

**Maharashtra State Electricity Distribution Co. Ltd.'s
Consumer Grievance Redressal Forum
Nagpur Urban Zone, Nagpur**

Case No. CGRF(NUZ)/07/2007

Applicant : Shri Charansingh Bagga
At post Nimji,
Tah. Kalmeshwar,
Dist. NAGPUR.

Non-applicant : MSEDCL represented by
the Nodal Officer-
Executive Engineer,
Division No. II, NUZ,
Nagpur.

Quorum Present : 1) Shri S.D. Jahagirdar,
Chairman,
Consumer Grievance Redressal
Forum,
Nagpur Urban Zone,
Nagpur.

2) Smt. Gouri Chandrayan,
Member,
Consumer Grievance Redressal
Forum,
Nagpur Urban Zone,
Nagpur.

3) Shri S.J. Bhargawa
Executive Engineer &
Member Secretary,
Consumer Grievance Redressal
Forum, Nagpur Urban Zone,
Nagpur.

ORDER (Passed on 26.02.2007)

The present grievance application has been filed on
07.02.2007 under Regulation 6.4 of the Maharashtra Electricity

Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 here-in-after referred-to-as the said Regulations.

The grievance of the applicant is in respect of unjust, improper and erroneous energy bill dated 06.11.2006 for Rs. 47,780/- issued by the non-applicant consequent upon the Flying Squad's inspection of the applicant's I.P. meter, being meter no. MSU – 07229, on 24.03.2006.

Before approaching this Forum, the applicant had filed his complaint dated 05.12.2006 before the IGRC (in short the Cell) under the said Regulations on the same subject-matter of the present grievance. However, till the date of filing of the present grievance application, the Cell did not take any decision on the applicant's complaint within the prescribed period of 2 months and hence, the present grievance application.

The applicant's case was presented before this Forum by his nominated representative one Shri D.D. Dave.

It is the contention of the applicant's representative that the disputed bill in question is erroneous, unjust and improper. His submission is that the disputed bill dated 06.11.2006 was served upon the applicant without any enclosures such as Flying Squad's report, meter testing report etc. The assessment period has also not been mentioned in the disputed bill. It is for this reason that the applicant was unable to make any payment against the bill in question.

The applicant's representative placed his reliance on Regulation on 15.4.1 of the MERC (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005 hereinafter referred to as the

Supply Code Regulations and strongly contended that the applicant's meter was found to be defective by the Flying Squad upon its inspection and as such the provision contained in Regulation 15.4.1 on the subject of billing in the event of defective meter is attracted.

He submitted that the documents now produced during the course of hearing by the non-applicant show that the period of assessment of the disputed bill in question is from October, 2005 to March 2006. He has challenged this assessment period quoting the aforesaid Regulation 15.4.1. He added that the applicant's meter was replaced by a new meter on 26.04.2006 and the time lag between the Flying Squad's inspection dated 24.03.2006 and the date on which the old meter was changed is more than one month. He further contended that the applicant's meter was tested in the Testing Division of NUZ, MSEDCL, Nagpur on 22.02.2007 i.e. after lapse of about 11 months from the date of the Flying Squad's inspection. The applicant's meter was in the custody of the non-applicant from 26.04.2006 till 22.02.2007 and there was no reason for keeping the meter un-tested in the Testing Division for such a long time. He is, therefore, doubting the meter testing report dated 22.02.2007 in which it has been stated that the applicant's meter was running slow by 65%.

He prayed that the subject bill in question may be quashed.

The non-applicant, on his part, has stated in his parawise report dated 23.02.2007 that the applicant is his consumer having service connection no. 41983006031. The Flying Squad inspected the applicant's meter, being meter no. 07229, on 24.03.2006. It was observed by the Flying Squad that there was no display of current in "Y" & "B" phases and that the meter was found to be running slow by

67% upon checking it by accu-check meter. The Flying Squad did not find any evidence of tampering of meter. The spot inspection report dated 24.03.2006 of the Flying Squad bears signature of the applicant or his representative. Since the meter was found to be defective, the same was replaced by a new meter on 26.04.2006. The Flying Squad, under its letter dated 13.07.2006, recommended that assessed amount of Rs.47,780/- should be recovered from the applicant and that the assessed amount pertains to a period of 6 months prior to the Flying Squad's inspection dated 24.03.2006. The applicant's meter was also got tested on 22.02.2007 in the Testing Division of NUZ, Nagpur. It was observed by the Testing Division that the applicant's meter was running slow by 65%. The MRI report was also retrieved and it was found that the CTs in "Y" & "B" phases were open from 26.04.2006.

The non-applicant further strongly contended that the applicant was earlier billed only for 33% consumption from 26.04.2004 till 26.04.2006 on which date the defective meter was replaced by a new meter. He has, therefore, submitted that the non-applicant is entitled to recover amount at the rate of 67% towards the differential amount of the applicant's energy bill w.e.f. 26.04.2004 till 26.04.2006. As against this position, only a provisional bill for 6 months for the period from October, 2005 to March, 2006 amounting to Rs.47,780/- has been issued by him.

He has produced on record copies of the Flying Squad's inspection report dated 24.03.2006, meter testing report dated 22.02.2007, MRI report and the applicant's CPL.

He lastly prayed that the grievance application may be dismissed.

In the present case, the main grievance of the applicant is that his meter was defective and as such in terms of Regulation 15:4:1 of the Supply Code Regulations, the applicant's bill should have been adjusted for a maximum period of three months prior to the month in which the dispute has arisen, in accordance with the result of the test taken, subject to furnishing the test report of the meter along with the assessed bill.

It is an admitted position in this case that the applicant's meter was defective. This is clear from the Flying Squad's inspection report dated 24.03.2006 and also the Testing Division's report dated 22.02.2007. It is also not the case of the non-applicant that the meter in question was tampered. Hence, it is crystal clear that the provision in respect of billing in the event of defective meters shall be attracted in the present case. Against this position, the assessment bill dated 06.11.2006 disputed by the applicant becomes improper and illegal since it is pertaining to a period exceeding three months. The dispute in this case has arisen on 24.03.2006 when the Flying Squad inspected the applicant's meter and found that there was no current in "Y" & "B" phases under Torque test. It is in view of this position that the Flying Squad reported that the applicant's meter was found to be running slow by 67%. This fact is also subsequently confirmed on 22.02.2007 when the Testing Division tested the applicant's meter. The error of slowness of meter is 65% as per the Testing Division's report.

In view of the provision contained in Regulation 15.4.1 of the Supply Code Regulations, the amount of the applicant's energy bill should have been adjusted for a maximum period of three months prior to the month in which the dispute has arisen. Hence, in the present

case the applicant's bill will have to be adjusted for the months of January-2006, February-2006 & March, 2006 only. This is the maximum period permissible under this Regulation for adjustment of the applicant's bill. Hence, it is crystal clear that differential amount claimed in the disputed bill in question for the months of October, 2005, November, 2005 and December, 2005 cannot be recovered by the non-applicant.

The non-applicant in his parawise report has stated that the applicant will be served with a final bill towards the differential amount at the rate of 67% w.e.f. 26.04.2004 till 26.04.2006. Under the Supply Code Regulations such a recovery is not at all the permissible for a defective meter. What is permissible is the adjustment for a maximum period of three months only prior to the month in which the dispute has arisen.

A contention was raised by the applicant's representative that the test report was not furnished to the applicant along with assessed bill. It is true that the non-applicant did not provide the test report dated 22.02.2007 to the applicant till he filed the present grievance application. As a matter of fact, the test report came to be produced on record on 26.02.2007 when the matter came up for hearing. Nevertheless, the fact remains that the Flying Squad's inspection report dated 24.03.2006 and the Testing Division's meter test report dated 22.02.2007 are almost identical. It is also pertinent to mention here that the Flying Squad's report dated 24.03.2006 bears the applicant's signature.

The applicant's representative's apprehension that the applicant's meter was in the non-applicant's custody for an unduly long

period and as such the Testing Division's report dated 22.02.2007 is not trust worthy is devoid of any merit in view of the fact that the Testing Division's report and the Flying Squad's report are almost identical.

The applicant's representative while commenting upon the tampered status report of the applicant's meter submitted that there is a mismatch in the retrieved data. He further contended that the applicant's meter was of secure make and as such in MRI report data beyond 2 months could not have been retrieved while the tampered status report produced on record by the non-applicant pertains to period w.e.f. 26.04.2006. This Forum observes in this respect that the tampered status report makes a mention that the CT's in "Y" and "B" phases were found to be open w.e.f. 26.04.2004 at 08.49 hrs. and the open CTs were not restored till the applicant's meter was replaced by a new meter. The data in respect of CT open occurrences are retrievable even in a secure make meter. We observe that the tamper status report cannot be faulted with. The applicant's contention raised in this respect is devoid of any sound reasoning.

A point is raised by the applicant's representative that there is a mismatch in respect of final meter reading and the non-applicant has erroneously charged some 161 units in excess. It is seen that the applicant's defective meter was replaced when it showed F.R. of 15043 while the testing Division's subsequent report dated 22.02.2007 makes a mention of FR at 14882. The applicant's contention, therefore, seems to be quite correct. In this respect, we direct the non-applicant to reconcile this error appropriately.

In the result, the present grievance application is partly allowed and it is directed that the applicant's bill should be adjusted for a maximum period of three months as elaborated in the proceeding paragraphs. A revised bill should be issued accordingly.

The non-applicant shall report compliance to this Forum of this Order on or before 15.03.2007.

Sd/-	Sd/-	Sd/-
(S.J. Bhargawa)	(Smt. Gauri Chandrayan)	(S.D. Jahagirdar)
Member-Secretary	MEMBER	CHAIRMAN

**CONSUMER GRIEVANCE REDRESSAL FORUM
MAHARASHTRA STATE ELECTRICITY DISTRIBUTION CO LTD's
NAGPUR URBAN ZONE, NAGPUR.**

**Member-Secretary
Consumer Grievance Redressal Forum,
Maharashtra State Electricity Distribution Co.Ltd.,
Nagpur Urban Zone, NAGPUR.**