

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

Case No. CGRF(NUZ)/0102/2006

Applicant : Shri Sanjivkumar Babanlal Mohbansi
New Gujarkhedi, Post. Malegaon,
Tah. Saoner,
Dist. Nagpur.

Non-Applicant : The Nodal Officer-
Assistant Engineer,
O&M Division- II,
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 17.03.2006)

The present grievance application is filed on 21.02.2006 under 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 incorrect and excessive energy bill dated 15.06.2005 for Rs.5,643.38 issued to him against his faulty meter, being meter no. 9001222679.

The facts, in brief, of the case are as under.

The applicant's meter, being meter no. 9001222679, was faulty from April 2004 till July, 2005 and the applicant was charged an average basis during this period. The applicant's premises were inspected by the non-applicant's representative on 29.03.2005 and thereafter the applicant's faulty meter was replaced on 27.05.2005 by a new meter, being meter no. 90001284916. The non-applicant informed the applicant by his letter, being letter no. 3143 dated 15.06.2005, that the applicant's meter, being meter no. 9001222679, was faulty since last one year and that an assessment of Rs. 5,643.38 has been worked out for a period of 12 months since the applicant's consumption was actually more than the average consumption shown in his energy bills against his faulty meter. The applicant was asked to pay this amount up to 30.06.2005. The applicant's power supply was disconnected on 28.09.2005 because of non-payment of these dues. In the meantime, the applicant filed a complaint, being complaint no. 64/2005, before the Additional District Consumer Disputes Redressal Forum, Nagpur hereinafter referred-to-as the District Forum on 21.09.2005 under the Consumer Protection Act, 1986. An interim order was passed on 30.09.2005 by the District Forum during the

pendancy of the complaint before it to the effect that the applicant should pay an amount of Rs. 2500/- against the disputed energy bill which the applicant paid to the non-applicant on or about 06.10.2005. Thereupon, the applicant's power supply was restored on 08.10.2005. In the mean time, the applicant had approached the Internal Grievance Redressal Unit under the said Regulations by filing his complaint on 13.01.2006 in respect of the present grievance. The Unit, upon hearing, informed the applicant by its letter, being letter no. 1015 dated 08.02.2006, that since the subject-matter of the applicant's grievance was sub-judice before the District Forum under the Consumer Protection Act, 1986, the applicant's complaint cannot be decided by the Unit. Thereafter, the applicant filed an application for withdrawal of his complaint before the District Forum and the District Forum allowed the applicant to withdraw his application and accordingly disposed off the matter before it on 16.02.2006. Thereupon, the applicant filed the present grievance application before this Forum under the said Regulations.

The matter was heard by us on 14.03.2006.

A copy of the non-applicant's parawise report dated 02.03.2006 submitted before this Forum under the said Regulations was given to the applicant on 08.03.2006 and he was given opportunity to offer his say on this parawise report also.

The contention of the applicant is that his meter, being meter no. 9001222679, was faulty since April, 2004 till 27.05.2005 and average bills were issued to him against this

faulty meter during this period. His premises were inspected on 29.03.2005 by the non-applicant's representative but his faulty meter was not inspected or tested. His faulty meter was ultimately replaced on 27.05.2005 by another meter, being meter no. 9001284916.

He added that the non-applicant's energy bill dated 15.06.2005 for Rs.5643.38 is not only improper and unjust but it is also not legal. He vehemently argued that the non-applicant can not charge such an excessive amount to him particularly when his meter was faulty during the period of more than one year. He requested that this excessive bill should be withdrawn by the non-applicant.

The applicant admitted that he had filed a complaint, being complaint no. 64/2005, before the District Forum on 21.09.2005 on the same subject matter. However, he has withdrawn this complaint and the District Forum has also permitted this withdrawal on 16.02.2006. He has produced a certified copy of the order dated 16.02.2006 passed by the District Forum.

He further submitted that he has already paid an amount of Rs.2500/- as ordered by the District Forum against his disputed energy bill for Rs. 5643.38. Citing this, he added that appropriate credit may be given to him if his disputed energy bill is decided to be revised.

The non-applicant, on his part, has admitted in his parawise report as well as during the course of hearing that the applicant's meter, being meter no. 9001222679, was faulty since April, 2004 till 27.05.2005 and that this faulty meter was

replaced by another meter, being meter no. 90001284916 on 27.05.2005. He also admitted that the applicant's faulty meter upon removal was not sent to the Testing Laboratory for testing purposes. According to him, energy bill for Rs. 5643.38 for 1788 units calculated at the rate of 149 units per month for a period of last one year was served upon the applicant on 15.06.2005 and he was asked to pay this amount. Thereupon, the applicant disputed this energy bill and filed a complaint before the District Forum under the Consumer Protection Act, 1986 and that the District Forum passed an interim order asking the applicant to pay an amount of Rs.2500/- against the disputed energy bill which the applicant paid on 08.10.2005.

He also added that since the applicant has withdrawn the complaint filed by him before the District Forum he has now no locus-standi to file the present grievance application again on the same subject-matter before this Forum.

He lastly prayed that since there is no substance in the applicant's grievance application, the same may be disposed off accordingly.

We have carefully gone through the record of the case, all documents produced on record by both the parties including various energy bills and also all submissions, written & oral, made before us by both of them.

The non-applicant had raised a point that the applicant has no locus-standi to file the present grievance application since his complaint on the same subject matter has already been disposed off by the District Forum. This contention can not be accepted by us for the reason that the District Forum

allowed the applicant to withdraw his complaint and also because the District Forum did not pass an any order on merits of the case. The applicant is, therefore, legally entitled to approach this Forum under the said Regulations.

It is pertinent to note that the non-applicant has admitted that the applicant's meter was faulty from April, 2004 till 27.05.2005 and that the assessment bill of Rs.5643.38 was issued by him on 15.06.2005 for 1788 units for the period from April, 2004 till 27.05.2005 against this faulty meter. Hence, the legal provision contained Regulation 15.4.1 of the MERC (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005 are attracted in the present matter. According to this legal provision, in case of a defective meter, the amount of the consumer bills shall be adjusted for a maximum period of three months.

The applicant will, therefore, get the benefit of this legal provision and in that, the non-applicant shall be legally bound to charge him only for a maximum period of three months prior to 27.05.2005 on which date his faulty meter was replaced by a new meter, being meter no. 900128916.

It, therefore, follows that the non-applicant's energy bill dated 15.06.2005 for 1788 units for Rs.5643.38 for a period of twelve months was undoubtedly improper and illegal. The same, therefore, stands cancelled.

In its place, the non-applicant will have to issue a revised bill to the applicant in terms of the aforementioned Regulation 15.4.1. In that, the non-applicant will have to calculate consumption of the applicant and charge him a only

for a period of three months prior to 27.05.2005. This consumption shall be worked out on the basis of the applicant's consumption against his new meter, being meter no. 9001228916.

Now the record shows that the applicant has been charged for 275 units in his energy bill dated 07.01.2006 against his new meter for the period from 31.07.2005 to 31.10.2005. Here also, a mistake has crept in from the side of the non-applicant in as much as the billing period in this energy bill is wrongly shown to be a period of two months. As a matter of fact, this energy bill dated 07.01.2006 for 275 units pertains to the period from 27.05.2005 to 31.10.2005 and not for the period from 31.07.2005 to 31.10.2005. This is evident from the fact that in this energy bill the previous reading of the applicant's new meter is shown as 613 while the final reading as on 31.10.2005 is shown to be 888. It is an admitted position that the applicant's previous faulty meter was replaced on 27.05.2005 by a new meter, being meter no. 9001284916, when this new meter was showing initial reading of 613 at the time of its installation. This demonstrates that the energy bill dated 07.01.2006 pertains to the period from 27.05.2005 till 31.10.2005. In view of this position, it becomes clear that the applicant's consumption against his new meter was 275 units over a period of five months as revealed by his energy bill dated 07.01.2006. This yields an average of 55 units per month. Based on this, the applicant's consumption for a period of three months comes to $55 \times 3 = 165$ units. The non-applicant shall, therefore, charge the applicant only for 165 units in place of 1788 units.

While working out the revised bill amount of the applicant in terms of above observations, the non-applicant shall give due credit for Rs. 2500/- to him which he has already paid on 08.10.2005 as per order of the District Forum.

In the result, the applicant's grievance application is accepted by us and the non-applicant is directed to issue a revised bill keeping in view the observations made by us in this order.

The non-applicant shall report compliance of this order to this Forum on or before 31.03.2006.

Sd/-	Sd/-	Sd/-
(M.S. Shrisat)	(Smt. Gouri Chandrayan)	(S.D. Jahagirdar)
Member-Secretary	Member	CHAIRMAN

**CONSUMER GRIEVANCE REDRESSAL FORUM
MAHARASHTRA STATE ELECTRICITY DISTRIBUTION CO LTD's
NAGPUR URBAN ZONE, NAGPUR.**