

**Before Maharashtra State Electricity Board's
Consumer Grievance Redressal Forum,
Nagpur Urban Zone, Nagpur**

Case No. CGRF(NUZ)/023/2005

Applicant : Late Shri Vasumal Gullumal
Gangwani
D/H Shri Brijlal Vasumal Gangwani,
Block No. 213, Near Sadhana Bank,
Main Branch, Jaripatka,
Nagpur – 440 014.

Non-Applicant : The Executive Engineer,
MSEB, Civil Lines Division (NUZ)
Nagpur. The Nodal Officer.

Quorum Present : 1) Shri S.D. Jahagirdar, IAS (Retd),
Chairman,
Consumer Grievance Redressal
Forum Nagpur Urban Zone,
Nagpur.

2) Smt. Gouri Chandrayan,
Member,
Consumer Grievance Redressal
Forum, Nagpur Urban Zone,
Nagpur.

ORDER (Passed on 21.06.2005)

The present grievance application is filed before this Forum in the prescribed schedule "A" on 16.05.2005 as per Regulation No. 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 non-installation of the old meter, being meter number 9010392097 which was replaced by a new Electronic meter, being meter number 2938643 despite the fact that the old meter was never faulty and it was running alright. The applicant's grievance is also in respect of excessive and abnormal electricity bills issued to him from time to time by the non-applicant. He has also demanded compensation.

The applicant had filed several applications in the past to various MSEB Officials including the Chief Engineer with a request to redress his grievances. However, according to him, no satisfactory remedy was provided to him even by the Chief Engineer. The Regulation Nos. 6.7 and 6.8 of the said Regulations provide that an aggrieved consumer of electricity has to first approach the Internal Grievance Redressal Unit. Although in the instant case, the applicant did not approach this Unit before coming to this Forum, this requirement stands dispensed with in view of the fact that he had already approached the Chief Engineer, Nagpur Urban Zone, MSEB, Nagpur for redressal of his grievance who is the highest official of MSEB at Nagpur and also in view of the fact that the Internal Grievance Redressal Unit works under his control. This dispensation is also in tune with the clarification already issued by the Maharashtra Electricity Regulatory Commission.

The matter was heard by us on 07.06.2005 and 09.06.2005 when both the parties were present. Documents produced by both of them are also perused by us.

After receipt of the grievance application, the non-applicant was asked to furnish parawise remarks on the applicant's application in terms of Regulation numbers 6.7 and 6.8 of the said Regulations. The non-applicant, accordingly, submitted to this Forum his parawise remarks on 27.05.2005. A copy of this parawise report was served on the applicant on 06.06.2005 and he was given opportunity to offer his say on this parawise report also.

The applicant has contended that his old meter, being meter number 9010392097 was not faulty and it was running alright. This meter was checked on 22.01.2004 by the MSEB Sub-Engineer, Jaripatka Office, NUZ, Nagpur and the Inspecting Officer found this meter to be OK. The applicant has produced a copy of this test report dated 22.01.2004 which is among the case papers. The applicant further stated that despite this position, the old meter was taken away forcibly on 24.01.2004 without giving any intimation to the applicant and a new electronic meter, being meter number 2938643 was installed on 24.01.2004 in place of the old meter. The old meter was showing reading of 0792 at the time of its replacement by the new electronic meter. Against this position, the meter reading was shown to be above 1250 units in the Consumer's Personal Ledger (CPL) of the applicant and excessive electricity bill was sent to the applicant which, according to the applicant, was unjust and

improper. The applicant vehemently added that the electricity supply to his house was disconnected by the non-applicant without any notice to him for a period of about 10 days since the unjust and excessive bill sent to him was not paid by the applicant. This had put the applicant to a great hardship. The electricity supply was re-stored by the non-applicant after the applicant paid the bill amount.

According to the applicant the new electronic meter, being meter number 2938643 was showing meter reading of 13444 at the time of its installation in place of the old meter. This new electronic meter was again replaced by the non-applicant by another meter, being meter number 135814 on 08.03.2004 and again an excessive electricity bill was sent to the applicant based on the meter reading of 13444 which was unjust and improper. Since the applicant did not pay the amount of the bill his electricity supply was disconnected again and it was restored only after payment of Rs. 4300/- by him. It is the contention of the applicant that the MSEB officials have been deliberately harassing him with a revengeful attitude. The applicant has also stated that he has filed several applications to various authorities of MSEB and raised his grievances repeatedly. However, no attention whatsoever was paid towards his complaints.

The applicant has further submitted that the third meter, being meter number 135814 is also running very fast and showing excessive readings which are not

commensurate with the applicant's consumption pattern. The applicant has been asked to pay an amount of Rs. 9340/- as per the non-applicant's bill dated 26.04.2005 which includes arrear amount of Rs. 8339.34 and also interest amount of Rs. 805.35 on this arrear amount and the applicant has been warned that his electricity supply would be disconnected if he fails to pay the electricity bill amount of Rs. 9340/-. He has produced a copy of this electricity bill. The applicant has also produced the following documents to support his contentions.

- 1) A copy of the application dated 21.04.2005 addressed to the Chief Engineer, NUZ, MSEB, Nagpur.
- 2) A copy of the electricity bill dated 01.03.2005 for Rs. 8640/- pertaining to the period from 08.12.2004 to 08.02.2005.
- 3) A copy of meter inspection report dated 08.02.2005.
- 4) A copy of meter inspection report dated 21.03.2005.
- 5) A copy of meter inspection report dated 27.09.2004.
- 6) A copy of meter inspection report dated 22.01.2004.
- 7) A copy of application dated 16.09.2003 addressed to the Chief Engineer, NUZ, MSEB, Nagpur.
- 8) A copy of application addressed to the Executive Engineer, Civil Lines Division, MSEB, Nagpur duly received by Civil Lines Division, MSEB, Nagpur on 03.03.2004.
- 9) A copy of application dated 12.01.2005 addressed to the Junior Engineer, Jaripatka MSEB Office which

was received by the Jr. Engineer's office on 13.01.2005.

- 10) A copy of another application dated 18.06.2004 addressed to the Chief Engineer NUZ, MSEB, Nagpur, a copy of which is also addressed to the Energy Minister of Maharashtra Government and also to the Central Energy Minister, Govt. of India, New Delhi.
- 11) A copy of application dated 03.03.2004 addressed to the Executive Engineer, Civil Lines Division, MSEB, Nagpur.
- 12) A copy of application dated 04.10.2004 addressed to the Accounts Officer, Civil Lines Division, MSEB, NUZ, Nagpur.
- 13) A copy of application dated 23.07.2004 addressed to the Chief Engineer, NUZ, MSEB, Nagpur.
- 14) A copy of application dated 08.09.2004 again addressed to the Chief Engineer, NUZ, MSEB, Nagpur.
- 15) A copy of application dated 27.10.2004 addressed to the Chief Engineer, NUZ, MSEB, Nagpur.

According to the applicant, he has been repeatedly inviting attention of the concerned MSEB officials including the Chief Engineer, NUZ, MSEB, Nagpur by submitting the afore-mentioned applications requesting them to redress his grievances. However, no

satisfactory solution was given by the concerned MSEB officials.

The applicant has stated in his written submission dated 07.06.2005 that the Assistant Engineer concerned has revised the applicant's electricity bill and has shown a deduction of Rs. 2289.56 in the billing month of February 2004 which he never asked for. He has also referred to the Jr. Engineer's report dated 21.03.2005 in which it has been stated by the Jr. Engineer that the applicant may be given slab benefit upto the meter reading 1830 considering the electricity load of the consumer which, according to the applicant, has not been done.

The applicant has lastly stated that the excessive bills sent to him may be ordered to be withdrawn and his other grievances may also be removed.

The non-applicant has stated in his parawise report that after receiving the complaint of the applicant, the Assistant Engineer, Lashkaribag Office of MSEB has effected correction in the electricity bill for the billing month of February 2004 and an amount of Rs. 2289.56 has been reduced from the amount payable by the applicant. After revision of this bill, the applicant was to pay an amount of Rs. 6485.03 which was outstanding against him. The applicant paid an amount of Rs. 4540/-

on 04.03.2004. All the subsequent electricity bills were based on the metered readings and upto April-2005 an amount of Rs. 9340/- remains outstanding against the applicant. The non-applicant has further stated that there are Court cases in progress in respect of the property dispute of the applicant. The meter of the applicant is installed in the house of his relative one Shri Ramesh Narayanrao Gangwani and the same is not installed in the house of the applicant. Shri Ramesh Narayanrao Gangwani-the applicant's relative has taken objection to shift the meter of the applicant as per his application dated 29.09.2004. Despite this position, the Assistant Engineer of Lashkaribag Office of MSEB has tried to shift the meter from the present place to the house to the applicant but he was obstructed by the relatives of the applicant. Hence, the applicant had requested to disconnect the electricity supply to his meter and there-upon the supply was disconnected. The applicant there-after requested to re-start the electricity supply which was restored on payment of amount of Rs. 4300/- by the applicant. The applicant had complained to the non-applicant that a theft of electricity was committed through his meter. Hence M-seal was affixed to his meter at the time of re-starting the electricity supply and his meter was secured. According to the non-applicant, the applicant has been complaining repeatedly about the theft of electricity etc. and hence he was advised to apply for a new electricity connection. However, the applicant has not

given any such application. On the contrary, according to the non-applicant, he gave a notice of fast un-to-death. There-upon the Chief Engineer had called the applicant for discussion on 09.11.2004. During the discussion, the applicant agreed to keep ready the new main-switch as also requisite earthing on 17.11.2004 and there-upon the electricity supply would be commissioned in the house of the applicant. The non-applicant has produced a copy of letter, being letter number 2438 dated 23.11.2004, addressed to the applicant in which all the details of discussion held in the meeting of 09.11.2004 are re-produced. According to the non-applicant, the applicant is in the habit of making complaints on one pretext or the other and further that all his complaints have been redressed by the non-applicant. The non-applicant has further stated that if the applicant does not pay the outstanding amount of Rs. 9340/- as per electricity bill dated 26.04.2005, supply of electricity to the applicant's meter will have be disconnected.

We have carefully gone through the entire record of the case including the CPL pertaining to the applicant, all the documents produced by both the parties and also written and oral submissions made by both of them before us.

The first part of the applicant's grievance is in respect of excessive and unjust electricity bills issued by the non-applicant.

It is pertinent to note that a deduction of Rs.2289.56 has been effected by the non-aplicant in the electricity bill for the billing month of February-2004 issued to the applicant. In this respect the applicant's contention that he never asked for any such deduction cannot be accepted because the record reveals that the applicant has been repeatedly complaining about the excessive electricity bills issued by the non-aplicant. This is clearly evident from the contents of the various complaint applications addressed by him to the Chief Engineer, NUZ, MSEB, Nagpur, which are among the case papers.

In this case the old meter, being meter number 10392097, is replaced by an electronic meter, being meter number 2938643 on 24.01.2004. This electronic meter has been installed with the opening meter reading of 13444. The old meter was showing meter reading of 792 at the time it was replaced. The entries in the applicant's Consumer Personal Ledger for the billing months of April-2004 and June - 2004 reveal that this new electronic meter was showing the same opening reading of 13444. It was not recording the units consumed by the applicant during these four months. It means this electronic meter was defective. This defective meter, being meter number 2938643 was, therefore, replaced again by new meter, being meter number 135814 on 08.03.2004. There is no complaint of the applicant in respect of recording of units by the old meter, being meter number 10392097. The complaint of the applicant is that his

old meter was changed on 24.01.2004 when it was showing a reading of 792 and the new electronic meter was installed forcibly by the non-applicant with a view to harass him. It is also the contention of the applicant that after the new electronic meter was installed replacing the old one, he was served with an excessive electricity bill of around of Rs. 6000/- which was unjust. If we verify the relevant entries in the applicant's Consumer Personal Ledger for the billing months from April – 2004 to October 2004, it is noticed that net electricity bills of Rs. 3090.17, Rs. 4163.70, Rs. 5410.71/- and Rs. 5778.64 have been worked out respectively for the billing months of April – 2004, June – 2004, August– 2004 and October-2004. The electronic meter, being meter number 2938643 installed on 24.01.2004 was defective and hence it was replaced on 08.03.2004 by another meter, being meter number 135814. Since the electronic meter was defective, respectively 314, 314 and 345 units have been shown to be consumed by the applicant's meter during the billing months of April 2004, June-2004 and August-2004. This seems to have been done on the basis of rule of averaging. In the billing month of October 2004, an electricity bill for 2304 units has been worked out by the non-applicant. In that, the current reading of the meter, being meter number 135814 is shown to be 1830 while the previous reading of this meter is shown to be 4. Thus a total of $1830-4 = 1826$ units should have been the correct number of units consumed by the applicant. However, it is seen that a figure of 478 units is added to the figure of 1826 units making a total of 2304

units. The non-applicant's say is that this figure of 2304 units shows the total consumption of the applicant over a period of eight months from the billing months of April – 2004 to October-2004. Average of 314 units per bi-monthly cycles of the billing months of April-2004 and June-2004 are seen to be included in this total figure of 2304 units. The billing month of August 2004 shows 345 units and this figure is also included in this figure of 2304. Thus a sum total of 973 units (314+314+345) is included in the figure of 2304 units. Hence, a rebate of Rs. 2941=55 for these 973 units was given to the applicant in the billing month of October-2004. In other words, the total actual consumption of the applicant is shown to be $2304-973=1331$ units over a period of 8 months from the billing months of April 2004 to October 2004. However, the fact remains that the figure of 2304 units shown in the Consumer's Personal Ledger in the billing month of October-2004 also includes the figure of 478 units as adjustment units which is not correct. When current reading during the billing month of October-2004 is already recorded at 1830 and the previous reading recorded at 0004, it follows that addition of another 478 units as adjustment units in the billing month of October-2004 was improper and unjust.

We, are, therefore, of the view the applicant deserves to be given relief in respect of billing of these 478 units and additional credit needs to be worked out and given to the applicant in respect of these 478 units. It also follows that the amount of interest shown to be recoverable

proportionate to these 478 units from the billing month of October 2004 onwards also needs to be worked out by the non-applicant and additional credit for this proportionate interest pertaining only to this 478 units given to the applicant.

As stated by the non-applicant consumption of 2304 units by the applicant pertains to the period of eight months from the billing month of April, 2004 to the billing month of October, 2004 and further that a rebate of Rs.2941=55 was given to the applicant in the billing month of October, 2004 in respect of 973 units. This demonstrates that according to the non-applicant, the electricity bill for October, 2004 was in effect for 1331 units and not for 2304 units after effecting the deduction of Rs. 2941=55. We have already stated above that extra 478 units shown to be included in the Consumer's Personal Ledger in the billing month of October, 2004 should not have been included and that this action on the part of the non-applicant was incorrect. Hence, it now follows that the consumption of the applicant over the afore-mentioned period of eight months was $1331-478=853$ units. This yields a monthly average of $(853/8=)107$ units which sounds to be quite reasonable.

The Consumer's Personal Ledger reveals that the total consumption of the applicant is shown to be 1223 units during the billing month of August 2003. If entries pertaining to consumption of units by the applicant prior to

August-2003 are seen, consumption of 1223 units during the billing month of August-2003 was clearly prima-facie disproportionate. Because of this high figure of 1223 units, higher slab-rate was made applicable to the applicant which was not correct. Hence with a view to correct this mistake and give relief to the applicant, the non-applicant deducted an amount of Rs. 2289.56 from the billing month of February-2004 offsetting the inadvertent higher slab-rate made applicable to the applicant.

The non-applicant seems to have worked out the relief of Rs.2289.56 taking into consideration the total consumption of the applicant from August 2001 to August-2003 which comes to 2603 units. Dividing this figure by 24 months (from August –2001 to August-2003), the per month average consumption of the applicant seems to have been calculated by the non-applicant at the rate of around 108 units per month which, according to us, is correct.

Thus, the non-applicant has already given relief to the applicant by reducing the electricity bill of the applicant by Rs. 2289.56 and Rs. 2941.55 respectively during the billing months of February-2004 and October-2004. According to us the relief already given by the non-applicant is correct though not adequate. No relief pertaining to 478 extra units is given so far by the non-applicant which ought to have been given.

The applicant has referred to the inspection report dated 21.03.2005 and contended that the slab-benefit recommended by the inspecting Jr. Engineer has not been given to him. The Junior Engineer has remarked in his inspection report that an average of 314 units per bi-monthly cycle for the billing months of March-2004 to June-2004 should be charged to the applicant. The entries in the Consumer's Personal Ledger reveal that in the billing month April-2004 and June-2004 the average of 314 units is already reflected. Since the electronic meter, being meter number 2938643 was defective from the billing month of April -2004 till another new meter, being meter number 135814 was installed replacing this defective meter, the applicant was served with the electricity bill for a total of 2304 units during the billing month of October-2004 taking into consideration the average number of units as 314,314 and 345 respectively during the billing month of April 2004, June-2004, August-2004. Although in effect the applicant's electricity bill during the billing month of October-2004 is pertaining to 1331 units (2304-973), it is not made clear by the non-applicant whether the slab benefit is already included in the amount of Rs. 2941.55 shown to be deducted in the billing month of the October-2004.

We are inclined to agree that slab-benefit has to be given at the meter reading of 1830 which is shown as current reading during the month of October-2004. The non-applicant should, therefore, work out the slab-benefit in

this behalf, if not already included in the amount of Rs.2941.45, and appropriate relief, if applicable, should be given in this regard to the applicant. At the cost of repetition we reiterate that addition of 478 units in the billing month of October-2004 was incorrect. The slab-benefit applicable during the billing month of October-2004 would be for 1826 units only and not to 2304 units as shown in the Consumer's Personal Ledger.

The second part of the applicant's grievance is that his old meter was running alright and it should not have been replaced by an electronic meter. We are of the view that this contention is not correct because there is a general policy being followed by MSEB to install new electronic meters replacing the old meters. The applicant has also contended that old meters installed in the houses of MSEB officials are still intact and they are not as yet replaced by electronic meters and further that a policy of discrimination has been followed by the Officers of MSEB. This is a very vague allegation and the applicant has not produced any proof to substantiate this contention. We, therefore, do not accept this contention of the applicant. However as a measure of abundant precaution, we request the Chief Engineer to look into this complaint of the applicant and take appropriate steps.

The total amount outstanding against the applicant as per the electricity bill dated 26.04.2005 is Rs. 9340/- which the applicant was asked to pay on or before

16.05.2005. A notice in respect of disconnection of electricity supply is embodied in the electricity bill dated 26.04.2005. Since we have given some relief in the electricity bills to applicant as detailed in the foregoing paragraphs, the non-applicant shall not disconnect the electricity supply of the applicant unless and until outstanding amount against the applicant is revised in terms of the directives given in this order. This revision should be done by the non-applicant before 30.06.2005 and the applicant should be informed about the exact amount payable by him to MSEB. Based on that, the applicant shall be bound to pay the outstanding amount to the non-applicant within the period to be allowed to him by the non-applicant. Request, if any, of the applicant for payment of the revised outstanding amount in installments may also be considered by the non-applicant as per rules in force.

The applicant had also made complaints in respect of theft of electricity from his meter by his relatives. This matter was considered by the Chief Engineer and the non-applicant and the applicant was advised to apply for a new connection. The existing meter of the applicant is also now secured by the non-applicant as reported by the non-applicant in his parawise report. The grievance of the applicant in this respect now seems to have been removed.

The applicant, during the course of hearing, has raised a grievance that the existing meter, being meter

number 135814 is also fast and it is yielding excessive electricity bills. In this respect, we had directed the non-applicant to test the existing meter for its accuracy in the presence of the applicant and to submit the inspection report to this Forum. Accordingly, the non-applicant got this meter inspected on 08.06.2005 in the presence of the applicant and also submitted the inspection report before this Forum on 09.06.2005. The inspecting Dy. Exe. Engineer Civil Lines Division, MSEB, Nagpur has clearly indicated in the inspection report that the existing meter is OK and it is running properly. The applicant has also signed the inspection report in token of its acceptance. The applicant, during the course of hearing, raised a contention that he is not happy with the report. This contention can not be accepted by us since the meter was inspected in the presence of the applicant and because the applicant also signed the inspection report which proves that correct procedure was followed by the non-applicant.

In the light of above, we partially accept the grievance application of the applicant and direct the non-applicant to revise and rework out the correct amount of electricity bill outstanding against the applicant in terms of observations made by us in this order and the applicant will have to pay the revised amount.

Looking to the circumstances of the case and also to the reliefs provided to the applicant, his request for awarding compensation to him cannot be considered.

The non-applicant shall report compliance of this order to this Forum on or before 31.07.2005.

(Smt. Gauri Chandrayan)
MEMBER

(S.D. Jahagirdar)
CHAIRMAN

**M.S.E.B.'S CONSUMER GRIEVANCE REDRESSAL
FORUM, NAGPUR URBAN ZONE, NAGPUR.**