

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

Case No. CGRF(NUZ)/011/2008

Applicant : Dr. Chandrashekhar Vekhande,
Through Ravi Vekhande,
At 306, Laxminagar,
Nagpur.

Non-applicant : MSEDCL represented by
the Nodal Officer-
Executive Engineer,
Congressnagar, Division, 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 29.02.2008)

This grievance application is filed on 07.02.2008 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 his excessive energy bill dated 06.10.2007 for Rs.6244.77.

Before approaching this Forum, the applicant had filed his grievance on the same subject matter before the Internal Grievance Redressal Cell (in short, the Cell) vide his application 12.12.2007 under the said Regulations. The Cell, upon inquiry, informed the applicant by its letter, being letter no. 118 dated 07.01.2008, that the applicant's meter was inspected on 12.02.2007 when it was found that it was running slow by 44% and that, accordingly, the disputed bill in question came to be issued which is also paid by the applicant on 13.12.2007. The Cell has also stated in the reply that the applicant's previous meter has been changed and a new meter installed in its place. The Cell has also referred to the meter testing report of the applicant's meter in this reply. Being aggrieved by this decision of the Cell, the applicant has filed the present grievance application under the said Regulations.

The matter was heard on 26.02.2008.

It is the contention of the applicant that the billing done to the applicant is unjust, improper and illegal. He denied that the meter in question was running slow by 44%. He added that the non-applicant had earlier replied on 06.10.2007 that, upon inspection on 17.02.2007, his meter was found to be running slow by 44%. However, a contradictory statement has been made by non-applicant in his

subsequent letter given on 27.11.2007 that the applicant's meter was found to be dead and stopped recording. He, therefore, strongly argued that the entire action of the non-applicant is suspicious. He also stated that the meter in question was not tested in his presence on 17.02.2007 at his premises. There is also no record other than the mere statement of the non-applicant that his meter was running slow by 44%. He challenged the non-applicant's bill of Rs.6,244.77 towards assessment for the past six months stating that the report dated 06.10.2007 of Dy. E.E. Shankarnagar S/Dn., MSEDCL is false. He has also referred to the meter testing report dated 12.06.2007 in which the meter testing unit has clearly remarked that the applicant's meter was found to be stopped. He had complained to the Dy. Executive Engineer, Kashipura S/Dn., Nagpur by his first application dated 18.05.2007 stating that the meter testing of his old meter was done without his knowledge and further that the meter was also taken away without his knowledge. Thereafter, the applicant has been pursuing this matter with various Officers of MSEDCL. However, no satisfactory remedy has been provided to his grievance. He also stated that the energy bill dated 10.12.2007 for amount of Rs.9310/- which includes the aforesaid erroneous amount of Rs.6,244.77 has been paid by him under-protest. He prayed that the excessive bill in question may be revoked and refund to that extent granted to him.

The non-applicant has submitted his parawise report dated 20.02.2008 which is on record. A copy of this report was given to the applicant and he was given opportunity to offer his say on this report.

It is the contention of the non-applicant that the applicant's meter came to be inspected on 17.02.2007 during meter testing

campaign and it was found to be running slow by 44%. This inspection was carried out in the applicant's presence and the fact of his meter running slow was also brought to the applicant's notice. Accordingly, an assessment bill of Rs.6,244/- was issued. The applicant also explained as to how the energy bill for Rs.9,310/- dated 10.12.2007 was issued. This bill includes the applicant's current bill amounts as well as the differential amount of Rs.6,244/- in question. The non-applicant's parawise report also mentions that as per the applicant's request the meter in question was sent to the testing unit and report of testing was also given to the applicant. He lastly stated that the bill in question was issued correctly and it also generally tallies with the average monthly pattern of consumption reflected by the applicant's new meter. He lastly prayed that the applicant's grievance application may be rejected.

In this case, through the non-applicant is saying that the applicant's meter was found to be running slow during inspection dated 17.02.2007, there is no documentary evidence to show beyond doubt that the applicant's meter was inspected and that upon inspection, it was found to be running slow by 44%. The mere statement of the Dy.E.E. made in his reply dated 06.10.2007 addressed to the applicant to the effect that the applicant's meter was found to be running slow when it was checked on 17.02.2007 is of no use in the absence of meter inspection report on record which is invariably drawn at the time of such inspection. When pointedly asked by us, the non-applicant was not able to produce any documentary evidence to this effect. It is the practice of MSEDCL that a spot inspection report is drawn on the spot in such cases in the presence of the consumer and his signature is also

taken on such a report in token of having agreed to the remarks, if any, made in such an inspection report. A copy of this report is also handed over to the consumer on the spot. Besides, entries are also made in the prescribed register of MSEDCL in respect of such an inspection in the natural course of business. None of these things has happened in this case. It is a matter of record that the meter in question was belatedly sent to the meter testing unit of Congressnagar Dn., MSEDCL, Nagpur for testing purpose after it was removed from the premises of the applicant. The testing unit found the meter to be stopped. Despite this report, the non-applicant is maintaining that the applicant's meter was found to be running slow by 44% on 17.02.2007. Looking to the circumstances of the case, there is a reason to be believe that the applicant's meter might have been mishandled after it was removed from the spot and before it was given into the custody of the meter testing unit. In any case, no blame can be attributed to the applicant in this respect.

There is a statement made by the non-applicant that the applicant was charged for the differential amount for a period of six months since his meter was found to be running slow by 44%. In the first place, we are not convinced about the applicant's meter running slow by 44%. In the second place, it is not also understood as to how the applicant was liable to make payment of this differential amount which is pertaining to a period of a past six months if at all it was defective. Under Regulation 15.4.1 of the MERC (Electricity Supply Code and Other Conditions of Supply) Regulations 2005, in the event of the consumer's meter being found to be defective, the consumer's bill has to be adjusted for a maximum period of three months in accordance with

the testing results. Therefore, such a bill cannot be for a period of more than three months. Secondly, there is no testing report on record to show that the applicant's meter was found to be running slow by 44% as stated above.

In nutshell, there is no evidence on record to substantially prove that the applicant's meter was running slow by 44%. Hence, it follows that the energy bill of Rs.6244/- which is a differential energy bill amount towards 44% slow running of the applicant's meter is improper and erroneous. This bill, therefore, stands quashed.

In the result, the applicant's grievance is allowed and the non-applicant is directed to refund this amount to the applicant by giving appropriate credit in the applicant's ensuing energy bills.

The non-applicant shall carryout this order and report compliance thereof to this Forum on or before 31.03.2008.

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.**