

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

Case No. CGRF(NUZ)/057/2005

Applicant : Shri Laxmikant Namdeorao Hatwar
At, Ramtek, Shaniwari ward,
Ramtek,
Dist. Nagpur.

Non-Applicant : The Nodal Officer,
Assistant Engineer,
O&M Division No. I,
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 15.10.2005)

The present grievance application is filed by the applicant on 06.09.2005 in the prescribed schedule "A" before this Forum 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 excessive energy bill of Rs. 2820/- pertaining to the period from 28.02.2005 to 30.04.2005 of the faulty meter.

The matter was heard by us on 10.10.2005 and both the parties present submitted their arguments before us. Documents produced on record by both of them are also perused & examined by us.

The applicant had earlier approached the Internal Grievance Redressal Unit headed by the Executive Engineer (Adm) in the office of the Superintending Engineer, NRC, Nagpur by filing his application dated 01.07.2005 under the said Regulations. This Unit, upon hearing the matter, directed that the applicant's meter should be tested for its accuracy and further that the applicant's Kirana Shop also be inspected. Based on these directions of the Internal Grievance Redressal Unit, the meter in question was tested by the Testing Unit at Kamptee and there-upon applicant's bill has been reduced to Rs. 1090/ by charging commercial tariff to the applicant.

The applicant has contended before us that he used to pay his energy bills regularly and that his consumption never exceeded 20/30 units per month. The applicant received excessive bill of Rs. 2820/- for the period from 28.02.2005 to 30.04.2005 showing consumption of 591 units. There-upon, he moved an application for testing of the meter. The meter was found to be defective upon inspection. According to him, his energy bill dated 13.05.2005 for Rs. 2820/- for 591 units is proved to be erroneous in view of the testing report of the meter. He, therefore, urged that his energy bill dated 13.05.2005 Rs.2820/- be quashed and further

that a correct bill be issued to him by the non-applicant. He has also demanded compensation of Rs. 5000/- towards his mental, physical and financial sufferings. He has also prayed that expenses of Rs. 2000/- should be awarded towards litigation charges.

The non-applicant has stated in his parawise report dated 28.09.2005 that the applicant's meter was tested by the meter Testing Unit, Kamptee on 19.09.2005 and it was found that the meter, being meter number 8177558, was defective. There-upon the applicant's energy bill was corrected assuming the applicant's consumption as 15 units per month. Accordingly, a revised electricity bill of Rs.1090/- has been issued to the applicant.

The non-applicant has further stated that the applicant has refused to receive this revised bill of Rs. 1090/-. The applicant's meter being meter number 8177558, was replaced on 02.04.2005 by installing new meter, being meter number 9001354327.

The non-applicant has further contended that the applicant is running a Kiran Shop at the premises in question and hence commercial tariff is applied to the applicant's energy bill. He has further submitted that electricity connection in the instant case is in the name of one Shri Wasudeo Mathure and his consumer number is 421830053862. According to the non-applicant since the applicant's grievance is already removed, no relief is now necessary.

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

The applicant's grievance about the excessive bills in question is already sorted out by the non-applicant. In that, the non-applicant has admitted that the applicant's meter, being meter number 8177558, was found to be defective by the meter testing unit of MSEB, Kamptee. The applicant's energy bill dated 13.05.2005 for Rs. 2820/- has now been withdrawn and a revised bill of Rs. 1090/- is issued to the applicant presuming the applicant's consumption to be only 15 units per month.

It is pertinent to note that even the applicant has admitted before us that his consumption was never more than 20 / 30 units per month. This demonstrates that the non-applicant's action of calculating the applicant's bill @ 15 units per month is quite reasonable and proper. The non-applicant had sent this revised bill by post to the applicant. However, it seems that the applicant had refused to accept this bill. The applicant's say is that he refused to accept the revised bill since it was calculated by applying commercial tariff. This is the only point which the applicant is now stressing. It is, therefore, necessary to ascertain as to which tariff is applicable to the instant case. The non-applicant's stand is that the applicant is running a Kirana Shop at the premises in question. However, the applicant denies this contention and states that he has kept some food grains for sale at this shop. He has produced a copy of license issued by Food & Drugs Administration, Govt. of Maharashtra in support of his contention. However, it is clear from the perusal of the text of this License that the same is issued under the provisions of Prevention of Food Adulteration Act, 1954 and Rules thereunder by the Food & Drugs Administration at

Nagpur which clarifies that this License is issued for the sale of foodgrains / Kirana Mal. It is also admitted by the applicant that he is doing this business at these premises and further that he is not using this premises for residential purpose. It is, therefore, clear that the applicant is carrying a commercial business at the premises in question. The non-applicant's action of charging commercial tariff to the applicant is, therefore, perfectly in order.

According to us, the applicant's grievance is already removed by the non-applicant by correcting his excessive bill in question and charging the applicant appropriately.

The claim of the applicant for compensation and expenses is also rejected by us since there is no substance in the claim. The non-applicant has taken action diligently on the applicant's complaint and rectified his defective bill. The applicant's defective meter is also replaced by the non-applicant and a new meter is installed.

In the light of above, the applicant's grievance application is disposed off accordingly.

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.**