

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

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**Case No. CGRF(NUZ)/063/2015**

Applicant : M/s. Tower Vision India Pvt.Ltd.,  
Plot No.3, New Gandhi Layout,  
Jafar Nagar,  
NAGPUR.

Non-applicant : Nodal Officer,  
The Superintending Engineer,  
(Distribution Franchisee),  
MSEDCL,  
NAGPUR.

Quorum Present : 1) Shri Shivajirao S. Patil,  
Chairman.

2) Shri Anil Shrivastava,  
Member / Secretary.

**ORDER PASSED ON 8.5.2015.**

1. The applicant filed present grievance application before this Forum on 18.3.2015 under Regulation 6.5 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as said Regulations).

2. Along with main grievance application, applicant also claimed interim relief under regulation 8.3 of the said Regulations.

3. Applicant's case in brief is that Vigilance Department has inspected his meter installation on 16.6.2014 and found that

'R' Phase voltage in meter display was missing. As per MRI report, it was found that defect had occurred April 2013 and it continued till date of inspection. Thereupon the applicants meter was replaced on 24.6.2014 by new meter and normal assessment bill for the period April 2013 to June 2014 ( 15 months ) was issued for 44581 units, amounting to Rs. 2,82,454/-. The applicant objected this assessment bill but Vigilance Officer did not listen to his objection. Therefore applicant approached to I.G.R.C. for withdrawal of this excessive assessment bill. I.G.R.C. held that assessment for only 24098/- units should have been charged to the applicant instead of 44581 units charged by Vigilance Department and therefore held that applicant deserves to get his disputed bill revised to the extent as mentioned in detail order. But applicant is not satisfied with this order passed by I.G.R.C. Therefore he approached to this Forum.

4. Non applicant denied applicants by filing reply Dt. 22.3.2015. It is submitted that on bear perusal of CPL it is observed that energy bills were issued to the applicant as per actual meter reading and he has paid energy bills. Vigilance Officer visited applicants premises on 16.6.2014 and found that 'R' phase voltage in the meter display was missing. As per MRI report it was found that defect had occurred since April 2013. Said meter was immediately replaced by new meter on the same day and normal assessment bill for the period April 2013 to June 2014 (For 15 months) was issued for 44581 units amounting to Rs. 2,82,454/- to the applicant. Applicant is not satisfied with this assessment bill. Therefore he approached to Learned I.G.R.C. Learned I.G.R.C. directed KCC Manager / Vigilance Head to revise the said

assessment bill for 24098 units as per order dated 27.12.2014. Accordingly, supplementary bill was assessed for Rs. 1,47,650/- instead of Rs.2,82,454/-. According to Section 56 (2) of Electricity Act 2003, Distribution Licensee / Franchisee can recover any such amount for a period for 24 months from the date when it became first due. Applicant did not pay the arrears amount and therefore statutory notice u/s 56 of Electricity Act 2003 was issued. Grievance application deserves to be dismissed.

4. Forum heard arguments of both the sides and perused the record.

5. Only thing which has to be considered in this case is to decide whether or not, quantum of assessed 44581 units charged to the applicant for disputed period of 15 months i.e. April 2013 to June 2014 is correctly worked out. As per MRI report, 'R' phase voltage was missing in the meter in question. Now in case of 3 phase meter, if the meter is not recording the consumption on any phase due to missing voltage or current, then the consumption recorded by the meter is  $\frac{2}{3}$ <sup>rd</sup> of the actual consumption that would have been recorded with proper voltage and current for all the 3 phases of the meter. However, in the instant case, it was found that meter was not getting 'R' phase voltage since April 2013 and this is also confirmed by MRI report.

6. Moreover, the meter was immediately replaced i.e. in the billing cycle of June 2014.

7. Now, since the meter was not getting 'R' phase voltage it has recorded only 2/3 rd of the actual consumption and therefore 1/3 rd of actual consumption (with normal meter) needs to be assessed. As per applicants CPL his total consumption recorded by disputed meter is  $95627 - 47431 = 48196$  units which in fact is 2/3<sup>rd</sup> of the actual consumption with normal meter. Hence applicants actual consumption (with normal meter)  $(48196 + \underline{48196}) = 72294$  units, but the meter has recorded only 48196 units

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and as such, the quantum of less units recorded comes out to be  $72294 - 48196 = 24098$  units.

8. In view of the above, the assessment for only 24098 units should have been charged to the applicant instead of 44098 units already wrongly charged by the Vigilance Department and this much relief is already given by Learned I.G.R.C. to the applicant in its order dated 27.12.2014 in case No. 1128/14. In our opinion, order passed by Learned I.G.R.C. is perfectly legal and valid and needs no interference.

9. According to section 56 (2) of Electricity Act 2003, in such case, the recovery of electricity dues can be made limited to past 24 months from the date on which dues first time became recoverable and therefore it is perfectly within limitation.

10. For these reasons, in our opinion, grievance application deserves to be dismissed. Now, we are deciding the grievance application on merits. Therefore it is necessary to set aside and cancel the interim order dated 24.3.2015. Hence following order : -

## ORDER

- 1) Grievance application is dismissed.
- 2) Interim order dated 24.3.2015 passed by this Forum in this matter is hereby modified and cancelled.

Sd/-  
(Anil Shrivastava)  
MEMBER/  
SECRETARY

Sd/-  
(Shivajirao S.Patil)  
CHAIRMAN