

**CONSUMER GRIEVANCES REDRESSAL FORUM; NAGPUR (RURAL)**

**COMPLAINT NO. 344/2011**

Shri Dharmaraj Matiram Salwatkar,,  
At Narayanpur (Kora), Post Kora,  
Tahsil Samudrapur,  
District Wardha.

**.. Complainant**

„VS..

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

**Respondents**

Applicant Represented by Mr. Betal. .

Respondents represented by Shri Sunil Fadnasvis, Asstt.Engineer, Samudrapur.

**CORAM:**

Shri T. M. Mantri, Chairman.

Shri M. G. Deodhar, Member.

Ms. S. B. Chiwande, Member-Secretary.

**ORDER**  
**(Per Chairman Dtd. 8<sup>th</sup> December, 2011)**

The complainant has filed the present Complaint under the provisions of MERC (CGRF&EO) Regulations,2006 (hereinafter called the 'Regulations') on 29.08.2011 in form 'A' in respect of his grievances about excess billing resulting in view of faulty meter. In substance, the case of the complainant is that he is customer of the non-Applicant licensee since 2004 and

on account of faulty meter, excess bills were received for September, 2009 and December, 2009 etc. Hence he has made request for correction therein as well as for checking of the meter. For that purpose, he has deposited Rs. 300/- on 6.12.2010. It is alleged that till date neither meter testing report was given to him nor correction in the bill was made. On the contrary, the interest levied on the bills is not acceptable to him. Though he has approached the Internal Grievance Cell vide application on 22.6.2011 but neither hearing was taken place and no order has been received by him. According to him, his average consumption is of about 250-300 units. Hence he is compelled to approach Forum in respect of excess bills issued to him so also he has claimed Rs. 15,000/- towards mental harassment, Rs. 3000/- towards traveling expenses etc. Alongwith the complaint, he has filed copies of the documents.

2. As per the Rules, notice was issued to the non-applicant licensee for its parawise comments to the complaint so also for filing documents. The non-applicant licensee has filed parawise comments wherein it has been admitted that since 2004, the complainant is the consumer and he has submitted application for correction of the bills. Meter testing fee demand was given to him and accordingly he has deposited the amount on 6.12.2010. The meter was replaced on 14.12.2010. It is stated that on 9.9.2011, the reading was 1777. It is further stated that the bills were issued to the complainant as per meter reading. Since the new meter has been installed, the average consumption is of 200-250 units. The old meter was sent to the testing at Hinganghat Unit and it was found to be O. K. Hence the bills issued to the complainant were correct. Therefore, the complaint is liable to be dismissed.

3. Heard complainant's representative Mr. Betal and the Assistant Engineer, representative of the non-applicant licensee. From the record and submissions, it is apparently clear that the complainant is consumer since the year 2004 and except the disputed period wherein the excess bills were received, there was no grievance. Admittedly, the complainant has submitted an application for correction in the bills so also for testing meter. Accordingly, he has deposited the

amount on 6.12.2010. On behalf of the complainant, it has been vehemently submitted that neither the report of the meter testing was given to him nor it was checked in his presence. This has been not disputed from the side of the non-applicant licensee. On going through the provisions of the Maharashtra Electricity Regulatory Commission (Electric Supply Code and other conditions of supply) Regulations, 2005 more particularly Rule 15.4, billing in respect of defective meters. From that provision, it is clear that in case of defective meter, the amount of consumer's bill shall be adjusted for a maximum period of three months whereas as per Rule 14.4 of the said Supply Code, testing and maintenance of meter as per sub-clause 14.4.3, it requires that the distribution licensee shall provide copy of the meter resting report to the consumer within a period of two months from the date of request of meter testing by the consumer. As already observed above, it has been categorically averred in the complaint about non-receipt of the testing report as well as non-conduction of the inspection in presence of the complainant. The same has not been controverted from the side of the non-applicant licensee. It is thus from the parawise comment submitted on behalf of the non-applicant licensee, it is vaguely alleged that the testing report was received and it was O. K. No details thereof have been given. During the course of arguments, it has been even admitted that copy of the meter testing report was not given to the complainant. So apparently there is contravention of the provisions of Supply Code.

4. Here it is pertinent to note that the complainant has categorically averred that his average monthly consumption was 250-300 units. He has filed on record the electric bill from July, 2011. From the recitals thereof more particularly past history, it is clear that except on three occasions which are in dispute, the monthly consumption unit is well within the range as alleged by the complainant. Even in the parawise comments, the non-applicant licensee has admitted that monthly average consumption is 200 to 250 units. In view of the above referred provisions coupled with the available material on record, it is clear that there is substance in the grievances of the complainant/consumer. Apart from excess billing, the grievance is also made about levying of interest. As already observed

above, the complainant has approached the Internal Grievance Cell, Wardha on 22.6.2011 and according to him, neither the matter was heard nor order has been passed. Having left with no other alternative, he has approached this Forum for Redressal of his grievances. The only contention on the part of the non-applicant licensee is that meter testing was found to be O. K. Hence the bills issued to the complainant for September, 2009, December, 2009 and March, 2010 etc. are correct. When query was made in respect of Clause 15.4 of Supply Code as referred to above, there was no reply from the side of the non-applicant licensee. Even as per the said provision, the maximum period of three months is provided. In any case, it is clear from the record that earlier normal consumption was 250-300 units and even after replacement of the new meter, it has been so. So except the period in dispute for which excess billing has been issued, there is no reason for such ab-normal consumption. One has to consider this aspect. It is thus apparently clear that the disputed bills in question are in excess considering the entire tenure of his consumption. In any case, as referred to above, the provisions of Supply Code have not been complied with by the non-applicant licensee. Consequently it cannot be permitted to raise such defence for denying the claim of the complainant.

5. As per the view expressed by the learned Secretary of this Forum, energy bill for the m/o Sep'09 was issued according to the readings in the meter & the Bills for the m/o Dec.'09 & Mar.'10 which were issued as per average consumption due to Locked status were subsequently corrected in the month of June 2010. The said bill was for the nine months in which Locked credit Rs.2620.80 was already given. The said meter was continuously recorded the readings ( Which is shown in CPL Sheet) & the same was replaced in the M/o December'10. Hence the meter is not defective. Also from the past history, it is clear that the complainant's recorded consumption for the M/O Dec'06, June'07 & Sept.'07 was 2548, 1308 & 1899 units respectively which is definitely be more than 250-300 units as alleged by the complainant. Hence, the complainant is not entitled for any relief. However, by majority this Forum is passing the following order in terms of the above observations and conclusions drawn.

**ORDER**

- (I) The Complaint CGRF/NZ-R/344/2011 filed by the complainant is hereby partly allowed.
- (II) The non-applicant licensee is directed to correct the disputed bills of September, December, 2009 and March, 2010 and directed to issue the bills as per average consumption as per the provisions of Supply Code and amount if any received, be adjusted accordingly in the forthcoming bills.
- (C) The rest of the claim of the complainant is rejected.
- (D) Compliance of this order be made within stipulated time and compliance report be submitted.
- (E) In the circumstances, parties to bear their own costs.

**MEMBER**

**MEMBER SECRETARY**

**CHAIRMAN**

**CONSUMER GRIEVANCE REDRESSAL  
FORUM**

**NAGPUR ZONE (RURAL) M. S. E. D. C. L.**  
Plot No.12, Shrikrupa, Vijaynagar, Chhaoni,  
NAGPUR – 440 013

Shri T.M.Mantri  
Chairman  
(Mb)9673215771

**(O) 0712- 2022198**

Shri M.G.Deodhar,  
Member  
(M)9422805325

NO. CGRF/NZ/R/

Date :

**Certified copy of order dtd 8th December,2011 in Case No.  
344/2011 is enclosed herewith.**

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

To.

Shri. Dharmaraj M Salwatkar, At-Narayanpur(Kora),Post-Kora,Tq-Samudrapur,Dist.  
Wardha

Copy S.W.Rs.to :-

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

Copy F.W.Cs.to:

1. The Executive Engineer/Nodal Officer., O&M Circle Office, MSEDCL.Wardha, --  
2. The Executive Engineer,C.C.O&M Dn., MSEDCL, Hinganghat.  
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  
Ph.No.0712-2022198.

