

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

Case No. CGRF(NUZ)/024/2005

Applicant :Smt.Kunda Vijay Asare,
C/o Haribhau Daduria, 6/140,
Raje Raghujji Nagar Housing Board
Colony, Behind Provident Fund
Office, Nagpur.
represented by her nominated
representative.
Shri Haribhau Sadashiv Daduria

Non-Applicant : The Executive Engineer,
Mahal Division, (NUZ),
MSDC Ltd., NAGPUR.

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 30.06.2005)

The present grievance application is filed in the prescribed schedule "A" before this Forum on 18.05.2005 by the applicant 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 excessive recovery of electricity bills made by the non-applicant. The applicant's grievance is in respect of the faulty meter also.

The matter was heard by us and both the parties were given adequate opportunity to offer their respective say. Documents produced by both of them are also perused by us.

After receipt of the grievance application in question, the non-applicant was asked to furnish to this Forum his 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 his parawise report dated 30.05.2005 before this Forum on 08.06.2005. A copy of this report was given to the applicant's nominated representative on 08.06.2005 before the case was taken up for hearing and he was afforded adequate opportunity to offer his say on this parawise report also.

It is the contention of the applicant's representative that although a credit to the extent of Rs.8371.99 is given in the applicant's energy bills by the non-applicant pertaining to the period from September, 2001 to September, 2004, this credit given to the applicant is inadequate in as much as no electricity supply was available to the applicant during the period from July,2004 till 18th June – 2005 when the old faulty meter was replaced by the

non-applicant and further that the applicant was required to pay the electricity charges during the period from July,2004 till the end of May-2005 by the non-applicant. According to the applicant's representative, the credit of Rs.8371.99 given by the non-applicant may be correct but the same is not adequate. He added that the old meter of the applicant was taken away by the non-applicant in August-2004 and the same was again replaced in or about November-2004. This meter was faulty because there was no out-put of electrical energy available to the consumer-applicant during the period from July-2004 till 18th June-2005. Despite this position, the applicant was served with as many as three electricity bills respectively for the amount of Rs.200/- dated 05.11.2004, Rs. 990/- dated 15.02.2005 and Rs.880/- dated 13.04.2005 which the applicant has religiously paid to the non-applicant with a view to avoid dismantling of the meter by the non-applicant. It is the contention of the applicant's representative that additional credit of Rs.200+880+990 be given to him in view of the fact that the applicant was unable to avail of any electricity supply during the period from July-2004 upto 18th June,2005 evidently because of no out-put of electrical energy from the faulty meter. The applicant's grievance was also in respect of non-working of the applicant's meter which was replaced by the non-applicant on 18.06.2005 during the pendency of the present grievance application as per the directions issued to the non-applicant by this Forum.

The applicant has produced copies of the following documents to support his contentions.

- 1) The applicant's application dated 18.05.2005 addressed to this Forum.
- 2) The applicant's application dated 23.03.2005 addressed to the Sub-Engineer, Nandanwan S/Dn. of MSEB Nagpur in respect of installation of a new meter in place of old meter.
- 3) The applicant's application dated 05.03.2005 addressed to the Internal Grievance Redressal Unit headed by the Executive Engineer (Adm) MSEB, NUZ, Nagpur.
- 4) The applicant's application dated 01.07.2004 addressed to the Assistant Engineer of Nandanwan S/Dn of MSEB, Mahal, Nagpur.
- 5) A copy of the electricity bill dated 15.12.2004 for Rs.750/- for the period from 11.09.2004 to 08.11.2004 where in there is an endorsement to the effect that the meter of the applicant, being meter number 8006375173, is faulty.
- 6) The electricity bill dated 12.10.2004 for Rs. 3330/-.
- 7) The electricity bill dated 09.08.2004 for Rs. 2460/-.
- 8) The electricity bill dated 10.06.2004 for Rs. 1587/-.
- 9) The electricity bill dated 09.04.2004 for Rs. 610/-.

- 10) The duplicate electricity bill dated 05.11.2004 for Rs. 200/-
- 11) Payment receipt dated 10.05.2005 for Rs.880/-.
- 12) The applicant's application dated 06.11.2004 addressed to the Sub-Engineer, Nandanwan S/Dn, NUZ, MSEB, Nagpur raising the grievance in question.
- 13) Payment receipt dated 16.05.2005 for Rs.880/-.
- 14) The electricity bill dated 13.04.2005 for Rs.860/-.
- 15) The electricity bill dated 15.02.2005 for Rs.990/-.
- 16) The payment receipt dated 09.03.2005 for Rs.990/-.
- 17) The applicant's application dated 29.03.2005 again addressed to Nandanwan S/Dn. of MSEB, Nagpur raising the grievance of non-supply of electricity.

The applicant's representative lastly prayed that the amount of Rs. 200/- paid by him on 05.11.2004, amount of Rs. 880/- paid by him on 16.05.2005 and amount of Rs. 990/- paid by him on 09.03.2005 may be ordered to be refunded to the applicant or credit for these amounts be given to the applicant.

The non-applicant has stated in his parawise report dated 30.05.2005 that in response to the complaint of the applicant, the energy bill of the applicant was revised on 13.11.2004 and after revision, a credit for a total amount of Rs. 8371.99 was given to the applicant and further that an amount of Rs.3326.36 out of this amount of Rs.8371.99 is already credited in the energy bill of November,2004 and also

that the balance amount of Rs.5045.03 will be credited in the month of June-2005. According to the non-applicant, the applicant was charged in the past for consumption of 3357 units of electrical energy during the period of 35 months from September,2001 to September,2004 and that after revision, the applicant was charged for consumption of only 599 units during the aforesaid period of 35 months. Thus, according to the non-applicant, a credit for 2758 units is already given to the applicant amounting to Rs.8371.99. The non-applicant has produced copies of the relevant Consumer Personal Ledger to support his contentions. According to him, the credit already given to the applicant is adequate.

In response to the complaint raised by the applicant in the past and also during the pendency of the present grievance application, the non-applicant was directed by this Forum to test the existing meter of the applicant for its accuracy. Accordingly, the meter of the applicant was tested by the non-applicant in the presence of the applicant's representative on 18.06.2005 and a new meter is installed in place of the old faulty meter. The non-applicant lastly submitted that since all the grievances of the applicant are now removed, no relief now remains to be granted to her.

We have carefully gone through the record of the case, all the documents produced by both the parties and also submissions, written and oral, made before this Forum by both the parties.

The applicant's representative has stated before us that his limited grievance was about the non-functioning of the old meter over the period from July-2004 to 18th June, 2005. He has pointed out during the course of hearing that there was no out-put of electrical energy available to the applicant during the period from July,2004 till 18th June, 2005 when the applicant's old faulty meter was replaced by the non-applicant at the behest of this Forum. This submission of the applicant is also substantiated by the non-applicant's report dated 20.06.2005 which he submitted before this Forum on 21.06.2005. It has been clearly mentioned in this report that the old meter was defective and further that there was no out-put of electricity available to the applicant from this faulty meter. It therefore follows that there was no electricity available to the applicant during the period from July, 2004 upto 18.06.2005. The old faulty meter has been replaced by the non-applicant on 18.06.2005. Hence, it is crystal clear that the electricity charges imposed upon the applicant for the afore-mentioned period were unjust & improper and inapplicable. The applicant has already paid amounts of Rs.200/-, Rs. 990/- and Rs. 880/- respectively on 05.11.2004, 09.03.2005 and 16.05.2005 which the non-applicant should not have recovered because no out-put of electricity was available to the applicant during the relevant period of these bills as rightly contended by the applicant.

During the course of hearing, the non-applicant stated before us that although the applicant's meter was faulty, she will have to pay the minimum charges for the relevant period. We are unable to agree to this submission of the non-applicant because in the instant case, there was no out-put of electricity available to the applicant during the relevant period. The minimum charges payable by a consumer are applicable only when supply of electricity is available to the consumer irrespective of the fact that the consumer has not used any electrical energy for one reason or the other. It is apparent in the instant case that supply of electrical energy was itself not available to the applicant because of the faulty wiring inside the meter. Since no out-put of electricity was available to the applicant, she cannot be subjected to pay for the minimum charges as contended by the non-applicant.

It is also noted by us with regret that the Internal Grievance Redressal Unit to whom the applicant approached earlier utterly failed to provide any remedy to her which the Unit could have easily been done.

We are, therefore, of this view that the applicant deserves to be given additional credit for a total amount of Rs.2070/- (Rs. 200+990+880). It is pertinent to note in this case that the applicant was repeatedly making complaints to the non-applicant that there was no out-put of electricity available to the applicant. However, this specific complaint

was not attended to by the non-applicant till 18.06.2005. As admitted by the non-applicant, the applicant's old meter was faulty and there was no out-put of electricity available to the applicant and hence her faulty meter was replaced by a new meter on 18.06.2005. It is not understood as to what prevented the non-applicant from testing the applicant's faulty meter for its functioning when the applicant was pursuing him repeatedly and raising this particular grievance. Instead of testing the applicant's old meter for its accuracy, the non-applicant has served the applicant with a total energy bill of Rs. 2070/- as stated above which he ought not to have done.

The applicant's representative has admitted before us that a total credit of Rs.8371.99 is already given to the applicant which according to him is correct though do not adequate. The only grievance of the applicant now is in respect of the total energy bill amount of Rs.2070/- which the applicant has paid and in respect of which the applicant wants a credit.

His grievance about the faulty meter is already redressed by the non-applicant at the behest of this Forum during the pendency of this application and the applicant has now no grievance about the functioning of the new meter w.e.f. 18.06.2005.

In the light of above, we accept the grievance application of the applicant and pass the following order.

The non-applicant shall give additional credit of Rs.2070/- to the applicant in addition to the credit of Rs.8371.99 already given by him to the applicant.

The non-applicant shall report compliance of this order to this Forum on or before 15.07.2005.

(Smt. Gouri Chandrayan)
MEMBER

(S.D. Jahagirdar)
CHAIRMAN

**M.S.D.C. Ltd's CONSUMER GRIEVANCE REDRESSAL
FORUM, NAGPUR URBAN ZONE, NAGPUR**