

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

Case No. CGRF(NUZ)/073/2015

Applicant : M/s. Gurunanak Plastic Industries,
Moryani Bhavan,
Dr. Ambedkar Road,
Nagpur : 17.

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

Appellant :- By Authorized Representative.

Respondent by 1) Shri Rody, Nodal Office.
2) Shri Dahasahastra, SNDL Nagpur.

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

2) Adv. Subhash Jichkar
Member.

3) Shri Anil Shrivastava,
Member / Secretary.

ORDER PASSED ON 28.5.2015.

1. The applicant filed present grievance application before this Forum on 30.3.2015 under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer

Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as said Regulations).

2. Applicant's case in brief is that unit of the applicant was closed from July 2014. Applicant has received the bill for the month of July 2014 for Rs. 132397/- & August 2014 for Rs. 136688/-. Applicant has made payment of both the bills under protest. Applicant received bill for the month of September 2014 for Rs.1920/- and it was paid by the applicant. Applicant has received average bill for the month of October 2014 for Rs. 135010/- without any basis. Applicant filed written application before the Distribution Licensee on 15.11.2014 in respect of bill for the month of October 2014 Rs. 135010/-. Applicant was surprised when unit is closed how applicant is liable for bill of Rs. 135010/-. Applicant submitted application to Distribution Licensee in writing for correction in the bill but it was refused. Applicant sent application by speed post Dt. 15.11.2014, but bill is not revised. Applicant again received bill for the month of November 2014 for Rs. 173393/- and included previous months average bill amount of Rs.138907/- i.e. total bill of Rs. 312350/- without any basis. Applicant applied in writing for correction of this bill. Department has changed the meter on 7.12.2014 and issued current bill for the month of December 2014 for Rs. 8350/-, January 2015 for Rs. 3120/- & February 2015 for Rs. 2600/- only.

3. Applicant approached to I.G.R.C. I.G.R.C. passed order Dt. 10.3.2015. Being aggrieved by the said order applicant approached to this Forum.

4. Non applicant denied applicants by filing reply Dt. 15.4.2015. It is submitted that in the month of June 2014 meter has stopped recording the consumption and therefore Commercial Section has issued energy bill of June 2014 & July 2014 on average basis of 16379 units per month and applicant has paid this amount. In the month of September 2014 energy bill was issued with '0' unit consumption and applicant paid it. Then energy bill of October 2014 was again issued on average of 16379 units. Applicant requested SNDL as per his application Dt. 15.11.2014 for revision of bill of October 2014. Again bill of November 2014 was issued on average basis. Applicant again complained on 2.1.2015 for revision of bills of October 2014 & November 2014. Notice u/s 56 of Electricity Act 2003 was issued against the applicant vide notice Dt. 6.1.2015 for non payment of Rs.315820/-. Applicant approached to I.G.R.C. According to the applicant his industry has off season from July to November every year and there is no use of energy during that period. However, if this is a fact, applicant should have disputed the bill of July 2014 and August 2014 issued on average basis. It means applicant has used the power during the off season also. Grievance application deserves to be dismissed.

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

6. It is pertinent to note that in Para 2 of reply of S.N.D.L. Dt. 15.4.2015, it is specifically submitted that “.....in the month of June 2014 meter has stopped recording the consumption and therefore Commercial Section has issued energy bill of June 2014 to August 2014 on average basis of 16379 units per month”. It is noteworthy that in the order passed by Learned I.G.R.C. also, in Para 2, it is specifically mentioned that “.....as per CPL, the meter has stopped recording consumption from June 2014”. Therefore according to reply of S.N.D.L. and order passed by Learned I.G.R.C. it is an admitted fact since June 2014 the meter has stopped recording the consumption.

7. Further more, we have carefully perused the CPL. “In the month of June 2014, July 2014, August 2014, September 2014, October 2014 & November 2014, same consumption 16379 units is shown”. Therefore it is clear that meter stopped recording consumption since June 2014 to November 2014. Record shows that said Meter No. 55/SPN22717 was replaced and new Meter No. 55/US501573 was installed in December 2014. Therefore it is crystal clear that since June 2014 to November 2014 meter has stopped recording consumption and there was average bill of 16379 units per month.

8. According to regulation 15.4.1 (2nd Proviso) of MERC (Electricity Supply Code and other Conditions of Supply) Regulations 2005, it is specifically laid down that “Provided further that in case the meter has stopped recording, the consumer will be

billed for the period for which the meter has stopped recording, up to a maximum period of three months, based on the average metered consumption for twelve months immediately preceding the three months prior to the month in which the billing is contemplated”. Therefore according to this provision, it is specifically provided that in case the meter has stopped recording, the consumer will be billed for the period for which the meter has stopped recording, up to a maximum period of three months, based on the average metered consumption for twelve months immediately preceding the three months prior to the month in which the billing is contemplated.

9. Therefore it is necessary to revise the bill of the applicant for the month of June 2014 to November 2014 according to 2nd Proviso of regulation 15.4.1 of MERC (Electricity Supply Code and other Conditions of Supply) Regulations 2005. Hence following order :-

ORDER

- 1) Grievance application is partly allowed.
- 2) Non applicant is hereby directed to revise the bill of the applicant for the month of June 2014 to November 2014 according to 2nd proviso of regulation 15.4.1 of MERC (Electricity Supply Code and other Conditions of Supply) Regulations 2005 and issue fresh bill accordingly without D.P.C. and interest.

- 3) It is hereby declared that notice issued by non applicant Dt. 6.1.2015 u/s 56 of Electricity Act 2003 is illegal and therefore it is quashed and set aside.
- 4) Compliance should be reported within 30 days from the date of this order.

Sd/-
(Anil Shrivastava)
MEMBER
SECRETARY

Sd/-
(Adv. Subhash Jichkar)
MEMBER

Sd/-
(Shivajirao S. Patil),
CHAIRMAN