

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

Case No. CGRF(NUZ)/23/2012

Applicant : M/s. Arihant Agro Industries,
81, Chikhali Layout, Kalamna Market Rd.,
Nagpur.

Non-applicant : Nodal Officer,
The Superintending Engineer,
(Distribution Franchisee) MSEDCL,
NUC, Nagpur.

Quorum Present : 1) Shri. Shivajirao S. Patil
Chairman,

2) Adv. Smt. Gouri Chandrayan,
Member,

3) Smt. Kavita K. Gharat
Member Secretary.

ORDER PASSED ON 30.4.2012.

The applicant filed present grievance application before this Forum on 5.3.2012 under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as Regulations).

1. The applicant's case in brief is that M.S.E.D.C.L. has debited an amount of Rs. 1,77,855.56 in the bill of October 2011 as arrears of difference of bill since September 2009 to June 2011 for change of Multiplying Factor (M.F.) from '1' to '2' due to meter replacement. The C.T. ratio of the installation was 50/5 A since

beginning and meter ratio of meter was also 50/5 A. Hence the M.F. was '1'. In September 2009, M.S.E.D.C.L. had replaced the complete meter box and meter. The ratio of replaced meter was 50/5 A & C.T. ratio was also 50/5 A. Hence M.F. was '1'. On 25.3.2011, there was some problem in the C.Ts. and therefore the applicant was not getting proper power supply. The applicant lodged the complaint to M.S.E.D.C.L. Jr. Engineer inspected the C.Ts. and meter on 25.3.2011 and remark on the complaint that existing C.Ts. are saturated and needs replacement. The C.Ts. were replaced by M.S.E.D.C.L. on 25.3.2011 itself. Since the C.Ts. and meter replaced during September 2009 was of ratio 50/5 A, there is no question of change of M.F. from September 2009. Therefore, the assessment debit bill needs to be revised. The applicant filed an application to I.G.R.C. but it was replied negative. Therefore, the applicant filed present Grievance application.

2. The Non-applicant denied the applicant case by filing reply Dt. 21.3.2012. It is submitted that M/s. SPANCO, distribution franchisee of M.S.E.D.C.L. inspected the spot of the applicant on 5.8.2011 and intimated to Non applicant as per letter Dt. 11.8.2011. During the inspection it is observed that meter ratio is 50/5 A and C.T. ratio is 100/5 A, hence M.F. should be '2'. However, the applicant is billed as per M.F. '1'. It is further observed that it is under billing case for 17264 under billed units from September 2009 to June 2011. As the old meter was replaced, new meter was installed in the month of September 2009. Annexure 'T' is the inspection report. Non applicant made a joint

inspection with the authorities of distribution franchisee on 30.8.2011 in presence of representative of the applicant named Shri Santosh Trivedi and Annexure 'II' is the inspection report. Same thing is revealed in this joint inspection. Non applicant calculated difference of M.F. from '1' to '2' for 17264 units from September 2009 to July 2011 amounting to Rs. 1,77,855.56 and intimated to distribution licensee as per letter dated 15.10.2011 and debited to the applicant's energy bill in the month of October 2011. The actual effect of M.F. was given to the applicant from August 2011 and thereafter the applicant is billed accordingly.

3. The applicant referred in the Grievance application regarding complaint and remarks of Jr. Engineer Wardhamannagar D.C. Nagpur. However, Competent Authority for replacement of C.T. is Executive Engineer of concerned Division. The consumer neither approached Competent Authority i.e. Executive Engineer for replacement of C.T. nor the remark made by J.E. is confirmed by the concerned Division. Hence the said remark can not be accepted as made without proper procedure and approval of the Competent Authority.

4. On bear perusal of C.P.L., it is crystal clear that up to August 2009, the M.F. was '2' and later on from the date of meter replacement i.e. September 2009, the M.F. was wrongly changed to '1' during feeding of the effect of meter replacement. Further, up to August 2009 the applicant has paid all bills without any complaint which were raised as per M.F. '2'. The non applicant raised the difference of M.F. from June 2009 to June 2011 amounting to Rs.

177855.56 and debited the same in the month of October 2011. The non applicant raised difference of M.F. for a period of less than 2 years as contemplated in the Section 56 (2) of the Electricity Act 2003.

4. The applicant has made last payment of Rs. 25880/- on 29.10.2011 for the month of September 2011 and thereafter failed to pay the current bills along with the difference of M.F. Hence huge amount of Rs. 2,43,533.89 is outstanding towards the arrears up to the month of February 2012. The applicant is enjoying the electricity without paying a single pai. The application may be rejected.

5. Forum heard the arguments of both the sides and perused the entire record.

6. It is noteworthy that spot of the applicant was inspected not only once but twice and found similar results. Initially, M/s. SPANC, the distribution franchisee of M.S.E.D.C.L. inspected the spot of the applicant on 5.8.2011 and intimated to M.S.E.D.C.L. Annexure 'I' is the Inspection report. Again the non applicant and SPANCO inspected the spot in presence of representative of the applicant Shri Santosh Trivedi on 30.8.2011 and Annexure 'II' is the inspection report. We have carefully perused Annexure 'II', the joint inspection report. It is noteworthy that on the last page of this inspection report, there is a signature of the representative of the applicant Shri Santosh Trivedi.

Therefore the inspection report is definitely not arbitrary but principles of natural justice were followed.

7. During the inspection, it is observed that the meter ratio is 50/5 A and the C.T. ratio is 100/5A. Therefore, the M.F. should be 2'. However, the applicant is billed as per M.F. '1' instead of M.F. '2'. Therefore, it is but natural that non applicant calculated the difference of M.F. from '1' to '2' for 17264 units from September 2009 to July 2011 amounting to Rs. 1,77,855.56.

8. The applicant referred about one complaint to Jr. Engineer Dt. 25.3.2011 regarding disturbed power supply so also referred about the remark of Jr. Engineer on the complaint. However, needless to say that Competent Authority for replacement of C.T. is Executive Engineer of the concerned Division. There is nothing on record to show that the applicant approached Competent Authority i.e. Executive Engineer for replacement of C.T. Furthermore, alleged remark made by Jr. Engineer is not confirmed by concerned Division. Hence alleged remark can not be accepted as made without proper procedure and approval of Competent Authority.

9. So far as Section 56 (2) of the Electricity Act 2003 is concerned, on bear perusal of CPL, it is clear that up to August 2009, M.F. was '2' and later on from the date of meter replacement i.e. September 2009, M.F. was wrongly changed to '1' during feeding of the effect of meter replacement. Further more, up to August 2009, the applicant has paid all the bills without any

complaint, which were raised as per M.F. '2'. The non applicant raised the difference of M.F. from September 2009 to June 2011 amounting to Rs. 1,77,855.56 and debited the same in the month of October 2011. Non applicant raised the difference of M.F. for a period less than 2 years as contemplated under Section 56 (2) of Electricity Act 2003.

10. Record shows that the applicant made last payment of Rs. 25880/- on 29.10.2011 for the month of September 2011 and thereafter failed to pay current bills along with difference of M.F. Therefore, huge amount of Rs. 2,43,533.89 is due and outstanding against the applicant up to the month of February 2012. The applicant is enjoying electricity without payment of single pai and it is not proper.

11. For these reasons, we find no substance and no merits in this case & Grievance application deserves to be dismissed.

12. Resultantly, Forum proceeds to pass the following order :-

ORDER

1. The Grievance application is dismissed.

Sd/- (Smt.K.K.Gharat)	Sd/- (Adv.Smt.GauriChandrayan)	Sd/- (ShriShivajirao S.Patil)
MEMBER SECRETARY	MEMBER	CHAIRMAN