

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

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**Case No. CGRF(NUZ)/0101/2006**

- Applicant : Smt. Kunda Krishnarao Moundekar,  
At, 22, Wanrai nagar, Manewada,  
Besa Road,  
Nagpur.
- Non-Applicant : The Nodal Officer-  
Executive Engineer,  
Mahal Division,  
Nagpur representing the MSEDCL.
- 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 M.S. Shrisat  
Exe. Engr. & Member Secretary,  
Consumer Grievance Redressal Forum, NUZ,  
MSEDCL, Nagpur.

**ORDER (Passed on 28.02.2006)**

The present grievance application has been filed on 10.02.2006 as per Regulation 6.3 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum &

Ombudsman) Regulations, 2003 here-in-after referred-to-as the said Regulations.

The grievance of the applicant is in respect of erroneous revised bill dated 04.01.2006 for Rs. 1839/- issued by the non-applicant. Her grievance is also in respect of improper and illegal recovery of meter cost of Rs. 1000/- when her meter was changed on 05.08.2005.

Before filing the present grievance application, the applicant had approached the Internal Grievance Redressal Unit under the said Regulations by filing her complaint application dated 01.12.2005 raising therein the present grievance. The Unit, in reply, informed the applicant by its letter, being letter no. 566 dated 23.01.2006, that the applicant's meter upon inspection by the Flying Squad of Mahal Division was found to be running slow by 27.14% and further that a revised bill for Rs. 1839/- was rightly issued by the Executive Engineer, Mahal Division, MSEDCL, Nagpur on 04.01.2005 by giving a correct credit for Rs. 12,283=02 to the applicant against her energy bill dated 17.11.2005 for Rs. 13,880/-.

The applicant was not satisfied with the reply given to her by the Unit and hence, the present grievance application.

The matter was heard by us on 27.02.2006.

The applicant's case was presented before us by her nominated representative Shri Krushnarao Gulabrao Moundekar.

Documents produced on record by both the parties are perused and examined by us.

A copy of the non-applicant's parawise report dated 15.02.2006 submitted by the non-applicant as per Regulations 6.7 & 6.8 of the said Regulations was given to the applicant's nominated

representative on 27.02.2006 before the case was taken up for hearing and he was given opportunity to offer his say on this parawise report also.

In the present case, the applicant was issued energy bill dated 17.11.2005 for Rs. 13,880/-. This bill pertains to the period from 06.09.2005 to 09.11.2005 for 192 units. An arrear amount of Rs. 12,983=84 is shown to be recoverable in this bill.

The non-applicant had clarified during the course of hearing that the arrear amount was shown to be recoverable from the applicant on the basis of a report of his Flying Squad indicating that the applicant's meter was running slow by 74%. Subsequently the non-applicant realized that the report was not correct and as such, the non-applicant gave a credit of Rs. 12,283/- to the applicant against his energy bill dated 17.11.2005 for Rs. 13,880/- and a net amount of Rs.1839/- was shown to be recoverable as per the non-applicant's revised bill dated 04.01.2005. The non-applicant maintains his stand that the applicant's meter was found to be running slow by 27.14% upon Flying Squad's inspection dated 05.08.2005.

Against this background, the applicant's representative's contention is that the applicant was given to understand that her meter was found to be running slow by 23% initially and this percentage was enhanced to 73% and again reduced to 27.14% subsequently. He is, therefore, challenging the creditability of the non-applicant's action. No details, whatsoever, were disclosed to the applicant as to how and under what circumstances the percentage referred to above was arbitrarily changed.

The applicant's representative added that even the revised bill of Rs. 1839/- dated 04.01.2005 is not acceptable to him. His contention is that the meter cost of Rs. 1000/- can not be recovered from the applicant since there was no fault of the applicant while his meter was changed.

He stated before us that the applicant has already paid Rs. 3000/- of 10.11.2005 against the non-applicant's provisional bill dated 10.11.2005 and that a credit should be awarded for this amount.

He has also requested that the energy bill be revised appropriately in view of his pleadings.

The non-applicant, on his part, has referred to Divisional Flying Squad's inspection in his parawise report and stated that the applicant's energy meter was found upon inspection to be running slow by 27.14%. Hence, a revised bill dated 04.01.2006 for Rs. 1839/- towards assessment for six months was issued to the applicant. He has also stated that a credit of Rs. 12,083=02 will be adjusted in the applicant's energy bill for the billing month of February, 2006.

We have carefully gone through the record of the case and all submissions made before us by both the parties. The non-applicant has admitted during the course of hearing that a wrong report came to be filed to the effect that the applicant's energy meter was running slow by 74%. According to him, it was running slow by 27.14%. The record shows that the applicant has been charged for 771 units over a period of six months immediately preceeding the date viz. 05.08.2005 on which the applicant's meter was found to be running slow by 27.14%. This assessment for six months in itself is in bad in law.

As laid down in Regulations 15.4.1 of the MERC (Electricity Supply Code and Other Conditions of Supply) Regulations 2005, in case of a defective meter, the amount of the consumer's bill shall be adjusted for a maximum period of three months in accordance with the result of the test taken subject to furnishing test report of the meter alongwith the bill. It is an admitted position that the applicant's meter was defective inherently.

Hence, the applicant ought to have been charged only a maximum period of three months prior to 05.08.2005 and not six months as wrongly charged by the non-applicant.

It is also seen that the non-applicant has contemplated recovery of meter cost of Rs. 1000/- from the applicant wrongly.

As laid down in Regulation 14.2.4 of the aforementioned Supply Code Regulations, the Distribution Licensee is not authorized to recover the price of the meter more than once during the continuance of supply to the consumer except in the case of a burnt meter or a lost meter. The present case is not a case of a burnt meter or a lost meter. It is a case of a defective meter. Hence, the non-applicant ought not to have charged the meter cost of Rs. 1000/-.

In view of above, we accept the applicant's grievance application and direct the non-applicant that

- 1) meter cost of Rs. 1000/- shall not be recovered from the applicant and amount so far recovered from the applicant against the meter cost shall be refunded to the applicant by showing appropriate credit to the extent of amount so far recovered and

- 2) the revised bill of Rs. 1839/- dated 04.01.2006 issued by the non-applicant shall be further revised by considering consumption of the applicant for a maximum period of three months and not six months.

The non-applicant shall accordingly issue a fresh revised bill showing appropriate credits as stated above. It should be borne in mind by the non-applicant that while working out the fresh amount of credit, he shall also consider amount of Rs. 3000/- already paid by the applicant on 10.11.2005.

In the result, the applicant's grievance application stands disposed off in terms of reliefs granted as above.

The non-applicant shall report compliance of this order to this Forum on or before 15.03.2006.

<b>Sd/-</b>	<b>Sd/-</b>	<b>Sd/-</b>
<b>(M.S. Shrisat)</b>	<b>(Smt. Gouri Chandrayan)</b>	<b>(S.D. Jahagirdar)</b>
<b>Member-Secretary</b>	<b>Member</b>	<b>CHAIRMAN</b>
<b>CONSUMER GRIEVANCE REDRESSAL FORUM</b>		
<b>MAHARASHTRA STATE ELECTRICITY DISTRIBUTION CO LTD's</b>		
<b>NAGPUR URBAN ZONE, NAGPUR</b>		