

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

Case No. CGRF(NUZ)/0113/2006

- Applicant : Late Shri Bhourao Damodhar
Channewar
D/H Shri Ajay B. Chennewar
At Block No. 16, Gokulpeth
N.M.C. Market,
Nagpur.
- Non-Applicant : The Executive Engineer,
Congressnagar Division,
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 13.04.2006)

The present grievance application is filed on 21.03.2006 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 assessment amount of Rs. 17,940.64 allegedly towards unauthorized use of electricity shown to be included in his energy bill dated 25.01.2006 against consumer no. 410010771474.

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

The applicant's premises were inspected by the Flying Squad of the non-applicant Company on 22.11.2005 and the applicant's meter, being meter no. 8021479, came to be inspected. It was noticed by the Flying Squad that this meter was running slow by 69%. The meter was opened in the presence of the applicant to ascertain the reasons of slowness of meter and no tampering evidence inside the meter was noticed. Capacitor was also not found to be provided.

The Flying Squad recommended the following action.

- 1) Meter may be replaced and old meter may be tested in testing laboratory and charges equivalent to the last period may be assessed and recovered.
- 2) Capacitor may be provided.

There-upon, an assessment under section 126 of the Electricity Act, 2003 was done by the non-applicant and initial assessment of Rs. 17,940/- worked out. This assessment amount was finally reduced to Rs. 13,109/-. The applicant disputed this assessment and accordingly, filed complaint

application dated 20.01.2006 addressed to the Executive Engineer, MSEB, Nagpur. This application came to be received by the Shankarnagar S/Dn. of Nagpur Urban Zone, MSEDCL, Nagpur on 20.01.2006. No action was taken on this complaint application within a period of two months as prescribed by the said Regulations. Hence, the present grievance application.

The matter was heard by us on 10.04.2006.

A copy of the non-applicant's parawise report submitted by him as per the said Regulations was given to the applicant and he was given opportunity to offer his say on this parawise report also.

The contention of the applicant is that he has not violated legal provision contained in Section 126 of the Electricity Act, 2003. The assessment amount of Rs. 17,940.64 included in his energy bill dated 25.01.2006 is not acceptable to him. He added that meter testing result has not so far been communicated to him although the Flying Squad had recommended that the meter should be got tested.

Relying upon his pattern of consumption, his say is that his meter was not running slow by 69%. His old meter was replaced on 22.11.2005 immediately after the Flying Squad's inspection. He is prepared to pay the electrical charges as per his pattern of consumption as evidenced by his new meter. He has paid a provisional amount of Rs. 3000/- on 21.01.2006 under protest against the assessment amount of Rs. 17940/- with a view to avoid the threat of disconnection.

He has lastly prayed that his energy bill may be revised appropriately.

The non-applicant has stated in his parawise report that assessment under Section 126 of the Electricity Act, 2003 was done in view of findings of the Flying Squad, NUZ and initial assessment amount of Rs. 17940/- for a period of six months was worked out and it was included in the applicant's energy bill dated 25.01.2006. Final assessment under Section 126 to the tune of Rs. 13,109/- has subsequently been finalized and a credit of Rs. 4841/- is also given to the applicant.

He added that the applicant ought to have filed an appeal under Section 127 of the Electricity Act, 2003 before the Chief Engineer (Electrical) P.W.D., Mumbai since he was aggrieved on account of the assessment done under Section 126.

He further stated that as per Regulation 6.4 of the said Regulations this matter is beyond the jurisdiction of this Forum, it being a case under Section 126 of the Electricity Act, 2003.

He lastly prayed that the present grievance application may be dismissed.

The basic point to be decided is whether Section 126 of the Electricity Act, 2003 is applicable to the present case.

As per explanation below section 126 (6) of the Electricity Act, 2003, unauthorized use of electricity means the usage of electricity

- (i) by any artificial means; or
- (ii) by a means not authorized by the concerned person or authority or licensee; or
- (iii) through a tampered meter, or
- (iv) for the purpose other than for which the usage of electricity was authorized.

The Flying Squad's inspection report dated 22.11.2005 clearly observes that no meter tampering evidence was found inside the meter in the present case. Mere extension of load beyond the sanctioned limit does not mean unauthorized use of electricity. The present case does not fall in any one of the four categories listed out under definition of words "unauthorized use of electricity".

The contention of the non-applicant that the present case pertains to Section 126 of the Electricity Act, 2003 is, therefore, not correct and legal. Question of the applicant taking recourse to Section 127 of the Electricity Act, 2003, therefore, does not arise at all.

The other contention of the non-applicant that the present matter does not fall within the jurisdiction of this Forum in terms of Regulation 6.4 of the said Regulations is also not correct in as much as the present case is not a case of unauthorized use of electricity under Section 126 of the Electricity Act, 2003.

Regulation 15.4.1 of the MERC (Electricity Supply Code and Other Condition of Supply) Regulations, 2005 clearly stipulates that in case of a defective meter, the amount of the consumer's bill shall be adjusted for a maximum period of three months etc. subject to furnishing the test report of the meter alongwith the assessed bill. In the instant case, the slowness of meter as noticed by the Flying Squad could be attributable to some inherent defect in the meter.

It is pertinent to note that the Flying Squad had proposed that the meter in question should be got tested from the testing laboratory. However, it seems, that this has not been done. The non-applicant has also not made any comment in his written or oral submissions as to whether the meter in question was tested for its accuracy in the testing laboratory or otherwise. The non-applicant has neither submitted any document to show that the meter was got tested in the testing laboratory and if so, with what result.

The contentions raised by the applicant are found to be cogent, convincing & legal

We, therefore, conclude that the present case is a case of defective meter and not a case of unauthorized use of electricity and as such the applicant will have to be charged for a maximum period of three months and not six months as wrongly done by the non-applicant.

The applicant's old meter was replaced on 22.11.2005 by a new meter, being meter no. 8001565480. The non-applicant should now work out the amount payable by the present applicant based on his average consumption per

month as evidenced by the applicant's new meter. This works out to around 144 units per month. Three months' consumption would come to around $144 \times 3 = 432$ units.

The non-applicant will thus charge the applicant only for 432 units in place of assessment of Rs. 17,940/- for 647 units. Any amount paid against the assessment amount of Rs. 17,940/- after 25.01.2006 by the applicant should be deducted and the applicant should be informed the exact amount of his revised bill.

In the result, we allow the present grievance application and direct the non-applicant to revise the applicant's energy bill in terms of observations made by us in this order.

The non-applicant shall report compliance of this order to this Forum on or before 30.04.2006.

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.**

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