

**BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM
M. S. ELECTRICITY DISTRIBUTION CO.LTD.
(NAGPUR ZONE – RURAL) NAGPUR.**

Application/Case No. CGRF/NZ/Rural/ **37** of 2006

Applicant : Smt. Meena Damodar Agrawal, C/O. Gupta Rice Industries,
Bapabodi Mills Compound, Manohar Chowk,Gondia-MS 441601.
Ph. 223216, 222516 (M) 09326810917

-- VS --

Non-applicants : 1.Executive Engineer/Nodal Officer, I.G.R.C.,
Circle Office,M.S.E.D.C.L., **Gondia.**
2.Executive Engineer,C.C.O&M Dn., M.S.E.D.C.L., **Gondia.**

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

Appearance. : 1.Shri Damodar Kisanlal Agrawal,
Representative of Applicant.

1.Shri C.M.Khandalkar, Executive Engineer,
2.Shri S.S.Pahade,Accounts Officer,
3.Shri S.W.Gawande,N.O.
Non-Applicants.

ORDER

(Passed this 29th day of January,2007)
(Per Shri N.J.Ramteke, CHAIRMAN)

1) This is an application in form Schedule 'A' of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter called the Regulations) to seek the relief against the non-applicants. The Applicant challenged the order dated 1/12/2006 of the Internal Grievance Redressal Cell, Gondia.

2) The Applicant sought the relief from this forum on the grounds that as per section 26(7) of the Indian Electricity Act, 1910, the Electrical Inspector is authorized to decide the dispute about the slow meter. The M.S.E.D.C.L. (for short the 'D.L.')

The D.L. should have approached the Electrical Inspector for inspection and testing of the meter and settle accordingly but the D.L. has not done on these lines. The Electrical Inspector is the only authority to decide the dispute about the meter. The D.L. failed to follow the proper procedure while removing the meter from the rice mill.

- 3) The calculation sheet of Rs. 72830.02 of electricity charges is not provided in the bill by the D.L. The Applicant is not satisfied with the order of the I.G.R.C., Gondia. As the I.G.R.C. failed to follow the procedure as laid down under the law. The direction of the I.G.R.C.. Gondia about testing of the meter is not correct as meter seals are opened in absence of the consumer (Applicant). The direction of the I.G.R.C. is not as per the provisions of the Electricity Act.
- 4) The facts in brief are that the Applicant is a L.T.P. consumer with consumer No.IP-209(430110001376). The meter No. is 252574 was a CT converted static meter. This meter was replaced by the D.L. on 16/5/2006 with LTMD meter bearing No. MSD 32896. The D.L. issued provisional electricity charges bill of Rs. 72,830.02 on 10/8/2006 with last date for payment 16/8/2006. This bill was sent to the Applicant under letter of the non-applicants dated 14/8/2006. The flying Squad, Akola made spot inspection report dated 25/2/2005 (Record pages 9-10). The Applicant made an application in form schedule 'X' to the I.G.R.C., Gondia on 14/9/2006. The I.G.R.C. passed the order on 1/12/2006 in case No. 1/2006. This order is challenged in the present application in form Schedule 'A' inter-alia other grounds.
- 5) On receipt of application in form schedule 'A' on 19/12/2006, the Forum gave acknowledgement to Applicant, called the comments of the non-applicants by sending copies of application with enclosed documents, the non-applicants submitted parawise reply on 6/1/2007 (Record pages 18-19), copy of the parawise reply was sent to Applicant. The Forum served the notices to both the parties for hearing. The Forum heard both the parties on 25/1/2007.
- 6) The main contention of Applicant is that the non-applicants have not followed the proper procedure while replacing the meter and installation by the new meter. They have no authority to record slow meter as it falls within the jurisdiction of the Electrical Inspector. Shri Damodar Agrawal, Representative of the Applicant has strongly made the submission in favour of Applicant that the meter seals are opened in absence of the Applicant. The non-applicants have not followed the procedure as laid down under section 26(7) of the Indian Electricity Act, 1910. The electrical charges bill of Rs. 72,830/- is not based on the proper procedure and, therefore, not acceptable to Applicant. The Flying Squad , Akola in their Spot Inspection report dated 25/2/2005 has found no irregularities in working of the meter. In light of the Flying Squad report and replacement (Annexure A and C), the provisional bill issued by the non-applicants is not acceptable to him. The seal number mentioned in vigilance report is tallied with that of the meter changed report i.e. same seals were found at the time of replacement of the meter as was observed by the Flying Squad, Akola. Shri Damodar Agrawal further submitted at the time of hearing that the Applicant is ready to pay the amount even more than the amount of the present

electricity charges bill provided it should be correctly, properly assessed on the basis of the procedure as laid down under the law and the Regulations. Shri Agrawal also brought to the notice of the Forum that the non-applicants issued letter dated 29/12/2006 and called Applicant on 30/12/2006 for inspection and testing of the meter. He vehemently criticized the approach of the non-Applicant that no reasonable time is give by them and, therefore, the question of his presence at the time of testing as proposed by the non-applicants, does not arise.

7) Shri Khandalkar and Shri Pahade submitted before the Forum at the time of hearing that they are relying on the testing certificate report dated 5/6/2006 about old meter (Record page 21). This test certificate shown 34% slow meter. Since it is slow by 34% based on the meter testing, the bill of Rs. 72,830/- has rightly been sent to the Applicant. In the body of the bill the reasons for the charges have been given. This bill was submitted with the covering letter dated 14/8/2006 of Asstt. Enginer of the D.L. The non-applicants have also taken care to issue the letter dated 12/9/2006 about the payment of the bill in reference to the old letter dated 14/8/2006. Shri Khandalkar admitted at the time of hearing and also in the parawise comments that the letter dated 29/12/2006 was given to Applicant for presence on 30/12/2006 for testing of the meter. The Applicant or her representative was not present as per this letter dated 29/12/2006 but they gave a letter on 30/12/2006 that on order of the non-applicants, the Applicant will take suitable action.

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

9) The electricity charges bill dated 10/8/2006 of Rs. 72,830/- pertains to 3 months on the basis of 34% slow meter. There is no dispute about the new meter as was replaced by the D.L. The dispute is about the old meter. The Forum does not agree with the Applicant that the meter testing solely falls within the jurisdiction of the Electrical Inspector. The Applicant relied on section 26(7) of the old Indian Electricity Act,1910.The Electricity Act,2003 came into force in June,2003. As per Section 185 of the Electricity Act, 2003, the Indian Electricity Act, 1910 inter-alia with other acts, has been repealed. There is no saving for this particular section (26(7)) in the section 185 of the Electricity Act,2003. Thus this ground is not acceptable.

10) The meter was replaced on 16/5/2006 in presence of the Applicant as per Annexure 'A' (Record page 6) . It means the proper procedure has been followed by the D.L. in replacing the meter. However, it is pertinent to note that the provisional bill under dispute is issued on 10/8/2006 whereas the last date for payment is 16/8/2006 . This bill was sent to the Applicant under letter dated 14/8/2006 with the warning on default by the Applicant, the electricity will be disconnected temporarily. As per section 56(1) of the Electricity Act,2003, 15 days clear notice

in writing is to be given to the consumer if the electricity connection to be disconnected. This mandate of the law is not followed by the non-applicants. The Flying Squad, Akola has given the detailed information in their spot inspection report dated 25/2/2005. However, this squad notices that there was no glass to the meter fixed converted meter provided and cable meter provided underground. In fact this report is not under dispute but the crux of matter is the test report dated 5/6/2006. Under this test certificate, the meter is shown 34% slow. The detailed reasons and calculation have been given under this certificate. The D.L. has made available the laboratory facility for testing of the meter. Accordingly, the non-applicants have tested the same meter in their laboratory and gave the report accordingly. No doubt there is delay on the part of the non-applicants as mentioned in the order dated 1/12/2006 of the I.G.R.C. The procedure as required under the law and the Regulations has been followed by the non-applicants. The Forum do not find any substance in the contention of the Applicant that non-applicants have not followed the proper procedure. The delay is found but at the same time the procedure is not violated. Shri Khandalkar has rightly pointed out that the meter is tested in their laboratory which has been done by the non-applicants.

11) The non-applicants are not justified to issue the letter on 29/12/2006 and asking the Applicant or her representative for remaining present on 30/12/2006 at the time of testing. This is not correct. The rule of natural justice requires that reasonable time is to be given to aggrieved party .

12) The I.G.R.C. observed in its order that the Applicant or her representative may remain present before the non-applicants for testing of the meter under dispute within 7 days and whatever the result of the testing, the average bill for 3 months to be given to Applicant and Applicant should make the payment within 15 days. It means, the I.G.R.C. has not ruled out the bill of Rs. 72,830/- or has not accepted the same. Thus this issue is open for fresh testing of the meter. There is a doubt in the mind of the Applicant that the old meter which was removed by the non-applicants might have been tampered with and seals are not intact. Shri Khadalkar submitted that the question of tampering or disturbing the seals of the meter does not arise that there is an open offer to Applicant for fresh testing of the meter. The Forum is of the opinion that an opportunity is to be given to the non-applicants to prove their case about the testing of the meter. The Forum, therefore, directs the non-applicants to give reasonable time to the Applicant by intimation in writing about the testing of the meter but not more than 1 month from the date of receipt of this order provided the seals of the same meter are intact, undisturbed and in order. The energy bill will depend on the result of such testing in presence of Applicant or her representative.

No. CGRF/NZ/R/

Date:

This is to certify 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. Smt. Meena Damodar Agrawal,C/o. Gupta Rice Industries, Bapabodi Mills Compound, Mahohar Chowk, Gondia-441 601.
2. The Chief Engineer, Nagpur Zone (Rural) MSEDCL, Vidyut Bhavan, Katol Road, Nagpur.
3. The E.E./N.O., Circle Office, O&M Circle, MSEDCL, Gondia, for inf. & necessary action.
4. The E.E., C.C.O&M Dn., MSEDCL, Gondia for information and necessary action.

Address of - Electricity Ombudsman is given as below.

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

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

