

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

Case No. CGRF(NUZ)/023/2007

Applicant : Shri Moreshwar Sonbaji Gaikwad
Plot No. 74, Dattatray Nagar,
NAGPUR.

Non-applicant : MSEDCL represented by
the Nodal Officer-
Executive Engineer,
Mahal Division, 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 24.05.2007)

The present grievance application has been filed on
26.04.2007 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 his energy bill dated 03.03.2007, vide consumer no. 410015980579, for Rs. 4350/- which includes an amount of Rs. 3550/- towards assessment made by the non-applicant in respect of un-authorized use of electricity under Section 126 of the Electricity Act, 2003. The applicant has requested to quash recovery of this amount of Rs. 3550/- which is now reduced to Rs.2370/- by the non-applicant. He has also requested to re-install his previous electro-mechanical meter which was replaced by a new meter on 25.01.2007.

Before approaching this Forum, the applicant had filed his complaint on the same-subject matter before the Internal Grievance Redressal Cell (in short the Cell) by filing his complaint on 15.03.2007. The Cell, upon enquiry and hearing, replied the applicant by its letter, being letter no. 2688 dated 23.04.2007, that the inspection squad of the non-applicant Company found upon inspection on 25.01.2007 of the applicant's meter that the applicant's meter was running slow by 49.26% and recommended recovery of amount of Rs.3550/- towards un-authorized use of electricity for the period of three months at a rate equal to one-and-half times the tariff applicable. The assessment bill in question of Rs.3550/- was subsequently revised to Rs.2370/- by the non-applicant holding that the use of electricity was not unauthorized. The Cell requested the applicant to pay the revised amount of Rs.2370/- . The applicant is aggrieved by this decision of the Cell and hence, the present grievance application.

The matter was heard on 22.05.2007.

The applicant contended that he was paying all his energy bills regularly. However, his energy bill dated 03.03.2007 contained an excessive and abnormal amount of Rs.4350/- including the applicant's current bill amount. His meter came to be inspected on 25.01.2007 by the Jr. Engineer, Nandanwan S/Dn., MSEDCL, NUZ, Nagpur who found that the meter was Ok. Despite this position, his meter was replaced by a new meter. According to him, this bill is unjust, improper and illegal. Upon enquiry with the non-applicant's office, he was given to understand that his meter was running slow by about 50% and hence, he was required to pay the assessment amount of Rs.3550/- towards un-authorised use of electricity. His wife was compelled to sign a joint inspection report on 25.01.2007. He added that the Jr. Engineer had already prepared this Joint Inspection Report and that it was already containing signatures of Panchas when it was brought before his wife for taking her signature. He has, therefore, challenged the bonafides of the non-applicant.

Subsequently, the assessed amount in question was reduced to Rs.2370/- and a bill to that effect was issued on 02.04.2007. He has termed the action of the non-applicant of issuance of the bill containing an amount of Rs.2370/- towards short recovery of his energy consumption charges as unjust, improper and illegal.

He continued to submit that no satisfactory remedy has been provided to him so far and that his meter was not defective as claimed by the non-applicant.

He lastly prayed that recovery of the assessment amount of Rs.2370/- may be quashed and further that his previous electro-mechanical meter may be reinstalled.

The non-applicant has stated in his parawise report dated 14.05.2007 and also during oral submissions that the O.I.C. New Subhedar Distribution Centre visited the premises of the applicant on 25.01.2007 and checked the applicant's meter. He found that the meter was running slow by 49.26%. Hence, the meter was replaced on the same day by a new meter. The applicant's meter was checked with accu-check meter on the spot and a Joint Inspection Report was drawn on 25.01.2007 in the presence of the applicant's wife and her signature was also taken on the report. This report also contains signatures of the Panchas. Consequently, the Dy. Executive Engineer, Nandanwan S/Dn., raised a bill under section 126 of the Electricity Act, 2003 for Rs.3550/- equal to 1.5 times the tariff applicable for a period of three months. No abnormality was found inside the meter and hence, it was concluded that the applicant's meter was defective in terms of Regulation 15.4.1 of the MERC (Supply Code Regulations and Other Conditions of Supply) Regulations, 2005 hereinafter referred-to-as the Supply Code Regulations. Finally, the assessed amount was reduced to Rs.2367/- in terms of the said Regulation 15.4.1 holding that the use of electricity was authorized. This bill was issued to the applicant on 02.04.2007 which has so far not been paid by him. According to him, since the applicant's meter was running slow by 49.26%, this was a defective meter and hence, it was replaced by a new meter on 25.01.2007.

He lastly prayed that there is no substance in the applicant's grievance.

In this case, it is a matter of record that the applicant's meter came to be checked by the non-applicant on 25.01.2007 and it was found that the meter was running slow by 49.26%. The meter was not found tampered from inside though it was running slow. The non-applicant decided to recover from the applicant the differential charges of consumption by issuing the energy bill dated 03.03.2007. Initially, an assessment was made under section 126 of the Electricity Act, 2003 and the applicant was charged under Section 126 treating the use of electricity as un-authorized. In that, under Section 126, an assessment bill of Rs.4350/- was drawn. However, this was reduced to Rs.2370/- subsequently by holding that the applicant's use of electricity was not un-authorized. Amount equivalent to 50% short recovery for the past period of three months was charged to the applicant in terms of Regulation 15.4.1 of the Supply Code Regulations. The applicant has contended during the course of hearing that the entire action of the non-applicant is malafide. In that, he has challenged the joint inspection report dated 25.01.2007 contending that this is a manipulated report. However, this contention holds no substance since the applicant's wife had signed this joint inspection report. When questioned as to why the applicant's wife simply signed the report without adding any note of dissent, no plausible explanation was forthcoming. This joint inspection report is also signed by two Panchas and that there a clear-cut mention in this report that the applicant's meter was found to be running slow by 49.26%.

The only flaw that is noticed by us in the non-applicant's action is that he should have got tested the meter in the Testing Laboratory and should have furnished the testing report of the meter to the applicant before sending the assessment bill in question. There is no doubt that the inspecting party had found the applicant's meter to be running slow by 49.26%. However, his mere observation through a joint inspection report is not adequate. The requirement of testing the faulty meter has not been complied with in the present case. Regulation 15.4.1 of the Supply Code Regulations provides that such a meter should be tested and a testing report of the meter furnished to the applicant. What has happened in this case is that the applicant's replaced meter was not got tested in the Testing Laboratory of the non-applicant.

In view of above position, we are inclined to hold and do hold accordingly that this requirement has not been followed by the non-applicant. The old meter is still in the custody of the non-applicant. Hence, it will be in the fitness of the things if the old meter is tested in the testing laboratory by the non-applicant, that too, in the presence of the applicant and further action of billing, if any, taken in accordance with the results of the test.

Before carrying out the testing of the disputed meter in question, the applicant should be given an advance notice about the date, time and place of the test to be done and asking him to remain present for witnessing the test.

During the course of hearing, the non-applicant has stated that the meter in question was tested on the spot with the accu-check meter and signature of the applicant's son was taken in the prescribed

register by the person carrying out the test. This was denied by the applicant. Hence, the prescribed register was called for and was pursued by us. This register shows that the accu-check testing of the meter was done on 20.01.2007 and the applicant's son had signed this register. The applicant's son who was present at the time of hearing was also questioned on the point whether he had signed such a register. He was found to be hesitant in giving any reply. Hence, his signature on a plain paper was obtained by us in our presence and it was tallied with his signature on the prescribed register. The two signatures were found to be identical. This proves that the applicant's meter was tested with accu-check meter on 20.01.2007 by the person authorized to carry out such an accu-check testing. This was also followed by preparing a joint inspection report dated 25.01.2007 which also makes a mention of having carried out accu-check testing of the meter again on 25.01.2007.

In the result, we find that the action of the non-applicant was not malafide as alleged by the applicant.

In view of above position, we now direct the non-applicant to carry out the test of the applicant's subject meter in the non-applicant's testing laboratory and take further action of billing, if necessary, in accordance with the results of the test taken in terms of Regulation 15.4.1 of the Supply Code Regulations. A copy of the testing report should be furnished to the applicant. Entire action as directed in this order should be completed by the non-applicant before 05.06.2007 and compliance reported on or before 10.06.2007 to this Forum.

The request of applicant to re-install his previous electro-mechanical meter cannot be granted in as much as there is a policy of

the non-applicant Company to replace all such old meters by new electronic meters.

The grievance application thus stands disposed of accordingly.

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.**

**Member-
Secretary
Consumer Grievance Redressal Forum,
Maharashtra State Electricity Distribution Co.Ltd.,
Nagpur Urban Zone, NAGPUR**