

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

Case No. CGRF(NUZ)/021/2007

- Applicant : M/s. K. R. Enterprises
28, Deotale Layout,
NAGPUR.
- Non-applicant : MSEDCL represented by
the Nodal Officer-
Executive Engineer,
Division-II, NUZ,
Nagpur.
- 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 S.J. Bhargawa
Executive Engineer &
Member Secretary,
Consumer Grievance Redressal
Forum, Nagpur Urban Zone,
Nagpur.

ORDER (Passed on 19.05.2007)

The present grievance application is filed on 24.04.2007 under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance

Redressal Forum & Electricity Ombudsman) Regulations, 2006 here-in-after referred-to-as the said Regulations.

The grievance of the applicant is in respect of abnormal and excessive billing generated by his faulty meter. The applicant has specifically challenged the energy bill dated 18.01.2007 in which, according to him, an unjust, improper and illegal arrear amount of Rs. 61,438=83 has been shown to be recoverable from him.

Before approaching this Forum, the applicant had filed his grievance on the same-subject matter on 22.02.2007 before the Internal Grievance Redressal Cell (in short the cell) under the said Regulations. However, according to the applicant, no reply was provided to him by the Cell within the prescribed period of two months. The record also shows that the Cell has passed an order in the present case on 12.04.2007 and intimation to that effect was given to the applicant vide Cell's letter dated 18.04.2007. The Cell has rejected the applicant's grievance. Hence, the present grievance application.

The matter was heard on 16.05.2007.

The applicant's case was presented before this Forum by his nominated representative one Shri D.D. Dave.

The Nodal Officer, Executive Engineer C.C. O&M Dn.-II, MSEDCL, Nagpur presented the case of the non-applicant Company.

The applicant's representative contended that the applicant got energy bills on average basis from July, 2006 to October, 2006 and in each month the energy bill indicated status of the applicant's meter as "locked". He argued that the

applicant's meter was never inaccessible for reading purpose and that the remark of locked status shown in the bills was incorrect. The applicant is having his second Unit just adjacent to his present Unit which is the subject-matter of this application and the meter reader had recorded the applicant's metered consumption in the second Unit in the months of June, to October, 2006. Both the units are running simultaneously and both the premises were always accessible. He, therefore, questioned the propriety of showing of locked status of the applicant's premises in the present case. According to him, there is no substance in the non-applicant's claim that the applicant's meter in the present case was not accessible.

He added that the applicant received current energy bill for December, 2006 for 593 units and in this energy bill dated 18.01.2007, an arrear amount of Rs.61,439=17 was erroneously shown as recoverable. In that, he has also challenged the propriety of indicating in this bill consumption of 4053 Kwh units per month from July, 2006 to November, 2006. Upon receipt of the aforesaid disputed energy bill dated 18.01.2007, the applicant approached the non-applicant, paid the meter testing charges of Rs. 300/- on 03.01.2007 and requested for testing of his meter. The applicant's meter, being meter no. 6001723089, was replaced by the Licensee on 04.12.2006 and it was tested in the Testing Division on 15.02.2007. Though the meter testing result was Ok, the applicant's representative has challenged this testing report contending that the Ok report is not acceptable to the applicant because the meter was in the custody of the Licensee

from 04.12.2006 onwards till 15.02.2007. He vehemently argued that the applicant's meter was defective and that is why the route reading reports (R.R. sheets) for the months of July 2006 to September, 2006 have indicated abnormal consumption each month. He also stated that the R.R. sheet produced on record by the non-applicant for the month of June 2006 wrongly recorded the applicant's meter's status as locked.

The R.R. sheet for the month of July 2006 indicates current reading of the applicant's meter as 37861 while the previous reading is shown as 23115. Consumption as revealed by this R.R. sheet comes to more than 14,000 units during the month of July,2006. Similar is the case in the subsequent months upto October,2006. This consumption, according to him, was abnormal. He also cited the R.R. sheets for the months of August and September, 2006 and contended that current readings of his meter were recorded by the concerned meter reader in these sheets as 40418 and 41377 units respectively. Citing these details, he vehemently submitted that the non-applicant's claim that the applicant's meter was not accessible for reading purposes is totally false since readings have been recorded by the concerned meter reader in the R.R. sheets.

On the point of defectiveness of the meter, he argued that the testing Engineer has noted in the prescribed register at the time of testing of the meter that the locking bolt and hinges strip of the dial seal were found to be broken. According to him, this proves that the subject meter was in a damaged state of affairs at the time of testing and thus, it was defective.

He relied upon Regulations 15.4.1 and 15.3.2 of the MERC (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005 hereinafter referred-to-as the Supply Code Regulations.

The say of the applicant's representative is that since the applicant's meter was defective, he should have been billed for a maximum period of three months on average basis of around 1021 units per month only in terms of Regulation 15.4.1 of the Supply Code Regulations which the non-applicant failed to do. On the contrary, an erroneous and excessive arrear amount of Rs.61,439/- was shown as recoverable from the applicant in his energy bill for the month of December, 2006.

He continued to submit that if the claim of the non-applicant is that the applicant's meter was inaccessible because of his premises being found locked during the months of July, August, September and October, 2006, as laid down in Regulation 15.3.2 of the Supply Code Regulations, the licensee should have served not less than seven clear working days' notice upon the applicant asking him to keep open the premises for taking meter reading. According to him, no such notice was issued and served upon the applicant. His submission is that the non-applicant has violated the legal provision of Regulation 15.3.2 and also Regulation 15.4.1 of the Supply Code Regulations

He lastly prayed that the disputed energy bill dated 18.01.2007 for the month of December, 2007 may be quashed, meter testing charges already paid by the applicant be refunded to him and further that the applicant should be

charged only on average basis of 1012 units per month for July, 2006 to October, 2006 by following the provision contained in aforesaid Regulation 15.4.1. He also requested for refund of the excess amount charged to him for all these four months.

The non-applicant has submitted his parawise report dated 15.05.2007 which is on record. In this report, it is stated that the applicant's premises was found to be locked with the result that energy bills for the months of July, 2006 to October, 2006 came to be issued on average basis. The applicant has also paid all these bills without raising any objection. Thus, he has accepted the fact that his premises was locked. This report further states that the actual consumption reading is obtained in the month of November, 2006 which was 43384. Only average billing was done to the applicant earlier. Hence, after reading was available in November 2006, quantum of actual metered consumption was arrived at 20269 units in the billing month of November, 2006 by considering current meter reading at 43384 and previous reading as in the beginning of July,2006 at 23115 and accordingly, the applicant was rightly billed. It is his say that the disputed energy bill in question was correctly issued and the applicant was bound to pay the energy charges as per metered consumption. He further added that the applicant's meter was also got tested in the applicant's presence on 15.02.2007 in the Testing Division, NUZ MSEDCL, Nagpur and it was found that meter was fault-free. He denied the applicant's contention that the applicant's meter recorded abnormal and excessively readings. He added that the

applicant was present at the time of testing of the applicant's meter on 15.02.2007 and he has also signed the testing report without raising any objection or without recording any adverse comments.

The Nodal officer, representing the non-applicant Company, however, changed his version at the time of hearing on 16.05.2007 by stating that the meter reader did record current readings in the R.R. sheets ending 31.07.06, 31.08.06 & 30.09.06. He, however, maintained that the applicant's premises was found to be locked by the meter reader when he went for recording metered consumption in June,2006 and as such the current reading could not be noted in the R.R. sheet by the meter reader so far as the applicant's energy bill for the month of July, 2006 is concerned.

He lastly prayed that the grievance application may be rejected.

The first point to be considered and decided by this Forum is whether the applicant's meter was defective. In this respect, testing report of the applicant's meter dated 15.02.2007 states that the applicant's meter was fault-free. The errors noticed during the load test of the meter were found to be within the permissible limit. We, therefore, do not see any reason to disbelieve this report. It is also a fact that the load test was carried out in the presence of the applicant and that the applicant has also signed said testing report. The applicant's representative's submission is that at the time of testing this meter, the testing Engineer has noted that the locking bolt and hinges strip of the dial seal were found to be broken. This is also not disputed by the Nodal Officer

representing the non-applicant Company. It has to be noted that though the outer seals were found to be broken, the interior part of the meter was found to be Ok and that is why the load test was normal. Hence, only because the locking bolt and hinges strip of the dial seal were found to be broken, it does not conclusively prove that the meter in question was defective. The allegation made by the applicant's representative against the non-applicant to the effect that the subject meter was in the custody of the non-applicant for more than two months and that the non-applicant might have manipulated to get the Ok meter testing report is devoid of any merit and reasoning. There was no illwill against the applicant. The meter was thus not defective and hence Regulation 15.4.1 of the Supply Code Regulations cannot come into play.

Likewise, Regulation 15.3.2 of Supply Code Regulations is also not attracted in the present case because the applicant's meter was not found to be locked by the meter reader for any two consecutive months. The R.R. sheets produced on record indicate the figures of current readings of the applicant's meter when the meter reader went to the applicant's premises for recording the metered consumption on 31.07.2006, 31.08.2006 and 30.09.2006.

During the course of hearing, the non-applicant relied upon the contents of these R.R. sheets and made a statement that average billing was done to the applicant at the rate of 1020 units per month during the billing months of July, August, September and October, 2006 because abnormal consumption was noticed. That is why the meter was got

tested in the testing laboratory by the non-applicant by asking the applicant to deposit meter testing charges. The aspect of average billing is thus adequately and satisfactorily explained by the non-applicant and the reasoning afforded by him deserves to be accepted.

It is a matter of record that the applicant has been billed for 20267 units for five months from July, 2006 to November, 2006 by considering current reading of 43384 and the previous reading of 23115. This is the metered consumption consumed by the applicant through a fault-free meter. Hence, we do not see any reason to disbelieve the same. The applicant's contention is that his previous average consumption was much less than the one yielded at the rate of 4053 units p.m. during the months of July to November, 2006 and as such this proves that his energy bill amounts were excessive and abnormal. This contention cannot be accepted by us because such a comparison of previous average is of no consequence looking to the fact that the applicant's meter was found to be fault-free and he was rightly billed as per his metered consumption.

A point was raised by the applicant's representative that his meter was removed from the applicant's premises on 04.12.2006 at final reading of 43977 while at the time of testing of the meter the testing Engineer recorded initial reading of 44010 on 15.02.2007. The applicant's representative has thus raised a doubt about the correct reading of the meter. He has alleged that the readings seem to be manipulated and that the non-applicant's behavior is malafide. The Nodal Officer has replied this contention by

saying that reading of 43977 was recorded by the meter reader when he went for taking the reading of applicant's meter while the applicant's meter was subsequently removed from the premises after a few days and, thus, there was bound to be some time-lag between the meter reader's noting of current reading in the R.R. sheet and the physical removal of the meter and that is why there is a difference of 33 units as pointed out by the applicant. The explanation given by the Nodal Officer deserves to be accepted since it is cogent and convincing.

It thus boils down to this that the billing done to the applicant was proper and correct.

In the result, we find no substance in the present grievance application. The same, therefore, stands rejected.

Sd/-	Sd/-	Sd/-
(S.J. Bhargawa)	(Smt. Gauri Chandrayan)	(S.D. Jahagirdar)
Member-Secretary	MEMBER	CHAIRMAN

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