

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

Case No. CGRF(NUZ)/040/2005

- Applicant : Shri Ashok M. Gupta
406, Dwarkanath Apartment,
Hanuman nagar,
Nagpur.
- Non-Applicant : The Nodal Officer,
Executive Engineer,
Mahal Division,
Nagpur representing the MSEDCL.
- 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.
- 3) Shri M.S. Shrisat
Exe. Engr. & Member Secretary,
Consumer Grievance Redressal
Forum, NUZ, MSEDCL, Nagpur.

ORDER (Passed on 29.08.2005)

The applicant has filed his grievance application in the prescribed schedule "A" before this Forum on 14.07.2005 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 excessive billing.

The matter was heard by us on 17.08.2005 when both the parties were present. Both of them are heard by us. Documents produced by both of them are also perused and examined by us.

After receipt of the grievance application in question, the non-applicant was asked to furnish before this Forum his parawise remarks as per Regulations No. 6.7 & 6.8 of the said Regulations. Accordingly, the non-applicant submitted his parawise remarks dated 27.07.2005 which were received by this Forum on 28.07.2005. A copy thereof is received by the applicant on 02.08.2005.

It is the contention of the applicant that he received the excessive bill of electricity charges for the period from 03.09.2004 to 01.01.2005 for which he made a complaint to the Manewada S/stn. of MSEB. Since no remedy was provided to his complaint by the Assistant Engineer, Manewada S/stn. MSEB, Nagpur, the applicant approached the Internal Grievance Redressal Unit headed by the Executive Engineer (Adm) in the office of the Chief Engineer (NUZ), MSEB Nagpur by the filing his complaint in the prescribed Annexure-“X” on 09.05.2005. The Internal Grievance Redressal Unit disposed off the complaint without giving any relief to the applicant. This Unit, accordingly,

informed the applicant by its letter, being letter number 1531 dated 04.07.2005.

Being aggrieved by the decision of the Internal Grievance Redressal Unit, the applicant approached and filed this application before this Forum as per the said Regulations.

It is the contention of the applicant that he was receiving electricity bill of Rs. 900/- to 1000/- on an average for two months and his average consumption for every two months used to be around 350 units. He received electricity bill of Rs.3966.20/- showing consumption of 993 units between the period from 03.09.2004 to 02.11.2004 which, according to the applicant, was on a very high side. There-upon, he met the Engineer In-charge of Manewada S/stn. for rectification of this bill and filed his complaint on 22.11.2004. The In-charge Engineer promised to solve the problem but asked him to pay an amount of Rs. 2400/- equal to 60% of the disputed bill amount. The In-charge Engineer also warned him that his power supply would be disconnected in the event of non-payment of this amount of Rs. 2400/-. With no option left, the applicant paid this amount on the same day. The applicant added that his harassment began from this point of time. He did not receive any reply to his complaint dated 22.11.2004 till December, 2004. He received the next electricity bill for the period from 02.11.2004 to 01.01.2005 and this bill amount was higher than the previous one. The total amount shown in this bill is Rs. 6,910/- including the previous balance of Rs. 1632.72/- and it showed consumption of 1302 units which, according to the applicant, is abnormally high. He

again met the Engineer In-charge, Manewada S/stn. MSEB, Nagpur and showed him his previous complaint dated 22.11.2004. It is the submission of the applicant that finally an Engineer and a Lineman of MSEB visited his residence and tested his electricity meter in his presence and they found that the meter was faulty. The applicant added that he saw these two persons making an entry regarding meter being faulty in one register. His meter was changed on 05.02.2005 as it was found that his previous meter was faulty. The initial reading of the new meter installed on 05.02.2005 was 205 at the time of its installation. This action of changing his meter was taken after about 2 ½ months from the date of his complaint. The applicant had to make frequent visits to Manewada S/stn. for this purpose. The applicant thereafter received a bill for the period from 01.01.2005 to 02.03.2005 showing consumption of 378 units on average basis the total bill amount being Rs. 8370/- including the previous balance. The applicant again rushed to Manewada S/stn. on 04.04.2005 for correction of the excessive amount of the electricity bills for the period from 03.09.2004 to 01.01.2005. However, he was advised to lodge a complaint. Accordingly, he submitted his complaint on 04.04.2005 and followed it up constantly. Despite his complaint being genuine, a final reply came to him stating that his bill cannot be reduced and further that his previous meter was found to be O.K. There-upon, he met the Executive Engineer, Mahal Division, MSEB, Nagpur who did not listen to any of his points. He then lodged a complaint in Annexure- "X" as per the said Regulations on 09.05.2005

before the Internal Grievance Redressal Unit. Here also, he received the same negative reply. In the mean time, he received an electricity bill for the period from 02.03.2005 to 02.05.2005 showing correctly his consumption of 500 units. The bill amount was Rs. 1911.52 plus the previous charges. The applicant added that this bill is again not free from errors. According to him, the non-applicant charged him twice for the month of February, 2005. Earlier he received a bill on average basis for the period from 01.01.2005 to 02.03.2005 which also included the period from 01.02.2005 to 02.03.2005. The initial meter reading of the new meter installed on 05.02.2005 was 205 while the final reading on 02.05.2005 was 705 units thus showing consumption of 500 units for the period from 05.02.2005 to 02.05.2005 and not from 02.03.2005. The applicant after elaborating these details vehemently argued that this bill also needs to be corrected. It is also his submission that the non-applicant cut his power supply for some time in the third week of June, 2005 in his absence despite his filing a complaint in the prescribed Annexure-X with the Internal Grievance Redressal Unit. However, it was restored subsequently on the request of his neighbourers.

He has raised the following questions in the context of his grievance.

- (1) Why did the non-applicant took 2 ½ months for dealing with his complaint dated 22.11.2004. Had the non-applicant acted promptly, his problem could have restricted to only one bill.

- (2) If his previous meter is Ok, then why the new meter is not showing high reading ?
- (3) Why is the non-applicant not considering the fact of normal power consumption at his residence after replacement of his meter looking to his previous bills prior to 03.09.2005 and also his bills received by him after 05.02.2005 when the new meter was installed ?.
- (4) Why improper action of disconnection of his power supply was taken by the non-applicant instead of rectifying all his erroneous bills from September, 2004 to May, 2005 ?

The applicant further argued that he had undergone lot of mental harassment and torture. He has claimed compensation of Rs. 1,00,000/- for this. He has claimed additional compensation of Rs. 1,00,000/- for damaging his image on account of disconnection of power supply to his residence. He has also demanded that action be taken against the erring Officers of MSEB.

The non-applicant has stated in his written and oral submissions that the complaint of the applicant carries no substance. According to him, after receipt of complaint dated 22.11.2004 from the applicant, the Officer In-charge of Manewada Distribution Center sent the applicant's meter, being meter number 8151936 to the meter testing unit of Mahal Division for testing its accuracy. For this purpose, this meter was removed on 28.01.2005 and was replaced by another meter. After testing his meter, it was found to be OK. The applicant was informed accordingly by the Assistant

Engineer, Manewada S/stn. by his letter dated 05.05.2005. Since the old meter was found to be OK., there is no substance in his complaint in respect of the bills.

The non-applicant added that the applicant met him in his Office and that he has tested the meter in his presence at his laboratory. However, the applicant was all the time reluctant to witness the process for the reasons best known to him. When the new meter was installed on 28.01.2005, it was showing initial reading of 205 units. The meter reading in the month of March, 2005 was nil. However, the balance reading of the old meter of 378 units was charged to the applicant in the month of March, 2005. The applicant was charged the bill for 500 units as per metered readings for the period from 02.03.2005 to 03.05.2005.

According to the non-applicant, the applicant's power supply was disconnected due to non-payment by him of the energy bill to the tune of Rs. 10,177/-. The applicant did not pay the bill since 24.11.2004. The arrear amount existing on this date was to the tune of Rs. 6,914/- The meter was disconnected and removed on 11.07.2005 and it was re-connected after payment of amount of Rs. 10,210/- on 14.07.2005. While replying to the various questions raised by the applicant, the non-applicant has stated that the applicant lodged his complaint on 22.11.2004 and his meter was replaced by a new meter in January, 2005. His original meter was sent to the testing laboratory on 03.02.2005. The report dated 28.02.2005 of the testing laboratory reveals that the meter was OK. According to the non-applicant, there is no delay in the

entire process. The applicant has been charged correctly through-out the period in question as per his metered readings. He also added that a reply, being reply dated 05.05.2005, was given to the applicant after receipt of the meter testing report. It is the submission of the non-applicant that there was no fault in the applicant's previous meter. Hence, there is no question of revision of his bills. He added that the applicant can still verify the old meter which is kept intact with seals in his laboratory.

Commenting upon the parawise reply dated 27.07.2005 filed by the non-applicant, the applicant denied that the meter at his residence was replaced on 28.01.2005, It is his contention that the meter was actually replaced on 05.02.2005. The parawise reply given by the non-applicant is not acceptable to him. He has reiterated that the basis for changing his meter was on account of the primary inspection done by an Engineer and a Lineman of MSEB who visited his residence and tested the meter in his presence. He raised a suspicion that the Executive Engineer Mahal Division might have manipulated the record since he (Exe. Engr.) denied the fact noticed by his Assistants. The applicant admitted that he was reluctant to witness the test as stated by the Executive Engineer, Mahal Division for the reason that he was not a technical person. According to him, the Executive Engineer calculated average consumption of his meter including the disputed period of four months whereas he was insisting on him to calculate the average monthly consumption up to 03.09.2004 the date upto which there was no dispute. He

further pointed out that there is a delay of 5 ½ months for replying to his written complaint dated 22.11.2004. According to him, there was no justification for disconnecting his power supply. He added that the power supply was disconnected without giving him any reasonable notice of 7 or 15 days. He specifically pointed out that the non-applicant promptly disconnected his power supply on 11.07.2005 without any notice while for replying his written complaint, the non-applicant took 5 ½ months.

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

- 1) A copy of reply dated 04.07.2005 given by the Internal Grievance Redressal Unit.
- 2) His electricity bill dated 19.05.2005 for Rs. 10,180/- for the period from 02.03.2005 to 02.05.2005 showing inclusion of arrear amount of Rs. 8,266.16.
- 3) His electricity bill dated 22.07.2003 for Rs. 110/-.
- 4) His electricity bill dated 22.05.2003 for Rs. 50/-
- 5) His electricity bill dated 19.03.2005 for period from 01.01.2005 to 02.03.2005 showing consumption of 378 units-the total amount being Rs. 8,340/- inclusive of arrear amount of Rs. 7008.30/-.
- 6) His disputed electricity bill dated 19.01.2005 for Rs. 6,910/- for the period from 02.11.2004 to 01.01.2005.
- 7) His disputed electricity bill dated 18.11.2004 for Rs. 3,970/- for the period from 03.09.2004 to 02.11.2004.
- 8) His electricity bill dated 22.09.2004 for Rs. 1120/- for the period from 03.07.2004 to 03.09.2004.

- 9) His electricity bill dated 21.07.2004 for Rs. 1610/-.
- 10) His electricity bill dated 24.03.2004 for Rs. 1040/-.
- 11) His electricity bill dated 24.01.2004 for Rs. 1030/-.
- 12) Receipt dated 22.11.2004 for Rs. 2400/- duly received by the non-applicant.
- 13) His application dated 04.04.2005 addressed to the Executive Engineer, Mahal Division, Nagpur in the prescribed form disputing the excessive bills.
- 14) His application dated 09.05.2005 addressed to the Chief Engineer, NUZ, Nagpur requesting for revision of his excessive bills.
- 15) Reply dated 05.05.2005 given to him by the Assistant Engineer, Manewada S/stn. MSEB, Nagpur communicating to him that the meter test report was found to be OK. and that revision of disputed bills is not possible.
- 16) A copy of test result dated 28.02.2005 of the applicant's meter, being meter number 8151936.
- 17) His complaint dated 22.11.2005.

The applicant lastly requested that his grievance in question may be removed and he may be given compensation as requested for by him.

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

In this case it is interesting to note the chronology of various events that occurred right from the date of the applicant's complaint. The un-disputed revelation in this respect is as under.

The non-applicant filed his detailed complaint on 22.11.2004. He is advised to pay 60% amount of his first disputed bill of Rs. 3,966.20/- on the same day. Accordingly, he pays the amount on the same day. The first written reply to his complaint was given to him by the Assistant Engineer, Manewada S/stn. MSEB on 05.05.2005 i.e. after lapse of more than 5 months. His meter was removed on 28.01.2005. A test is carried out on 28.02.2005 while the result of the test was communicated to the applicant again after more than four months from the date viz 05.01.2005 on which he was asked to pay the meter test charges of Rs. 60/-. Chronology of all these events raises a reasonable doubt in respect of the transparency of various actions taken by the non-applicant. The first question is as to why the non-applicant did not act speedily immediately after he received the applicant's complaint dated 22.11.2004. The applicant's contention that had the non-applicant acted promptly, the problem could have confined to only one bill i.e. bill dated 18.11.2004 for Rs. 3970/- for the period from 03.09.2004 to 02.11.2004 showing disputed consumption of 993 units is acceptable to us, it being logical and reasonable. It is also not understood as to why the non-applicant did not inform the result of the test of the applicant's original meter diligently. The non-applicant took more than 5 months to provide a copy of the test report to the

applicant. In this respect, it will be worth-while to quote the provision contained in Regulation No. 14.4 of the Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005 here-in-after referred-to-as the Supply Code Regulations. It has been clearly provided in Regulation No. 14.4.3 of the SOP Regulations that the Distribution Licensee shall provide a copy of the meter test report to the consumer within a period of two months from the date of request for testing of meter by the consumer. It is pertinent to note that the word “shall” is used in this Regulation. This provision casts a mandatory responsibility upon the Distribution Licensee to give a copy of the meter test report within a period of two months. In the instant case, the date of request of the consumer for testing of meter can safely be taken as 05.01.2005 when the applicant paid the meter test charges of Rs.60/- to non-applicant as per the later’s advice. The Supply Code Regulations have come into force on 20.01.2005. Hence, the applicant in the present case ought to have been provided a copy of the test report on or before 20.03.2005 which the non-applicant has not done. There is an inordinate delay at all levels in taking action on the applicant’s genuine grievance. All his submissions carry an elements of reason. On the contrary, the non-applicant’s replies aim at justifying the inordinate delay caused at various levels.

One of the contentions of the applicant is that his previous meter was in the possession of the non-applicant for a good time before it was sent to the testing laboratory. The

applicant has also denied the say of the non-applicant that his meter was removed on 28.01.2005. According to him, his meter was removed on 05.02.2005 and not on 28.01.2005. However, no proof is given by the applicant to prove this contention.

The applicant's pattern of consumption previous to the electricity bill dated 18.11.2004 for Rs.3,970/- and his pattern of consumption after installation of the new meter on 05.02.2005 reveal beyond doubt that it was almost the same. The applicant has challenged only two bills of electricity one dated 18.11.2004 for Rs. 3970/- showing consumption of 993 units for the period from 03.09.2004 to 02.11.2004 and the second one dated 19.01.2005 for Rs. 6910/- for the period from 02.11.2004 to 01.01.2005. His dispute was restricted only to these two bills which has not been sorted out diligently by the non-applicant. The circumstances of the case demonstrate that there is reason to believe that excess bills were issued to the applicant in the billing months of September, 2004 to January, 2005 as rightly contended by the applicant. The delay caused by the non-applicant has raised a reasonable doubt in respect of his transparency. No justification is given by the non-applicant as to why the test report was not forwarded to the applicant diligently as laid down in the Supply Code Regulations. In fact, the applicant has raised a doubt about the test report of his meter and in that, he has ventured to say that this report could be a manipulated report. Moreover, the non-applicant ought to have tested the applicant's meter in his presence by accu-check method as per orders of the Board. This has not been done in the present case.

We are, therefore, inclined to hold and do hold accordingly that the applicant's grievance deserves to be removed. All his submissions vis-a-vis submissions of the non-applicant are all convincing, cogent and logical. We, therefore, do not see any objection to set right his excessive electricity bills in question.

We, therefore, direct the non-applicant to revise the two bills namely the electricity bill dated 18.11.2004 for Rs. 3970/- and the other one dated 19.01.2005 for Rs. 6910/-. The non-applicant shall issue fresh electricity bills to the applicant for the period from 03.09.2004 to 01.01.2005 after considering per month average consumption of electrical units prior to 03.09.2004 as evidenced by the metered readings for a period of four months immediately preceding 03.09.2004.

The applicant has also made a contention that he has been charged twice for the month of February, 2005. He has submitted in this respect that the bill dated 19.05.2005 for the period from 02.03.2005 to 02.05.2005 for a total amount of Rs.10,180/- including the bill of Rs.1911.52/- towards consumption of 500 units through the relevant period of two months is also not free from errors. We are convinced about this grievance. The reason is obvious. The non-applicant sent a bill on average basis for the period from 01.01.2005 to 02.03.2005 which included the period from 28.01.2005 to 02.03.2005. The initial meter reading of the new meter at the time of its installation on 28.01.2005 was 205 while its final reading on 02.05.2005 was 705 thus showing consumption by the applicant of 500 units from 28.01.2005 to 02.05.2005 and

not from 02.03.2005. The exact quantum of consumption of units as per the old meter, for the period from 01.01.2005 to 28.01.2005 is not properly explained by the non-applicant. Moreover, the bill date 19.03.2005 covers two periods namely the first one from 01.01.2005 to 28.01.2005 pertaining to the old meter and second one from 28.01.2005 to 02.03.2005 pertaining to the new meter. Clubbing of these two periods pertaining to two different meters has created a confusion. Similar is the case relating to the bill date 19.05.2005. There seems to be a mistake committed by the non-applicant in this respect also. The non-applicant has not given any plausible explanation to this particular grievance of the applicant. We therefore direct him to correct this bill also and to issue a revised bill to the applicant in terms of observations made by us in this order.

The applicant has also demanded compensation in his grievance application. However, since his main grievance is now removed by us, we do not think it proper to burden the non-applicant company with any amount of compensation for the mistakes committed by its officials looking to the circumstances of the case. Nevertheless, we direct the Chief Engineer to caution his Officers to act diligently with absolute transparency in redressing the grievances of the consumers.

It is seen from the submission of the applicant that he has already paid an amount of Rs.2400/- on 22.11.2004 against the disputed bill of Rs. 3966.20/-. He has also paid an amount of Rs.10,210/- on 14.07.2005. Since he has already paid

more amount than what was required to be paid by him, the non-applicant shall calculate the net amount of refund payable to the applicant and shall pay the same to him alongwith interest of 9% per annum.

The non-applicant shall report compliance of this order on or before 15.09.2005.

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.**