

BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM

M. S. ELECTRICITY DISTRIBUTION CO.LTD.

(NAGPUR ZONE – RURAL) NAGPUR.

Application/Case No. CGRF/NZ/Rural/ **26** of 2006

Applicant : Shri Ashok Krishnarao Narsingkar,
R/o Karanja, Ward No.3, (Malipura)
Taluka- Karanja ,Dist- Wardha
Pin – 442203 Ph.No.957156/245541

-- VS --

Non-applicant. : 1.Executive Engineer/Nodal Officer
Internal Grievance Redressed Unit, Circle Office,
M.S.E.D.C.L., WARDHA .
2.Exe.Engineer, CC O&M Dn. MSEDCL, ARVI.

Presence : 1.Shri N.J.Ramteke,Chairman
2.Shri M.G.Deodhar,Member
3.Shri M.S.Shrisat, Member/Secy.

Appearance. : 1. Shri A.K.Narsingkar, Applicant.
2. Shri K.M.Bharsakale,E.E.
3. Shri Y.J.Lakshane,DY.E.E.
4. Shri M.B.Dhabarde,A.E.
(Representatives of non-applicants.)

ORDER

(Passed this 31st day of May, 2006)
(Per Shri N.J.Ramteke, CHAIRMAN)

Applicant presented an application in schedule 'A' under the MERC (CGRF&O) Regulations, 2006 (hereinafter called the Regulations) on 24/4/2006 . Applicant sought relief from this Forum on the grounds that the non-Applicants issued a wrong bill due to faulty meter which may be corrected. The limit for the interim relief to be extended. The bill issued by the non-applicants is not acceptable to him and, therefore, the amount paid by him should be adjusted in the present bill. His electricity line should not be disconnected. On receipt of this application, the Forum issued acknowledgement to Applicant as required under Regulation 6.11 of the Regulations . The copy of the grievance application alongwith the enclosed documents were sent to the E.E. concerned and the Nodal Officer (N.As) as required under Regulation 6.12 of the Regulations. The non-applicants were directed to submit their parawise coments . Applicant also made a prayer to the Forum to give him interim relief (Stay) to the notice issued by the non-applicants to disconnect electricity supply. On hearing the Applicant and the perusal of the record of the case, the Forum issued interim relief and stayed the disconnection of the

electricity under this office letter date. 23/2/2006 (Record page 24). The Forum also extended limit of the stay order under this office letter dt. 25/4/2007 (Record Page 26).

The non-applicants submitted parawise comments on 18/5/2006 alongwith copies of documents. The Forum sent a copy of the parawise comments alongwith enclosed documents to Applicant. The Forum issued and served notices to the parties for hearing as required under Regulation 6.14 of the Regulations. Applicant (Shri Narsingkar) and Sarvashri B. M. .Bharsakale, E.E., Y. J. Lakshane, Dy.E.E. and M. B. Dhabarde,A.E. were present for the non-applicants. The Forum heard both the parties on 30/5/2006. Thus a fair and reasonable opportunity of hearing is given to both the parties as required under principles of natural justice.

The facts in brief in this case are that Applicant is a consumer of electricity of the D.L. with meter No.9001565404 and Consumer No. 402460024731 at Ward No.3, (Malipura), Karanja, Taluka-Karanja, District-Wardha. He made complaint on 14/7/2005 to the non-applicants about the disorder in his meter. On 1/8/2005 Shri Naidu,J.E. from the D.L. visited the premises and on payment of Rs, 40/- by Applicant, the non-Applicant tested meter and replaced the old meter by a new meter with No. 9001565404 . The non-Applicant issued a bill to the Applicant for Nov,2005 on 12/12/05 for the amount of Rs. 3870/- (Record page 21) the non-applicants also issued him a notice under Indian Electricity Act,1910 for payment of Rs. 3080/- before 23/2/2007 and in default the electricity connection would be disconnected. The Applicant made an application in schedule 'X' on 17/2/2007, to I.G.R.Cell , Wardha . The Applicant received no reply and relief to him by the I.G.R.Cell and , therefore, the present application is in schedule 'A' .

The main contention of Applicant is that he made an application about the disordered meter on 14/7/2005 and he also gave reminder on 16/7/2005 with visit to the office of Shri Naidu, J.E. on 23/7/2005. Shri Naidu visited his premise on 1/8/2005 but he was not present. He received a bill of Rs. 3428/- on 23/10/2005 for the period 30/6/2005 to 30/9/2005 with the details of 874 units of old meter and 55 units of new meter, totaling 929 units. He gave application in writing on 27/10/2005 protesting against this bill and requested for issue of provisional bill. The non-applicants intimated him about the slow meter by 0.28 on 6/12/2005. The testing of this meter is not acceptable to him as his complaint was about the faulty meter and not about the testing of the meter. The non-applicants issued him a notice for payment of arrears and in default his electricity connection would be disconnected .

The main contention of the non-applicants is that the meter has been tested on the request of the Applicant on payment of Rs. 40/- but Applicant made delay in payment of Rs. 40/- for testing of the meter. As per the test conducted by the non-applicants, the meter was moving with slow speed by 0.28% within limit. The old meter was replaced by the new meter. The bill for 929 units is given to the Applicant for 30/6/2005 and 30/9/2005 on the grounds that the units

consumed by the Applicant are more but the meter was slow. The non-applicants have shown the details of the items used by the Applicant for consumption of electricity (Record page 32). The bill in dispute is worked out on the basis of units consumed by the Applicant for the period Dec,2004 to Jan,2005 on an average of 125 to 150 units . The non-applicants also mentioned about the “Akshay Prakash Yojna” in the village-Karanja which shows 20% less consumption of electricity and, therefore, the electricity used by the Applicant may be 3 times more than the present units consumed by him. It may be probable that Applicant received a bill for less units . The non-applicants have shown 3 probabilities about the consumption of electricity about number of units in their parawise reply (Record page 32) . The notice issued to Applicant about recovery of arrears is correct as per the rules of the Company.

On hearing both the parties and perusal of the record, the Forum come to the conclusion and decide unanimously as under.

The notice dtd. 16/2/2006 (Record page 42) for the amount of Rs. 3080/- issued by the non-applicants is not correct. The electricity Act, 2003 came into force in June,2003 whereas this notice is issued on 16/2/2006 . It means, the non-applicants are not aware of the provisions of the new Electricity Act,2003. Under section 56(1) to Electricity Act,2003 , it has been clearly laid down that the clear notice of not less than 15 days in writing should be given to the consumer about disconnection of supply in default of payment. The non-applicants issued a notice showing 7 days period upto 23/2/2006 . This is a violation of the law and, therefore, this notice needs to be quashed.

Shri Y. J. Lakshane, DY.E.E. made submissions on behalf of the non-applicants. He mainly relied on the probabilities about the consumption of more units as mentioned in their parawise comments (Record page 32). It was specifically brought to the notice of the representatives of the non-applicants present at the time of hearing (Sarvashri K.M.Bharsakale, E.E., Y. J. Lakshane, Dy. E. E. and B. M. Dhabarde, A.E.) , that the Forum can not accept the probabilities about the consumption of electricity. The Forum directed the representatives of non-applicants to submit any concrete evidence about the consumption of more units by the applicants. They could not give any specific reply with evidence in this regard.

The non-applicants enclosed a schedule of the consumption of units by Applicant for the period Dec,2004 to Nov,2005 (Record page 41) . The bills from Dec,2004 to Jun,2005 (three monthly) show the consumption of Units 133 , 136, 125 . However, in the month of September ,2005 , the consumption is shown as 929 units (including the consumption in old meter) . It is also seen that the monthly bill for Oct, 2005 is 67 units and Nov, 2005 37 units. It is surprising to note that the bills for the previous months show the average of 40 to 45 units per month whereas in September, 2005 it is 929 units. There is no justification about this abnormal high bill. The non-applicants failed to establish their case about issue of this abnormal bill to

Applicant. The Applicant has rightly stated at the time of hearing that no procedure was followed by the non-Applicant in removing old meter and installing new meter. No Panchnama etc. was made.

The President, Consumer Grievance Redressal Forum, Arvi sent a letter to Applicant on 12/1/2006 (Record page 40) . This letter gives a reference of the letter dtd. 22/12/2002. This letter does not make anything clear about the jurisdiction of that Forum. I.G.R.U., Wardha has been constituted in the office of the S. E., Wardha. Thus in what capacity it was dealt with by that Forum ? The application in form 'X' was made to the concerned I.G.R.U., Wardha. The I.G.R.U., failed to give any response or reply to Applicant. since the notice for recovery of arrears date. 16/2/2006 was not as per the law, this Forum has rightly granted interim relief to Applicant. As per Regulation 15.4.1 of the Supply Code Regulations, 2005 , in case of defective meter, the amount of consumer bill shall be adjusted for a maximum period of 3 months prior to the month in which dispute has arisen in accordance with the result of test taken subject to furnishing the test report of the meter alongwith the bill. In the instant case, the complaint was about the faulty meter. The non-Applicants have also not taken into consideration the provisions as laid down in the Supply code. They should have taken into consideration the consumption of units in June,05 which is 125 units (Record page 41) but they have shown 929 units in Sept,2005.

As per the probabilities shown by the non-applicants, they have mentioned that it might have issued the bill of consumption of less units. They have also shown the second probability that Applicant might have increased the consumption of electricity . As per the third probability, in the rainy season due to faulty earthing and wetness to the wall , there may be leakage of the current. These probabilities as shown by the non-applicants are not acceptable to the Forum as they are not based on any concrete evidence.

In view of the above position and circumstances, the Forum pass the order unanimously as under:

- 1) Application is allowed.
- 2) The non-applicants are directed to assess the bill on the basis of 125 units (for 3 months) and issue a fresh bill within 30 days from the receipt of this order. The remaining amount is waved.
- 3) The bill date. 13/10/2005 for the period 30/6/2005 to 30/9/2005 and the notice dated 16.2.2006 are quashed.
- 4) Parties to bear their own costs.

CHAIRMAN

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

MEMBER/SECY.

CGRF/NZ/R/ 111

Date: 6TH JUNE, 2006.

Certified that this is the true and correct copy of the above order.

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

Copy to:

1. Shri Ashok Krishnarao Narsingkar, Ward No.3, (Malipura), Karanja, Taluka-Karanja, Dist-Wardha.
2. The Chief Engineer, NZ, MSEDCL, Nagpur.
3. The Exe.Engineer/Nodal Officer, I.G.R.U.,Circle Office, MSEDCL, Wardha.
- 4.The E.E., C.C.(O&M)DN., M.S.E.D.C.L., Arvi.

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Address of the Ombudsman is given as below.

Office of - The Ombudsman,
Maharashtra Electricity Regulatory Commission,
606-608, Keshava Building,
Bandra-Kurla complex,
MUMBAI- 400 051

TEL.- 022 - 26592965 (Direct)
022 - 26590339 (Office)