

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

Case No. CGRF(NUZ)/030/2005

Applicant : Smt. Mangla Ramesh Rao,
A-3, Building Flat No. 402,
Samrudhi Sankul, (Mahada Colony)
Civil Lines,
NAGPUR. represented by her
husband Shri Ramesh Rao.

Non-Applicant : The Executive Engineer,
Civil Lines Division, representing
(NUZ), MSEDCL Ltd., NAGPUR.

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 23.09.2005)

The present grievance application has been filed by the applicant on 31.08.2005 before this Forum in the prescribed schedule "A" as per 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 excess billing and also in respect of her faulty meter, being meter number 143958.

The matter was heard by us and both the parties were given adequate opportunity to present their say. 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 report on the applicant's application in terms of Regulations 6.7 & 6.8 of the said Regulations. Accordingly, he submitted his parawise report dated 28.06.2005 before this Forum on 29.06.2005. A copy of this report is served upon the applicant on 07.07.2005. The applicant was given opportunity to offer her say on this parawise report also.

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

The applicant is a consumer of the non-applicant having consumer number 410014461951/1. A domestic meter being meter No. 143598, was installed at the applicant's premises by the non-applicant. Consumption of electrical energy by the applicant as revealed by the record is as under.

<u>Billing month</u>	<u>Number of units shown to be Consumed</u>
(1) May, 2004	52 Units
(2) July, 2004	409 Units
(3) September,2004	328 Units
(4) November,2004	308 Units
(5) January, 2005	290 Units
(6) March, 2005	1231 Units

The grievance of the applicant has arisen from the billing month of March, 2005 wherein consumption of the applicant has been shown to be 1231 Units. Since this consumption, according to the applicant, was exorbitant and not in tune with her consumption pattern, she represented to the non-applicant to correct this bill. Since payment of this bill amounting to Rs.4,930/- was not paid by the applicant, a threat of disconnection of supply was given to the applicant by the official of MSEB. The Executive Engineer, Civil Lines Division, Nagpur Urban Circle, Nagpur informed the applicant with reference to the her application dated 04.06.2005 that her meter has shown total consumption of 2618 units in 13 months i.e. from March, 2004 to March- 2005, that the consumption of 1231 units was shown in the bi-monthly billing month of March, 2005 and that her meter, being meter number 143958, was tested in April, 2005 for its accuracy and further that the meter testing report was OK. A credit of Rs.932.74 was, however, given to the applicant against the slab benefit. The total amount outstanding against the applicant up-to billing month of March, 2005 is Rs.6090/-. The applicant was asked to make payment of this bill by the Executive Engineer under his letter dated 15.06.2005.

The applicant had earlier approached the Internal Grievance Redressal Unit by filing her complaint under the said Regulations on 01.04.2005. However, it seems that no remedy is provided by this Unit and hence the present grievance application came to be filed before this Forum.

The grievance of the applicant is in respect of the excess bill received by the applicant in the billing month of March, 2005 i.e. the bill dated 24.03.2005 for the period from 04.01.2005 to 04.03.2005 for an amount of Rs.5020/-. The applicant is also not satisfied with the meter testing report of the non-applicant.

The applicant's nominated representative has filed copies of the following documents during the course of hearing in support of his contentions.

- (1) Applicant's application dated 20.06.2005 addressed to this Forum.
- (2) A letter, being letter number 2847 dated 15.06.2005, addressed to the applicant by the Executive Engineer, Civil Lines Division, Nagpur on the subject of outstanding energy bill of Rs.6090/- upto May, 2005.
- (3) Applicant's application in the prescribed annexure "X" dated 01.04.2005 addressed to the Internal Grievance Redressal Unit.
- (4) Applicant's application dated 01.04.2005 addressed to the Chief Engineer, Nagpur Urban Zone, Nagpur on the subject of excess bill for the period from 04.01.2005 to 04.03.2005 and default in service and also in respect of changing the meter.

- (5) Applicant's application dated 31.03.2005 addressed to the Jr. Engineer, Dharampeth, Nagpur on the subject of excess bill and voltage fluctuation.
- (6) Another application of the applicant dated 04.06.2005 addressed to the Assistant Engineer, Civil Lines Division, MSEB on the subject of bifurcation of the electricity bill for the period from 04.03.2005 to 04.05.2005.
- (7) Duplicate electricity bill dated 07.06.2005 for Rs.6090/- issued by the non-applicant.
- (8) Payment receipt dated 11.03.2004 for Rs.120/-
- (9) Payment receipt dated 03.02.2005 for Rs. 960/-
- (10) Applicant's energy bill dated 27.09.2004 for Rs.1050/- for the period from 03.07.2004 to 03.09.2004.
- (11) Applicant's energy bill dated 25.11.2005 for Rs.1060/- for the period from 03.09.2004 to 03.11.2004.
- (12) Applicant's energy bill dated 24.03.2005 for Rs. 4930/- for the period from 04.01.2005 to 04.03.2005 showing consumption of 1231 units.
- (13) Applicant's energy bill dated 26.05.2005 for Rs.6860/- for the period from 04.03.2005 to 04.05.2005.
- (14) Applicant's application dated 06.07.2005 addressed to the Jr. Engineer, Dharampeth S/stn. MSEB, Nagpur requesting the Jr. Engineer not to disconnect her supply of electricity.
- (15) Re-joinder dated 12.06.2005 filed before this Forum.
- (16) A news papers cutting from the daily new paper "The Hitvada" dated 16.05.2005.
- (17) Applicant's application dated 02.09.2005 addressed to this Forum.

Relying on the aforesaid documents, the contention of the applicant's representative is that he is not satisfied with the remedy provided by the non-applicant whereby a credit of Rs.932.74/- only has been given to the applicant against the higher slab benefit. According to him, consumption of 1231 units shown in the applicant's energy bill dated 24.03.2005 is because of the applicant's meter being faulty and that he is also not satisfied with the meter testing report of the non-applicant in respect of meter, being meter number 143958. He vehemently argued that the applicant's consumption prior to the energy bill dated 24.03.2005 should be taken into consideration while giving relief to the applicant and further that the non-applicant can not recover exorbitant amount of the bill in question. He has also referred to the threats given by the non-applicant's Officers from time to time for disconnecting the applicant's power supply and argued that the non-applicant ought to have first considered the applicant's complaint application instead of giving such threats. He had also asked for bifurcation of his energy bill dated 26.05.2005 because there were two meters in operation during the relevant billing period from 04.03.2005 to 04.05.2005.

During the course of hearing, he had requested for testing of the applicant's old meter, being meter number 143598, through an independent agency since he was not satisfied with the meter testing report of the non-applicant. His request was granted by this Forum on 12.07.2005 and we directed the non-applicant to get the applicant's meter tested from the VNIT Nagpur and to furnish before us their meter testing report. The VNIT could not carryout the meter test of

the applicant's meter for want of requisite equipments in the Institute. There-upon, this Forum directed the non-applicant to get the applicant's meter tested in the presence of Electrical Inspector or his authorized representative in the non-applicant's Testing Laboratory in the presence of the applicant's representative. Accordingly, the meter testing was arranged on 17.09.2005 and the applicant's representative was informed accordingly. The non-applicant, the authorized senior representative of the Electrical Inspector and the applicant's representative were all present in the non-applicant's Testing Laboratory on 17.09.2005. However, the applicant's representative refused to witness the meter testing process on the ground that he has no faith in the testing instruments of the non-applicant. The applicant's representative contended before us that he has no faith in the non-applicant's instruments for meter testing.

According to the applicant's representative, if his old meter was found to be OK then why was it not reinstalled at the applicant's premises. He also contended that the slab benefit was given to the applicant after lapse of 3 months.

During the course of hearing, a complaint was made by the applicant's representative that even the new electronic meter installed in place of old electronic meter was also showing incorrect and higher consumption. He, therefore, requested for testing of this new meter also. Accordingly, on our directions, the non-applicant tested his new meter by the accucheck meter in the presence of the applicant's representative and it was found that the new meter was OK. The applicant was satisfied about this report.

He lastly prayed that his grievance in question may be removed.

The non-applicant has stated in his parawise report that the applicant had consumed 2618 units of electrical energy during a period of 13 months from March, 2004 to March, 2005. This consumption was recorded on the applicant's meter, being meter number 143958. Out of these 2618 units charged as many as 1231 units were shown to be consumed in the single bi-monthly bill of March, 2005. The applicant was therefore, given credit of Rs.932.74 against the higher slab benefit. Since she was charged for 1231 units only in one single bi-monthly of March, 2005, the applicant's meter was also tested for its accuracy on 29.04.2004 by the Testing Unit and it was found that this meter was OK. Since her old meter was withdrawn, a new electronic meter was installed at the applicant's place. As per the applicant's complaint made orally during the course of hearing before this Forum, the applicant's new electronic meter was also tested for its accuracy in the presence of the applicant's representative as directed by this Forum and it was found that this electronic meter was found to be functioning correctly. According to the non-applicant, a bill of Rs.6090/- has been sent to the applicant alongwith a letter, being letter dated 15.06.2005, which the applicant will have to pay. The non-applicant further submitted that the contentions of the applicant's representative are without any logical basis.

According to the non-applicant, the applicant's old meter, being meter number 143958, was sent to the VNIT, Nagpur for testing purpose as directed by this Forum vide Forum's Order dated 12.07.2005. However, the Institute

informed the non-applicant that it has single phase sub-standard Induction type (Electromechanical) energy meter rated at 220 V, 10 A and further that this meter does have valid calibration certificate. The VNIT also informed that the meter in question to be tested is an electronic meter and will have to be tested by their meter as per the status indicated by them. Hence, the meter in question could not be tested by VNIT. The non-applicant further stated that subsequently the applicant's meter was decided to be checked in the Testing Laboratory of the MSEB's Civil Lines Division, Nagpur on 17.09.2005 for second time in the presence of the applicant's representative, the authorized representative of Electrical Inspector as per order issued by this Forum on 30.08.2005. However, although the applicant remained present he was reluctant to witness the meter testing process and went away. Hence, the applicant's old electronic meter was tested in the presence of the Assistant Electrical Inspector on 17.09.2005 and the meter was found to be OK even by the Electrical Inspector's authorized representative. The non-applicant has produced copies of the following documents.

- 1) The applicant-Consumer's Personal Ledger from March, 2004 to March, 2005.
- 2) The VNIT's letter number 3701 dated 25.07.2005.
- 3) The test result dated 29.04.2005 in respect of the applicant's old meter being meter number 143958.
- 4) The second test result of the same meter dated 17.09.2005.

The non-applicant lastly prayed that the applicant has no case and hence her application may be rejected.

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

The grievance of the applicant is in respect of excess bill dated 24.03.2005 pertaining to the period from 04.01.2005 to 04.03.2005. It is his contention that this bill was showing excessing consumption because the meter, being meter number 143958 was faulty. It is pertinent to note that the applicant's meter in question has been tested for its accuracy twice firstly on 29.04.2005 and secondly on 17.09.2005. Both the test results indicate that the applicant's old meter was OK. The applicant's representative disputed the first report dated 29.04.2005 on the ground that he was not satisfied about the testing process etc. He, therefore, urged before us that this meter be tested through an independent agency. His request was granted by us and we passed an order, being order dated 12.07.2005 asking the non-applicant to get the applicant's meter tested from VNIT, Nagpur. However, the VNIT reported that they do not have proper equipments to test the applicant's electronic meter. The report dated 25.06.2005 of VNIT induction that they have single phase sub-standard Induction Type Electro-mechanical energy meter rated at 220 V – 10 A and that this meter does not have valid calibration certificate. In view of this, although it was proposed to test the applicant's meter through VNIT, it could not materialize for want of appropriate equipments at VNIT. The applicant was apprised of this during the course of hearing. There-upon, he insisted on testing of the meter by Electrical Inspector. This request was also granted by us on 30.08.2005 and we directed the non-applicant to carry out the

meter test in the presence of Electrical Inspector or his authorized representative in the non-applicant's Testing Laboratory located at Civil Lines Division, MSEDCL, Nagpur and also in the presence of the applicant's representative. Accordingly, the meter test was scheduled to be carried out by the non-applicant on 17.09.2005 and the applicant's representative was informed accordingly. The Assistant Electrical Inspector from the Office of the Electrical Inspector Nagpur and the applicant's representative both remained present on 17.09.2005 in the Testing Laboratory of the non-applicant. However, the applicant refused to witness the test and went away on the ground that he has no faith in the equipments of the non-applicant on which his meter test was to be carried out. Hence, the meter test came to carried out only in the presence of Electrical Inspector's authorized representative and accordingly, the non-applicant submitted the test report before this Forum on 17.09.2005. The applicant's meter was checked in the presence of Assistant Electrical Inspector by the accucheck meter number ALP/01258. The Assistant Electrical Inspector has also signed this report in token of approving the test result which is OK. The two tests carried out of the meter in question are giving concurrent findings. Both these test results indicate that the applicant's meter was OK. In view of above, we do not see any reason to disbelieve these reports. The applicant's submission that he has no faith in the instruments of the non-applicant can not be accepted by us because the meter was to be tested in the presence of Electrical Inspector or his authorized representative who is an independent Officer from the State Government. Moreover, it must be mentioned here that the

applicant's representative had earlier agreed for such a testing in the presence of the Electrical Inspector. No cogent reasoning is also put forth by him to substantiate his say.

We are, therefore, inclined to hold and do hold accordingly, that the applicant's meter, being meter number 143958 was fault free.

It is pertinent to note that adequate opportunity was given to the applicant to prove his case but he has not put forth any sound reasoning to prove that his meter was faulty. On the contrary, it is a matter of record that the applicant's meter in question was found to be OK even by an independent Senior Officer like Assistant Electrical Inspector when the meter was tested in his presence.

It is also a matter of record that the applicant was given credit of Rs. 932.74 as against slab benefit by the non-applicant. Hence every possible effort has been made to sort out the applicant's complaints.

The applicant had requested for bifurcation of his bill for the period from 04.03.2004 to 04.05.2005. In this respect, energy bill dated 26.05.2005 for Rs.6860/- indicates consumption by the applicant of 535 units. The applicant's meter was changed on 29.04.2005. This means that there were two meters in operation, being meter number 143958 and meter number 9001355374 during the billing period from 04.03.2005 to 04.05.2005. The energy bill dated 26.05.2005 clearly indicates that the applicant's consumption on the first meter was 272 units while her consumption on the second

electronic meter was of 263 units. This bifurcation is available in this energy bill itself.

The applicant had made a complaint during the course of hearing that his second electronic meter, being meter number 9001355374, is also showing excessive consumption not commensurate with the applicant's consumption pattern. Hence, the non-applicant was directed by us to test the applicant's second meter in the presence of the applicant or her authorized representative. Accordingly the meter test was carried out at the premises of the applicant on accucheck meter by the non-applicant in the presence of the applicant's representative during the pendency of this grievance application and it was reported to us by both the applicant's representative and the non-applicant that this second meter is OK. The applicant's representative was also satisfied about the checking of the applicant's second meter.

It is pertinent to note that the same method of checking the applicant's first meter was adopted by the non-applicant on both the occasions i.e. on 29.04.2005 and again 17.09.2005. The applicant's representative has accepted the methodology of checking of his second electronic meter with the help accucheck meter while he is refusing to accept the same methodology in the testing of his first meter, being meter number 143958, that too in the presence of the Assistant Electrical Inspector. Thus, this amply demonstrates that the applicant does not possess any cogent and convincing reasoning to substantiate his contentions.

Since we have held above that the applicant's meter, being meter number 143958 was fault free, the

applicant's complaint about excessive billing through this meter does not automatically survive.

The applicant's representative had put a question as to why his first meter was not reinstalled if it was found to be alright. The answer is obvious and simple. Since his second electronic meter was also fault-free, question of replacing it by his first electronic meter does not arise at all.

Regulation 6.12 of the said Regulations provides that the Forum shall complete the enquiry as expeditiously as possible and every endeavor shall be made to pass appropriate order on the grievance within a maximum period of two months from the date of receipt of the grievance by the Forum. It also provides that in the event of the grievance being disposed off after the completion of the said period of two months, the Forum shall record in writing reasons for the same. The present grievance application is received by this Forum on 20.06.2005. Hence, it was necessary on the part of this Forum to have passed its order on or before 20.08.2005. Apparently, there is a delay of one month in deciding the applicant's case. There is no doubt that there are sufficient reasons for disposing off the applicant's grievance application beyond the prescribed period of two months. Firstly, the applicant's representative insisted upon checking of his meter through an independent agency and hence we directed the non-applicant to get the applicant's meter tested through an independent agency namely the VNIT. This process consumed some time and ultimately the VNIT reported that it was not possible to carry out the test for want of appropriate equipments having valid calibration certificate. There-upon, again on the request of the applicant's representative, it was

decided to check the applicant's meter in the presence of Electrical Inspector or his authorized representative. This process again took some time because the convenience of Electrical Inspector for making his representative available was also required to be considered. In fact, this Forum had passed an order on 30.08.2005 directing that the applicant's meter be tested on 02.09.2005 in the presence of Electrical Inspector and also that of the applicant's representative. However, ultimately the meter test came to be carried out on 17.09.2005 instead of 02.09.2005. There-were also 2/3 adjournments of dates of hearing. In that, hearing fixed on 12.08.2005 had to be adjourned by this Forum since the Forum members were required to attend a meeting called by MERC at Mumbai on 12.08.2005. On one other occasion, the hearing date had to be postponed on the request of the applicant. All these things resulted into consumption of additional one month's period for taking a decision in this matter. The delay has thus occurred on sufficient grounds.

In the result, the grievance application of the applicant stands rejected.

In the light of above, stay granted against disconnection of the applicant's supply stands vacated. The applicant should pay all the dues to the non-applicant before 07.10.2005.

Sd/-
(M.S. Shrisat)
Member-Secretary

Sd/-
(Smt. Gouri Chandrayan)
Member

Sd/-
(S.D. Jahagirdar)
CHAIRMAN

**CONSUMER GRIEVANCE REDRESSAL FORUM
MAHARASHTRA STATE ELECTRICITY DISTRIBUTION CO LTD's
NAGPUR URBAN ZONE, NAGPUR**