

CONSUMER GRIEVANCES REDRESSAL FORUM;
MSEDCL NAGPUR (RURAL) ZONE NAGPUR
COMPLAINT NO. 87/2013

Shri Girish W. Agarkathe
'Wasudevay' Near Govindswami Temple
Samadhi ward
District - Chandrapur.

Complainant

,,VS.,

1. Executive Engineer,
MSEDCL, O&M Division,
Chandrapur.
2. Executive Engineer/Nodal Officer,
I. G. R. C., Circle Office,
MSEDCL, Chandrapur.

Respondents

Applicant represented by	1) Shri Girish W. Agarkathe, self 2) Shri K.S. Parihar, authorized representative
Respondents represented by	1) Shri V.P. Deshpande, Dy. Exe. Engineer, C'pur 2) Shri S.S. Kolte, Asstt. Law Officer, Chandrapur 3) Shri D.V. Mahokar, Assistant Engineer, Sawali

CORAM:

Shri Vishnu S. Bute, Chairman.
Adv. Gauri D. Chandrayan, Member

JUDGEMENT

(Delivered on this 21st day of November, 2013)

2. Applicant Shri Girish W. Agarkathe r/o Gadisurla, Tq. Mul, Dist. Chandrapur is an industrial consumer. His consumer no. is 630043002299. The applicant has received a bill for the month of June, 2012 amounting Rs.3,30,430/-. It is the contention of the applicant that the bill is wrong and excessive. The applicant prayed to quash and set aside the disputed bill. He approached the IGRC Chandrapur. His application had been dismissed vide order passed under no.5628 dated 01-11-2013. The applicant presented the instant

application under the provisions contained in Regulation 6.4 of the MERC (CGRF & E.O.) Regulations 2006.

3. A notice was given to the respondent MSEDCL. The respondent submitted reply under no.EE/O&M/Dn.C'pur/Tech/4946 dated 03-10-2013 and supplementary reply dated 07-11-2013. The copies of the same were given to the applicant. The case was fixed for personal hearing on 24-10-2013. Shri Girish Agarkathe and his authorized representative, Shri K.S.Parihar were present. However on perusal of the record it was seen that the copy of the order of the IGRC Chandrapur was not placed on record. So also the test report of the meter was also not submitted by the respondent. Shri S.S.Koltey, Assistant Law Officer, Shri V.P.Deshpande, Dy.Executive Engineer, head quarter Chandrapur and Shri D.V. Mahokar, Assistant Engineer, Saoli were present for the respondents. They were directed to submit the aforesaid documents. The hearing of the case was adjourned to 11-11-2013. On the date of hearing both the parties were present. They were heard.

4. Shri Parihar, authorized representative contended that the applicant is running a rice mill. The mill is located in a remote area. The village is not a commercial centre. Two electric motors are installed in the mill, one is of 30 HP & another is of 15 HP. The mill is not running for 24 hours a day. It runs for 5 to 6 hours only. That too in the working season. In rural areas power supply is also affected due to breakdown, shutdown, load shedding etc. The working season of the mill is from November to June every year. Upto June 2012 the applicant used to get electricity bills regularly. He used to pay the monthly bill regularly. In July 2012 the applicant got the bill of Rs.3,30,425/-

showing his consumption of 30734 units. The bill was for the period 25-05-2012 to 25-06-2012. The applicant has never received such an exorbitant bill prior to July 2012. There was no reason for such high consumption of electricity by the consumer. The copy of the consumer personal ledger is on record. It is for the period from January 2010 to October 2013. There was never such a high consumption of electricity by the consumer. As directed by the Tahasildar, Saoli the applicant submitted information about the paddy milling. It can be seen that the milling was not in huge quantity during the period when he was got this disputed bill.

So the only reason for this huge and exorbitant bill is that the reading recorded by the meter was wrong. There arose some defect in the meter, so it indicated wrong reading.

The applicant immediately submitted complaint on 30-07-2012 and thereafter on 10-09-2012 and 21-11-2012 also. The grievance was brought to the notice of the respondent immediately. The respondent had taken out the meter on 13-08-2013. In fact the defect arose in June 2012. However inspite of the written complaint the respondents have not taken any steps to redress the grievance. So the bills issued after June 2012 are also defective and wrong.

The applicant approached the respondent & requested to keep aside this disputed bill and accept the amount of the next bills. However the field officers refused to accept the amount of the next bills.

The applicant approached IGRC Chandrapur. The IGRC heard a case on 05-07-2013. However the order passed by the IGRC is improper & wrong.

The respondents without any reason kept the testing of the meter pending for a long time. Finally the meter was tested. As per the report the working of the meter is all right. However the meter is an electronic instrument. It was tested in the laboratory under the ideal condition & circumstances. However the condition of supply of electricity in the remote area is different. So there is every possibility that there may arise some defect sometime. Even as per the CPL it can be seen that the meter recorded wrong reading. The applicant was never having the consumption of 30734 units in a month. Even if both the motors are run for 24 hours for 26 days in a month even then these motors can not consume 30000 units.

The respondents took a defence that this is accumulated consumption. The statement is baseless because the meter reading is taken by Junior Engineer, in charge of the distribution centre every month. Secondly as per the standing orders of the MSEDCL, the field officers have to verify / investigate the abnormal consumption by the consumers in any billing cycle.

The applicant prayed that the bill for the month June 2012, be quash & set aside. The delay payment charges and interest on arrears pertaining to this bill may be set aside. Suitable compensation may be awarded to the applicant towards the mental harassment, travelling expenses & the cost of this application.

5. Shri Kolte, replied on behalf of the respondents. He reiterated the reply dated 19-10-2013 & 07-11-2013. It was further submitted that the bill given to the applicant is just & proper. The consumption in the disputed bill is not for 30 days as alleged by the

applicant / consumer but it is an accumulated consumption. For that purpose only the consumer was given monetary respite of approximately Rs.94,000/-. The MRI data redrival on 28-09-2012 show that previous meter reading was found 126063 kwh dated 26-07-2011 which was less than the reading dated 02-07-2012 i.e. 154376 kwh. Thus reading tally with the bill. This fact of correctness of bill is also evidence from meter test report dated 28-10-2013. The testing was conducted in the presence of consumer. The meter is also tested ok in the said testing. Therefore the consumer is liable to pay the amount of disputed bill alongwith interest.

6. We have perused the record. We have heard the arguments advanced by both the parties. The copy of the consumer personal ledger is on record. There is a record from January 2010 to October 2013. On perusal of the record it is also seen that the meter was tested in the presence of the applicant, it was found to be OK. The applicant also has no complaint about the testing and verification of the meter. A statement showing the paddy threshing and consumption of electricity is on record. On perusal of the same it is seen that the consumption vary from time to time. For example the quantity of paddy threshing and the consumption of electricity is as under,

Month	Quantity of paddy In quintals	Consumption
March 2010	1119	0
April 2010	891	1022
May 2010	831	913
June 2010	1261	328

July 2010	745	6391
October 2010	770	278
December 2010	1223	169
January 2012	1861	968
February 2012	1181	544
March 2012	1089	382
April 2012	796	234
May 2012	916	365
June 2012	1537	30734 (disputed bill)
July 2012	1836	1841

From the aforesaid figures, it is seen that in some months eventhough the threshing is more, the consumption is shown very less. So there is a force in the defence that the employee responsible for recording the meter reading has not taken the reading properly. When the person was transferred the successor recorded the actual reading. The power consumption was the sum total of current plus previous months. So the order passed by the IGRC to that effect is proper and it need no interference.

However since the officer of the respondent recorded the accumulated reading and issued the bill, no responsibility can be fixed upon the applicant for delay in payment. So it will not be proper to impose any DPC or the interest on delayed payment.

On perusal of the bill pertaining to the month of June 2012 it is seen that the respondent imposed P.F. penalty charges of Rs.98,810/- (this amount did not reflect in CPL). Subsequently in June 2013 the respondent adjusted the amount of Rs.94,624/-

From the aforesaid discussion we are of the considered the view that the bill issued to the applicant in the month of July 2012 is of accumulated consumption of electricity by the applicant. The applicant should pay the electricity charges. However it will not be proper to impose any DPC or interest on delayed payment on this amount. So any amount imposed by the respondent against this amount needs to be set aside. The respondent imposed Rs.98,810/- towards P.F. penalty charges in the bill month of June 2012. However the amount of Rs.94,624/- only is adjusted in June 2013. The applicant is also entitle for the difference amount. (98810 – 94624).

7. In absence of any evidence much less the reliable and cogent evidence, we are not inclined to accept other claims of the applicant.

In view of the facts and circumstances discussed above, we pass the following order,

ORDER

- i) Application No.87 of 2013 is partly allowed. The respondent should reassess the disputed bill for the month of July 2012. The respondent should assess the bill for the consumption of 30734 units. However the respondent should not impose any DPC or interest on delayed payment on the applicant. Furthermore the respondent should adjust the difference of Rs.4,186/-. Since the bill amount

will be a huge one the respondent may consider the request for installments sympathetically.

- ii) The compliance of his order be reported within ninety days from the receipt of the order
- iii) No order as to cost.

Sd/-
(Adv.Gauri D.Chandrayan)
MEMBER

Sd/-
(Vishnu S. Bute)
CHAIRMAN

CONSUMER GRIEVANCES REDRESSAL FORUM; NAGPUR ZONE NAGPUR
(Nagpur Dtd.21st day of November, 2013)

CONSUMER GRIEVANCE REDRESSAL FORUM
NAGPUR ZONE (RURAL) M. S. E. D. C. L.

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cgrfnz@gmail.com

(O) 0712- 2022198

NO. CGRF/NZ/

Date :

Certified copy of order dated 21th November,,2013 in Case No.87 / 2013

is enclosed herewith.

Member-Secy/ Exe.Engineer,
C.G.R.F.(NZ)MSEDCL
N A G P U R

To,
Shri Girish W.Agarkathe, 'Wasudevay', Near Govindswami Temple, Samadhi ward
Dist.Chandrapur.

Copy s.w.r.to :-

1. The Chief Engineer(NZ), MSEDCL, Vidyut Bhavan,Katol Road, Nagpur.

Copy f.w.cs.to:

1. The Executive Engineer/Nodal Officer., O&M Circle Office, MSEDCL.Chandrapur
2. The Executive Engineer,C.C.O&M Dn., MSEDCL, Chandrapur
for information and necessary action.

Address of the Electricity Ombudsman is given as below.

Office of - The Electricity Ombudsman,
12, Srikrupa, Vijay Nagar,
Chhaoni, Nagpur-440 013
0712-2596670

