

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

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**Case No. CGRF(NUZ)/277/2014**

Applicant : Shri Deo Kanoriya,  
Sudarshan Motors, Shop No.5,  
Kanoria House, Palm Road,  
Nagpur.

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

Quorum Present : 1) Shri Shivajirao S. Patil,  
Chairman.  
  
2) Adv. Subhash Jichkar  
Member.  
  
3) Shri Anil Shrivastava,  
Member / Secretary.

**ORDER PASSED ON 24.12.2014.**

1. The applicant filed present grievance application before this Forum on 30.10.2014 under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as Regulations).

2. The applicant's case in brief is that officers of respondent visited the applicant's premises on 1.3.2014 and replaced the electricity meter. The meter was taken out by respondent's officials and new meter was installed. Testing of old meter was carried out by the respondent in testing laboratory and it is found that meter seals were intact and there was no tampering to the meter. Respondent issued bill of Rs. 172365/- on the ground that meter has recorded less electricity consumption as there was some fault inside the meter. Applicant requested the respondent by letter dated 14.3.2014 to issue correct bill. Applicant approached to I.G.R.C. vide Case No. 669/14. I.G.R.C. decided the matter as per order dated 21.10.2014. Being aggrieved by the said order applicant approached to this Forum.

3. Non applicant denied applicant's case by filing reply Dt. 17.11.2014. It is submitted that connection of the applicant is for commercial purpose since 20.6.2001. 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 those energy bills. Vigilance officers visited applicant's premises on 1.3.2014. During the inspection meter of the applicant was found to be slow by 37%. As per M.R.I. report, meter was not getting 'Y' phase voltage and therefore meter has recorded 37% less consumption. The said meter was immediately replaced by new meter on the same day and tested in meter testing laboratory on the same day in presence of the applicant and same is found to be 30% slow. Accordingly, Vigilance Head had issued assessment bill for 17488 units for Rs. 1,72,365/-. Applicant is not satisfied with assessment bill and filed his grievance application to I.G.R.C. Nagpur. As per documents on record, it is confirmed that

applicant's meter was not getting 'Y' phase voltage prior to January 2011 and as such Vigilance Head issued assessment bill for 24 months for less billed units 17488. As per lab testing report, meter was found to be 30 % slow. In view of the above, recovery made by Vigilance Head for 24 months is quite justified. As per Section 56 (2) of Electricity Act 2003, distribution licensee or franchisee can recover any such amount for a period of 24 months from the date when it becomes first due. As per CPL the consumption for this period comes out to be  $(68512 - 31453) = 37059$  units. However, this consumption is 30% less than actual consumption as per laboratory testing report and therefore actual consumption should have been  $(37059 \times 100/70) = 52941$  units. As such less billed units comes out to be  $(52941 - 37059) = 15882$  units. Therefore Learned I.G.R.C. directed to revise the said assessment bill for 15882 units as per order dated 21.10.2014. As per order of Learned I.G.R.C. revised assessment bill is issued to the applicant for Rs. 143571/- on 21.10.2014. Grievance application deserves to be dismissed.

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

5. We have carefully perused report of Vigilance Head along with copy of MRI report to confirm the period of assessment. Documentary evidence on record shows that meter of the applicant was not getting 'Y' phase voltage prior to January 2011 and as such Vigilance Head of SNDL has issued assessment bill for 24 months for less billed units of 17488. During the inspection, meter of the applicant was found to be slow by 37%. As per MRI report the meter was not

getting 'Y' phase voltage and therefore meter was recording 37% less consumption. Said meter was immediately replaced on the same day and tested in meter testing lab on the same day in presence of the applicant and same is found to be 30% slow. Accordingly, Vigilance Head has issued assessment bill for 17488 units for 172365/-.

6. According to Section 56 (2) of Electricity Act 2003, Non applicant can recover an amount for 24 months and it is perfectly justified. We have simply to verify whether assessment of 17488 units is correct or not. As per documents, installation was checked on 3.1.2014 and 24 months period comes out to be January 2012 to December 2014. As per applicant's CPL the consumption for this period comes out to be  $58512 - 31453 = 37059$  units. However, this consumption is 30% less than actual consumption as per lab test report. Therefore actual consumption should have been  $37059 \times 100 / 70 = 52941$  units. As such less billed consumption comes out to be  $52941 - 37059 = 15882$  units. In view of above, normal assessment for 15882 units should have been charged to the applicant as against 17488 units already charged by the Vigilance Head.

7. Learned I.G.R.C. correctly & properly considered aspect of the matter and had passed detail speaking order. Said order is perfectly legal & valid and needs no interference.

8. Applicant argued before the Forum that 'Y' phase was missing but there was no tampering in the meter and therefore applicant is not responsible for the same. On the contrary, non applicant argued that if meter is fast we have to consider percentage of

fastness and have to revise the bill as per actual consumption in case in testing of the meter in lab, percentage of fastness is calculated or given. Similarly, on testing of the meter in lab, if meter is shown slow that too, 30%, it means more energy was consumed but 30% less consumption was recorded by the meter and therefore distribution licensee is entitled to recover these charges. We agree with the arguments of non applicant side. As the meter was slow by 30%, therefore non applicant is entitled to recover those charges for the period within limitation i.e. for 24 months.

9. For these reasons, in our opinion grievance application deserves to be dismissed. Hence following order : -

#### ORDER

- 1) Grievance application is dismissed.

Sd/-  
(Anil Shrivastava)  
MEMBER  
SECRETARY

Sd/-  
(Adv. Subhash Jichkar)  
MEMBER

Sd/-  
(Shivajirao S. Patil),  
CHAIRMAN