

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

Case No. CGRF(NUZ)/037/2008

Applicant : Shri Vasanta Udaramji Bawankar
At post Pipla (D.B.),
Taluka Saoner,
Dist. NAGPUR. represented by
Shri Dhanajay U. Bawankar

Non-applicant : MSEDCL represented by
the Nodal Officer-
Executive Engineer,
O&M 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.

ORDER (Passed on 18.08.2008)

This grievance application has been filed on 27.06.2008 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 wrong and excessive billing due to faulty meter.

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) vide his application dated 17.07.2007 under the said Regulations. The Cell, upon inquiry and hearing, passed its order on 05.10.2006 in case no. 24/2006-07 directing that the applicant's meter should be got tested by the testing division of MSEDCL and that further necessary action should be taken on the basis of the meter testing result. However, the applicant's grievance is still not redressed and hence, the present grievance application.

The matter was heard on 22.07.2008 and 16.08.2008.

The applicant contended that the Dy. E.E. Flying Squad Nagpur, Rural checked his meter installation on 18.08.2006 and as per the Squad's observation, his meter, being meter no. 126054, was found to be running slow by 72%. The Flying Squad upon inspection recommended recovery of assessment amount towards slow running of meter. It also recommended recovery of additional security deposit amount and also penalty for disconnection of capacitor. The squad also found that the applicant's connected load was found to be 10.5 H.P. which was more than his sanctioned connected load of 10 H.P. Hence, it directed to recover SLC for exceeding the sanctioned load as per Section 126 of the Electricity Act, 2003. Accordingly, the non-applicant issued an energy bill for a total amount of Rs.18,762=22 including recovery on account of slow running of meter by 72% additional security deposit amount of Rs.2000/-, capacitor penalty amounting to Rs. 1870.30 and SLC for Rs.600/-. The applicant has challenged the

Flying Squad's inspection report and he emphatically stated that his meter was not tested by the testing division as directed by the Cell. He has denied that his meter was running slow by 72%. His submission is that the billing done to him is unjust, improper and illegal.

He added that his meter was changed twice between September, 2006 to June 2008 and that his consumption pattern as revealed by these two meters should be taken as a base for calculating his per month average consumption for the previous period. He lastly stated that his bill in question may be revised appropriately.

The non-applicant has submitted his parawise report on 22.07.2008. It is stated in this report that the applicant's meter was found to be running slow by 72.18% and as such, the applicant was billed less by 72.18%. Hence, as recommended by Flying Squad, the bill in question was issued. He pleaded that the billing done to the applicant is correct and proper.

He admitted during the course of hearing on 22.07.2008 that the applicant's meter was not tested in the Testing Division as directed by the Cell. He could not, however, afford any plausible explanation for not testing the applicant's meter.

This Forum, upon hearing the parties, found that the applicant's meter was not tested by the Testing Division of MSEDCL for a period of more than 1 ½ years despite such a direction from the Cell. Hence, a direction was issued to test the applicant's meter in Testing Division of NUZ, MSEDCL in the presence of the applicant. Accordingly, the meter was tested on 29.07.2008 in the applicant's presence. The meter testing report of the Testing Division is taken on record.

Both the parties were given opportunity to offer their respective say on this testing report.

According to the result of testing, the applicant's meter is found to be running slow by 67% and not 72.18% as contended by the non-applicant. The applicant has no adverse comments to make in respect of the testing report dated 29.07.2008.

In this case, it is proved by record that the applicant's meter was faulty in as much as it was running slow by 67%. There is also no element of unauthorized use of electricity or theft in this case. The non-applicant also admits this position. Hence, in terms of the provision contained in Regulation 15.4.1 of the MERC (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005 hereinafter referred to as the Supply Code Regulations, in case of a defective meter, the amount of the consumer's bill shall be adjusted for a maximum period of three months prior to the month in which the dispute has arisen in accordance with the result of the testing taken. The non-applicant during the course of hearing stated that the applicant's bill in question pertains to a period of six months from February, 2006 to July 2006. As the provision of aforesaid Regulation 15.4.1 stands, the applicant cannot be charged for a period exceeding three months. Moreover, an amount of Rs.14,345=92 has been charged for six month's period to the applicant considering his meter to be running slow by 72%. As a matter of fact, the applicant's meter was running slow by 67% and not 72%. Hence, the non-applicant's claim of Rs.14,345=92 included in the bill in question is not correct and legal. This amount, therefore, needs to be revised considering the applicant's meter to be running slow by 67% and also considering the fact that the

applicant has to be billed for a maximum period of three months. The specific three months for which the applicant needs to be billed are May, June and July, 2006. The non-applicant is, therefore, directed to revise this amount appropriately.

An amount of additional security deposit of Rs.2000/- is also included in this bill. This amount seems to be calculated by considering the applicant's per month consumption based on his meter running slow by 72%. Moreover, as of now, the applicant's per month consumption has been reduced drastically from September, 2006 onwards till September, 2007 as revealed by entries in the applicant's CPL. The non-applicant has not provided a copy of CPL beyond September, 2007.

We, therefore, direct the non-applicant to re-calculate amount of security deposit to be maintained by the applicant and consequently, provide refund of excess amount if any recovered from him towards security deposit. This is necessary in view of Regulation 11.5 of the Supply Code Regulations which states that where the amount of security deposit maintained by the consumer is higher than the security required to be maintained, the Distribution Licensee shall refund the excess amount of such security deposit in single payment. The non-applicant should, therefore, take action accordingly.

An amount of Rs.600 towards SLC for exceeding sanctioned load has been charged in the bill in question considering the applicant's quantum of excess load of 0.5 H.P. as unauthorized use of electricity.

Mere exceeding the sanctioned load did not amount to unauthorized use of electricity in terms of Explanation below Sub-Section (6) of the Section 126 of the Electricity Act, 2003. Hence, charging of amount of Rs.600/- deserves to be quashed and it stands quashed accordingly.

The applicant has also been charged amount of Rs.1819.30 as capacitor penalty. The applicant has admitted that his capacitor was disconnected. As such, there is nothing wrong in charging the penalty amount of Rs.1819.30. Hence, this amount remains intact in the bill.

In totality, it boils down to this that the bill amount of Rs.18765.22 charged to the applicant was not worked out correctly. This bill should, therefore, now be revised in terms of observations made by this Forum as mentioned above. Needless to say, that the excess amount recovered should be refunded to the applicant within a period of one month from the date of this order along-with interest at Bank rate as mentioned in Section 62 (6) of the Electricity Act, 2003.

The applicant had requested to consider his per month average consumption for revising the bill amount in question on the basis of his subsequent consumption reflected by his meters from September, 2006 to June 2008. Such a basis for revising the bill in question is not acceptable to this Forum since it is not in tune with the legal provisions.

In view of above, the applicant's grievance application is partly allowed and the same stands disposed of in terms of this order.

The non-applicant shall work out the revised amount payable by the applicant and refund excess amount recovered from him and report compliance thereof to this Forum on or before 30.09.2008.

Sd/-
(Smt. Gauri Chandrayan)
MEMBER

Sd/-
(S.D. Jahagirdar)
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.