

**CONSUMER GRIEVANCE REDRESSAL FORUM  
MAHARASHTRA STATE ELECTRICITY DISTRIBUTION CoLtd.  
KOLHAPUR ZONE, TARABAI PARK, KOLHAPUR**

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Con.Comp. No. 168-09/

Date :

**JUDGMENT**

- 1) General Manager,  
Jamashri Spinning & Weaving Mills Co.Ltd.,  
Fatechand Damani Nagar, Station Road,  
Solapur- 413 001. Appellant

**V/s**

- 1) Executive Engineer ( Office) & Nodal Officer,  
M.S.E.D.C.L. Circle Office, Solapur Respondent
- 2) Executive Engineer,  
M..S.E.D.C.L. Urban Division Office, Solapur
- 3) Dy. Executive Engineer,  
MSEDCL, Urban S/Dn. A, Subhash Chowk, Solapur.

- Corum**
- 1) Shri B.G. Pawar, Chairperson  
2) “ G.B. Pankar, Member Secretary  
3) “ G.C. Lele, Member

**MAHARASHTRA ELECTRICITY REGULATORY COMMISSION  
( Consumer Grievance Redressal Forum):  
Regulation 8.2 of Regulation 2006**

Judgement by Shri B.G. Pawar, Chairperson of C.G.R.F. Kolhapur

Date :

General Manager of Jamashri Spinning & Weaving Mills Co.Ltd.,

Solapur has filed this grievance before the Forum on 30<sup>th</sup> July, 2010 in Annexure A as per Rule 6.10 of Maharashtra Electricity Regulation Commission (Consumers Grievance Redressal Forum & Electricity Ombudsman ) Regulation 2006. The brief facts are as follows :

Jamashri Spinning & Weaving Mills Co. is consumer of the respondent Distribution Licensee bearing H.T. connection No. 33049002861.

The consumer in covering letter of Schedule A addressed to Chairperson of CGRF dated 27.7.2010 contended that on 20<sup>th</sup> Oct. 2008 one of the PT of MSEDCL meter got burnt and power was tripped off from our express feeder in Sub Station. The PT was replaced on the same, however, meter could not be functioned properly as one of the phase was missing and with the help of testing division too, fault could not be located. After long efforts, when they could not get the same, power was restored in consultation with testing division and Urban Division after noting down the meter readings. The next day morning fault was immediately located as earthing connection of new PT was improper same was set right in short shut down.

However, according to consumer, the Distributon Licensee issued bill which was consisting of full reading of problem faced day plus one day extra which worked out to be Rs. 1,26,635/- more than it. There was exchange of correspondence between the consumer and Distributon Licensee dated 28.11.2008 addressed to Suptdg.Engineer, Solapur on 14.4.2009 and onwards 7.9.2009. The consumer afterwards approached I.G.R. Cell, Solapur on 4<sup>th</sup> Nov. 2009 requesting to take decision on representation / grievance to refund the said amount Rs. 1,26,635/- which has been promptly paid as shown in the bill.

The respondent Distributon Licensee before I.G.R.Cell contended that Suptdg.Engineer passed an order dated 19.7.2010 on the report of revised assessment made by Executive Engineer (U) Solapur giving credit of. 11745 units which has been upheld by the I.G.R.C. and directions are issued as per letter of Executive Engineer (U) Solapur No. 1819 dated 6.4.2010, bill to be corrected and issue credit bill as per rules to the consumer immediately.

Being aggrieved by the said order, a grievance has been filed before the Forum seeking direction to credit the bills by following any of the mode.

If Distributon Licensee want to add average of one day they can do so by discounting reading of fault day and power shut down time. Alternatiely, if only one of the phase reading is missing, they can add  $1/3^{\text{rd}}$  reading during working of  $2/3^{\text{rd}}$  reading record by Meter during period of fault.

The respondent Distributon Licensee through its Nodal Officer filed Say on 17<sup>th</sup> August, 2010 in which it is contended as there was direct supply made available to the consumer to avoid manufacturing activities, Dy.Executive Engineer, A Sub Division has proposed assessed units for the period for which supply was made direct. Accordingly, assessed bill was included in the regular bill for the period 20.10.2008 to 21.10.2008. However, the consumer contended the assessment, saying that there were some interruptions and which are to be considered for assessment. The Distributon Licensee has considered the complainant consumer's request and revised assessment was made and credited in the current bill. In the Say, it is contended in case of any assessment due to equipment failure, the assessment will be in four methods. Four methods are as follows :

- 1) Considering consumption during healthy period
- 2) Considering consumption of previous month
- 3) Considering consumption of average of preceding 3 months
- 4) Considering consumption of corresponding month of last year.

Thus, it is contended that assessment will be finalised considering the highest consumption amongst the above four methods. Assessment sheet is enclosed herewith for ready reference and the grievance of the consumer is accordingly solved as per the procedure and consumer's own request.

**..4..**

The grievance kept for hearing at Solapur Camp on 4<sup>th</sup> Sept. 2010. Mr. M.H. Jamalpur, Chief Engineer of the consumer and Shri J.M.Adiya, General Manager appeared later. Asstt.Engineer, Urban Dn. Solapur and Shri R.M. Wagh, Asstt.Accountant were present. Shri Bartakke, Dy.Ex.Engineer A Sub-Division, Solapur appeared after lapse of time before the Forum. Subsequently, General Manager of Appellant addressed a letter to Forum dated 14.9.2010 making request for their submission in nutshell. The main contention in this letter that MSEDCL should have not charged us one day extra average bill when existing meter has worked in full capacity for 8 hrs., 5 hrs. plant was stopped completely and further 11 hrs. the meter has shown 2/3<sup>rd</sup> reading. The MSEDCL giving refund of 11745 units is not legal, since the plant was totally stopped for 5 hours for which record is available and extra charge for 8 hours when plant has worked in full capacity, 13000 extra units are still pending. It is also contended that on 20.10.2008 it happened to be regular reding day for the consumer and meter reading was available with them. When fault was removed on 21.10.2008 once again meter reading has been taken. Hence if MSEDCL want to add one day average reading, the available reading of one day should be removed and in addition reading of stopped plant may be removed. Lastly it is contended that the most appropriate method would be one which was envisaged in 2004 when one of the PT out of two was burnt and 50% extra reading was added. Such a way in present case one PT out of 3 has not shown the reading, hence 1/3 reading may be added.

In oral submission before the Forum, it was submitted per day units consumed is 29675. There is no dispute such incidence has happened.

There was equipment failure and the meter reading before the fault and after detecting the fault is available. Hence, prayed to direct the Respondent Co. to give credit for an amount already paid i.e. Rs. 1.26 lakhs in November bill.

Shri Wagh, Asstt.Accountant submitted that as per technical note billing has been done and bills issued. It was submitted orally, assessment can not be done by doing PT by pass unless supply was restored or continued.

Shri J.M.Adiya, General Manager submitted that the Respondent Co. has charged extra bill of one day and wrongly given credit of 11745 units when consumption was 9.00 A.M. to 12.30 2/3<sup>rd</sup> was when both the meter readings are available before the fault and after restoration of supply. The Distribution Licensee could have deducted that amount. A reference is made in the letter dtd. 14.9.2010 as well as before the Forum regarding the practice or action by Distribution Licensee adopted or followed in the year 2004 when one of the PT out of 2 was burnt. So in the present case, 1/3<sup>rd</sup> reading may be added, since one PT out of three has not shown reading. Following points are for consideration.

- 1) Whether the complainant consumer is entitled to seek directions against respondent Co. to correct the bill for the month of Nov. 2008 and to refund Rs.1.26 lakhs or adjust the same in ensuing bills towards energy consumption ?

Answer : As per final order.

#### Reasons

From the pleading of the parties and oral submission before the Forum, it is admitted facts that on 20<sup>th</sup> Oct. 2008 one of the PT of Distribution Licensee was burnt and power was tripped from express feeder of the consumer in the Sub Station.

There is no dispute that the PT was replaced on the same day but meter could not be functioned promptly as one of the phase was missing and fault could not be located. Power supply was restored in consultation with Testing Division and Urban Division Solapur after noting down the meter readings. The next day morning fault was immediately located as earthing connection of new PT was improper and same was set right in short shut down. It is not disputed with Suptdg.Engineer, Solapur's Circular on the basis of realignment done by Executive Engineer gave directions in his letter No. 1819. dated 6.4.2010 to credite 11745 units and correct the bills. It is not clear what method followed by Suptdg.engineer in the Say filed by concerned Officer as four methods have been shown in the Say and assesment has to be finalised considering the higher consumption amongst four methods, and along with Say dated 17.8.2010 of Nodal Officer, assessed units in respect of the appellant consumer which disclosed the period of 15 hrs. Assesment for  $1/3^{\text{rd}}$  hour consumed for 15 hrs. has been proposed as below :

Out of 1861035 units, already recorded units are  $783 \times 15 = 11745$  units have been given credit.

It may be mentioned here, the Respondent Co. failed to give explanation in writing or oral before the Fourm why on the method proposed for the consumer i.e. to add average of one day by discounting reading of fault day and power shut down time. or other method as one of the phase readng is missing , MSEDCL can add  $1/3^{\text{rd}}$  reading during ovrking of  $2/3^{\text{rd}}$  reading record by meter during the period of fault. There is no dispute that the meter reading was recorded prior to fault and after restoration of supply. Incidentally, 20.10.2008 was the regular reading day of the consumer and reading was available with the consumer.

The Executive Engineer / Nodal Officer, I.G.R.C. Solapur informed by Fax letter dated 29.10.2010 in response to consumer's letter dated 28.9.2010 that 9647 units are being credited in your H.T. consumer bill for the month of Nov. 2010. This action seems to be on the basis of letter by consumer No. 3248 dated 28.9.2010 stating that any reasonable assessment will be acceptable to us one which is enclosed with your captioned letter shows that 8334 units for the month of Nov.2008 during P.T. by passed period on 20.10.2008 and 21.10.2008 is acceptable to us, after withdrawing additional units of 29776 and this request has been made to refund the consumer ( balance 9697 Units ) after considering partial refund of 11745 units in the month of Aug. 2010

In this back-ground, little remains to be considered in the light of prayer made in the grievance before the Forum in Schedule A because the consumer by its conduct given up ( waived ) partial claim and accepted the decision of MSEDCL. The MSEDCL has agreed to give credit in the bill of Nov. 2010 which is acceptable to the consumer. In this circumstance, the grievance seems to have been partially satisfied which is acceptable to the consumer and there is no need to record finding about entitlement of the consumer. A grievance has to be disposed of with no order as to costs, in the light of exchange of correspondence between the consumer and the MSEDCL, which has been communicated to the Forum by Fax on 29.10.2010. Following Order –

## Order

- 1) A grievance is disposed off on the basis of the consumers acceptance letter No. 3248 dated 28.9.2010 of refund of 9697 units as shown by MSEDCL in its letter No. 8399 dated 29.10.2010
- 2) No order as to cost
- 3) The applicants / aggrieved persons by this Order are having right to prefer appeal within 60 days from the date of this order before the Hon. Ombudsman at ' Keshwa ' Bandra Kurla Complex, Bandra (E) Mumbai.

Date :

( B. G. Pawar )  
Chairperson

1) Shri G. B. Pankar, Member Secretary :

2) Shri G.C. Lele, Member :



