

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

Case No. CGRF(NUZ)/028/2011

Applicant : Shri Laxmikant R. Lambat
Belbag, Tulsibag, Ward No. 18,
Near Mahadeo Mandir,
Reshimbag, Mahal,
NAGPUR.

Non-applicant : MSEDCL represented by
the Nodal Officer-
Superintending Engineer
(Franchisee Area)
Nagpur Urban Zone,
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 09.09.2011)

It is the grievance application filed by Shri Laxmikant R. Lambat, Tulsibag, Ward No. 18, Near Mahadeo Mandir, Mahal, Nagpur on dated 24.06.2011 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 applicant's case in brief is that, Flour Mill of the applicant is completely close in March 2003. Intimation to that effect was given to Jr. Engineer of MSEDCL by the applicant in writing on 22.08.2003. Since March 2003 applicant was regularly paying minimum bills. In the month of October 2009, suddenly applicant received a bill of Rs. 11,260/, though the Flour Mill was not in use. The applicant submitted his grievance applied to MSEDCL as per letter dated 25.04.2009. Therefore an inspection was done by MSEDCL and as per the inspection report it is found that flour Mill is not working since 5-6 years. Therefore bill of October 2009 appears to be excessive and recommended to reduce it. Meter of the applicant was changed on 03.12.2009. Therefore applicant filed this application for revision of bill for the month of December 2009 and to reconnect the meter again which was taken by MSEDCL without prior notice. Therefore applicant filed present grievance application and claimed following reliefs namely.

- 1) Bill of October 2009 may be revised.
- 2) Meter and supply should be reconnected.

The non-applicant denied the case by filing reply on dated 14.07.2011. It is submitted that applicant paid bills regularly till October 2004. Since November 2004 to October 2006 minimum charges bills was given to the applicant and he paid it. Old meter of the applicant was change in November 2006 and new meter was installed. At that time initial reading was 000018 and bills are given regularly to the applicant till

the period September 2009 charges. The bills paid by the applicant from time to time were considered. In October 2009 with previous reading as 00056 and current reading as 02753 total units 2697 a bill of Rs. 11,261/- was given to the applicant. The applicant objected that bill therefore his meter was change. Meter was tested on 12.01.2010 and it was found Ok. Therefore bill issued to the applicant is correct. The applicant paid installment of the bill of Rs.1500/- on 08.01.2011 and amount of Rs.14,937=62 due and outstanding is not paid by the applicant. Therefore electric supply was disconnected.

Forum heard argument from both the side and perused the record. In the argument dated 15.07.2011, it was brought to the notice of the Forum that meter testing which was inspected was not in presence of the applicant and therefore report dated 12.01.2010 that the meter is ok cannot be accepted. Therefore on 15.07.2011 Forum ordered that the meter be tested in presence of applicant and the Member-Secretary of the Forum and non-applicant is directed to submit report within 15 days. It is noteworthy that these 15 days period for testing the meter was expired on 30.07.2011 even then concerned official of MSEDCL did not submit the meter testing report. Officer of MSEDCL was totally silent and did not execute the order on testing meter dated 15.07.2011 by the Forum. However, on dated 30.08.2011, MSEDCL submitted a letter before the Forum that they are searching the meter but meter is not found. Whenever they will found the meter, they will test it and will submit the report.

Therefore it appears that though 1 ½ month is passed even then up till now, the non-applicant did not search the meter. Because of this reason the Forum could not decide the matter within statutory period of 2 months from the date of presentation of the matter on 24.06.2011. As per the Regulation, it was necessary to decide the matter on or before 24.08.2011 but as MSEDCL did not execute order of the Forum dated 15.07.2011 and did not submit meter testing report, Therefore there was no other alternative before the Forum than to adjourn the matter. After letter of MSEDCL dated 30.08.2011 also Forum a waited till today but even then meter testing report is not produced. Therefore Forum is deciding the matter today itself.

Record shows that on the application of the applicant regarding abnormal reading inspection of the meter was done by MSEDCL. In this inspection report dated 19.03.2010, The concerned Junior Engineer of non-applicant has specifically mentioned that meter was not in use since last 5-6 years. Therefore reading of October 2009 is due to jumping of the meter and hence recommended for revision of the bill. The meter testing report dated 12.01.2010 shows that the meter was Ok. But this inspection of the meter dated 12.01.2010 was not taken in presence of the applicant. Principle of natural justice were not followed and therefore it cannot be considered that meter was Ok in the present instance.

As per direction of the Forum dated 15.07.2011 meter is not tested by the non-applicant in presence of

applicant, therefore Forum has no hesitation to believe on inspection report as submitted by concerned officer of non-applicant dated 19.03.2010 and to hold that the meter is faulty.

Therefore Regulation 15.4.1 of MERC (Electricity Supply Code & Other Condition of Supply) Regulation 2005 is applicable. As per this provision in case the meter is stopped recording, the consumer will be billed for the period in which the meter has stopped recording, up to a maximum period of 3 months, based on the average metered consumption for 12 months immediately preceding the 3 months prior to the month in which the bill is contemplated. In this case although the meters was not stopped but the faultiness could not be detected in absence of meter and testing thereon. Therefore according to this provision Forum hold that reading of October 2009 is only due to jumping of the meter as per inspection report and therefore non-applicant shall calculate the average of 12 months for the period September 2003 to October 2004 when the meter was working normally to calculate the bill of one month and that shall be the bill for the month of October 2009 and issue corrected bill to the applicant. Therefore, the non-applicant shall revised the bill of October 2009. After payment of said revised bill, non-applicant shall reinstall meter of the applicant which was taken of without any prior notice. Hence Forum proceed to pass the following order.

ORDER

The grievance application is allowed.

The non-applicant is hereby directed to revise the bill of applicant as per Regulation 15.4.1 of MERC (Electricity Supply Code & Other Condition of Supply) Regulation 2005.

The non-applicant shall calculate average bill of one month, on the basis of calculation of 12 months bill for the period September 2003 to October 2004 withdrawal 2697 units of October, 2009, and charge average as calculated above for bill October 2009. Issue revised bill within 7 days from the issue of this order.

The applicant shall pay said revised bill according to the Regulation.

In case applicant pay said revised bill, non-applicant shall reinstall meter of the applicant.

The non-applicant is hereby directed to comply this order to this Forum within 30 days from the date of issue of this order.

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