor} / 1000$ . On the basis of above formula, they have measured voltage, current at each location & calculated KWH consumption by assuming power factor as unity. As per discussion with petitioner Consumer Representative & Respondent representative they have considered 10 hrs. per day & 30 (thirty) days per month for evaluating monthly consumption.

5. Technical parameters are correct. 12hrs. / day can be considered on the basis MSEDCL circular, if any.
  6. Calculation of KWH consumption on the basis of connected load is incorrect in the present matter, as many of the street lights installed are not in working conditions due to failure of chokes & other technical problems.
  7. Most of the street lights provided by Nagar Parishad are of 4 X 24 W type (4 Nos. of 24 Watts fittings). Out of four Nos. of tube rods, at many places either one or two tube rods are fitted in fittings & therefore evaluation on the basis of connected load is improper method of calculation of KWH units. So, in their opinion calculation KWH consumption on the basis of voltage, current Voltage & power factor is the only correct way to analyze the consumption.
- 20) While rejecting the objections of Respondent we are fortified by following reasons :-
1. According to Commercial Circular No. 133 clause 2.2.2. Assessment of energy consumption = connected load & it is found at the time of inspection in  $KW \times Diversity\ Factor \times Load\ Factor \times working\ hrs.\ per\ day \times No.\ of\ days\ in\ month$ . Third party inspection committee inspected the sites & observed that meter burnt, neutral by pass & missing meter box & display. Considering this particular situation the Committee has measured actual current, voltage & calculated KW & hence proposed monthly consumption. They have considered actual load measured in form of current, voltage & actual working 10/12 hrs. & it is justified. It is practical method applied by the committee considering the situation. As per this method, consumption of actual

working street lights is measured. Where as in case of considering connected load, it goes on higher side without taking in to account this aspect. So also, MSEDCL has not submitted consumerwise spot inspection report showing detail of connected load & therefore their proposition that only connected load method has to be applied is not justified. So also as referred above in respect of (4) consumer Nos., for sake of difficult situation e.g. No approach road the connected load method is applied by the committee.

2. All committee members are technical expert & experienced retired officer of MSEDCL & working NGO & have no reason to State falsely or wrongly.
- 21) For above reasons, we are satisfied about third party committee report & we reject the objections raised by the Respondent.
- 22) Considering the thirty party inspection report & admitted situation about burnt meters, missing meters, by-pass, no display, it is apparent that meter reading given by the Respondent is incorrect also not found on meter & hence not justified. Considering the incorrect meter reading as transpired in July 2017, onwards is found incorrect.
- 23) In this respect, it is submitted by Consumer Representative Shri Kapadia for complainant that the bills are revisable from the date of its installation i.e. 1998-99, 2002, 2005, 2012, 2016 (Considering respective electric meter installation). In this respect Rule 6.6 of MERC Regulations 2006 (CGRF & Ombudsman) is material which speaks as under :-

“The Forum shall not admit any grievance unless it is filed within two (2) years from the date on which the cause of action has arisen.”

24) True that, considering the demand notice (Page No. 9) under section 56(1) of Indian Electricity Act, 2003 issued by the Respondent against the complainant on 19.06.2017 & was received to the complainant on 28.06.2017 & second demand notice (Page No. 8) was issued on 15.07.2017, complaint filed on 19.09.2017 is within two years & therefore is partly within limitation. Because, for purpose of revision of bills, as per considering Rule 6.6 as referred above considering the date 19.09.2017, the bills are revisable only from 19.09.2015. It is important to note that the complainant has never raised grievance about bills before filing the present complaint but deposited part of the amount of arrears from time to time and lastly deposited the amount on 10.08.2017. Another aspect of the dispute is that the situation noticed by the third party inspection committee about burnt meters, by-pass, no display, no meter box is found as on 03.11.2017 i.e. on the date of inspection. There may be divergent situation long back at the time of installation of meters in 1998-99, 2002, 2005, 2008, so considering this aspect, it cannot be presumed the long back same situation was existing.

25) In this respect Consumer Representative Shri Kapadia for the complainant has drawn our attention to the ratio laid down in following cases.

**M/s. Hindustan Petroleum Corporation Limited Vs Maharashtra State Electricity Distribution Company Limited & Others, W. P. No. 9455/2011, decided by Hon. High Court Bombay on 19.01.2012.**

26) In the said case the grievance was about categorization of LPG Gas Bottling Plant. On receiving bill, consumer made representation on 26.08.2009 to MSEDCL. On 22.10.2008 Section Engineer, Sangli sent reply to the petitioner about appropriate tariff. Petitioner did not immediately filed complaint to CGRF created by MSEDCL, but filed complaint before CGRF, Sangli, which was dismissed

on 28.07.2010 as not maintainable, therefore complaint was filed before IGRC, who also held that dispute is not maintainable, thereafter, the grievance was filed before CGRF, Kolhapur on 14.12.2010, who has held that under Rule 6.6, CGRF has no power to admit the dispute. Ombudsman also concurred with the view.

27) In the back drop at these facts, it was held by Hon. High Court that considering that petitioner initially approached to IGRC & it had rejected it on 27.10.2010, so it was held as the date of cause of action & therefore the dispute was held within limitation.

28) Here the dispute is completely on the different footing of facts, wherein on demand notice received in July 2017, the complainant is challenging the bills of issued by Respondent. Since 1998-99 onward i.e. from installation of meter. So the ratio laid down in the case submitted by complainant is inapplicable to present state of affairs.

29) Second case relied upon by complainant is **MSEDCL V/s Shilpa Steel & Power Ltd., W.P. No. 3997/2016, decided by Hon. High Court, Nagpur Bench, dtd. 18.07.2017**, wherein also the dispute was regarding wrong categorization. Considering the fact that petitioner had raised disputed before IGRC, who has rejected it was held as the date of cause of action.

30) The dispute before us is on completely different footing so the ratio is not applicable to present dispute.

31) Considering Rule 6.6 MERC Regulations 2006 (CGRF & Ombudsman), in the present dispute, considering the situation of burnt meters, missing meters, by-pass, no-display as forthcoming in the report of inspection committee & also not disputed by Respondent, it is seen that billing was not as per actual consumption. So, it is necessary that, the energy bills preceding two years of filing the complaint i.e. the complaint is filed on 19.09.2017, so the bills from 19.09.2015 are only

revisable & to be charged on average consumption (25 meters) calculated by the inspection committee. In respect of 6 connections the meter is found OK, so consumption as per meter reading be considered. It is specified by us in the aforesaid table, by taking in to account 12 hrs. consumption. Hence the point of limitation is held partly in affirmative to the extent allowing revision of bills from 19.09.2015 consequently interest & DPC charges from 19.09.2015 requires to be deducted from those bills. We answer point Nos. 1 to 3 accordingly, we hold point No. 4 that to the extent of bills from 19.09.2015, the complaint is within limitation.

32) It is found that out of 41 No. of consumers as listed by the complainant challenged in this dispute 31 No. of electrical meters are inspected by the inspection committee & 10 Nos. are not inspected. So, the revision of bills be made only in respect of 31 No. of consumers.

33) **Point No. 5 :-** The complainant though has claimed adjustment of arrears towards property and other charges due from Respondent, however these two are different heads. No specific amount of property & other tax due from Respondent is forthcoming. So, it is not proper to adjust the said amount, therefore point No. 5 is answered in the negative.

34) On perusal of Inspection Committee Report, it is transpired that,

1. The complainant has submitted list of 41 no. of consumers (Page No. 14) out of them 10 Nos. are not inspected, (They are specified in the list).
2. Following consumer nos. are not found in the list of complainant but are found by the Committee on the spot. Those are :-

Sr. No.	Consumer No.
1	900010082936
2	900010082928
3	900010082863
4	495511437813
5	495511437767
6	495511437805
7	495511437783
8	900010229473
9	495511436078
10	495511437821
11	495511437759
12	495511437775
13	495511437711

35) So also the Respondent in their say (Page No. 22) have claimed 50 No. of connections. So, it is transpired that some consumer Nos. are not under challenge. So also, the Respondent in their say (Page No. 273) has submitted that the 47 locations, there are illegal connections used by the complainant. In order to achieve the proper billing & legal connections, this Forum feels it necessary to issue some directions.

36) Considering the situation forthcoming in the report of inspection committee about burnt meters, by-pass, missing of meter, no display it is transpired that the Respondent officers are negligent & did not take proper recourse to replace the meters & to proper arrangements. Equally the claimant did not pay attention to the street lighting situation. It being public utility service, it is necessary to maintain it properly. Therefore we think to initiate disciplinary action against erring officers of the Respondent.

37) Considering above discussion we hold that complainant is partly allowed in the following terms & we proceed to pass following order in reply to point No. 6.

**ORDER**

The complaint is partly allowed in the following terms :-

- 1) The Respondent is hereby directed to issue revised bills from 19.09.2015 onwards to the complainant on the basis of average consumption calculated by third party inspection committee in respect 25 No. of consumers, rest of 6 No. of consumers bill be revised as per meter reading. While calculating the bill amount interest & DPC charges be deducted.

The average consumption & consumption as per meter reading be revised as follows :-

**Consumption as per average basis**

Sr. No.	Consumer No.	Monthly consumption (Units) counted on the basis of daily 12 Hrs. use
1	2	3
1	900010345074	1728
2	900010082821	648
3	900010082928	262
4	900010082987	509
5	900010083029	958
6	900010082936	228
7	900010082961	473
8	900010082839	396
9	900010229422	132
10	900010229449	588
11	900010229457	240
12	900010229465	86
13	900010229481	414
14	900010082863	248
15	900010082880	640

1	2	3
16	900010082910	236
17	900010083088	367
18	900010082901	71
19	900010082944	828
20	900010082855	608
21	900010082871	292
22	900010082898	216
23	900010083011	157
24	900010083096	240
25	900010412944	353

### Consumption as per Meter Reading

Sr. No.	Consumer No.	As per meter reading (kwh)
1	2	3
1	900010082995	2885
2	900010229473	1060
3	900010082847	571
4	900010082979	6076
5	900010083045	3342
6	900010082952	156

- 2) Out of these 31 connections i.e. inspected by third party committee, faulty meters be replaced by new meters & also make connections properly within one month from the date of receipt of this order. The aforesaid average consumption be applied only till replacement of faulty meters. Its compliance be reported within 30 days from the date receipt of the order.
- 3) Prayer about adjustment of bill with property tax or other charges due with Respondent is hereby rejected.

- 4) Further, the Respondent is hereby directed to proceed according to law in respect of illegal connections & to maintain the system properly & also to correct street light bills of Sillod town & it's compliance be reported within two months from the date of receipt of this order.
- 5) Disciplinary action be initiated against erring officers & to report its compliance to this Forum. Compliance be reported within 30 days.
- 6) Under the circumstances, both parties to bear their own costs.

Sd/-  
Shobha B. Varma  
Chairman

Sd/-  
Laxman M. Kakade  
Member / Secretary

Sd/  
Vilaschandra S.Kabra  
Member