

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

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**Case No. CGRF(NUZ)/053/2007**

- Applicant : M/s. Manish Oil Industries  
Plot No. 7, Kalmana Market Road,  
NAGPUR.
- Non-applicant : MSEDCL represented by  
the Nodal Officer-  
Executive Engineer,  
Gandhibag Division, 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.
- 3) Shri S.J. Bhargawa  
Executive Engineer &  
Member Secretary,  
Consumer Grievance Redressal  
Forum, Nagpur Urban Zone,  
Nagpur.

**ORDER (Passed on 26.12.2007)**

The present grievance application has been filed on  
07.11.2007 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 excessive billing for the months of March & June 2007.

Before approaching this Forum, the applicant had filed his grievance before the IGRC (in short the Cell) under the said Regulations. The cell, upon enquiry and hearing, informed the applicant by its letter dated 12.09.2007 that the billing done to the applicant was correct. The applicant is aggrieved by this decision of the Cell and hence, the present grievance application.

The matter was heard on 14.12.2007.

The applicant's contention is that the billing done to him for 15949 units for the month of March 2007 on the basis of average consumption of last three months is not correct and proper. He added that 2 C.Ts of his meter were burnt on 05.03.2007 and direct supply was given to his Unit upto 15.03.2007. The burnt CTs were replaced on 15.03.2007. He has maintained record revealing consumption of electricity based on metered readings from 26.02.2007 to 05.03.2007 and further from 15.03.2007 to 26.03.2007. The question, therefore, was of assessment pertaining to the intervening period of 10 days only from 05.03.2007 to 15.03.2007 which, according to him, should be as under:.

Reading as on 27.02.2007 383736 units

Reading as on date 05.03.2007 (actual reading taken on 15.03.2007)= 386671 units. Hence, units consumed till 05.03.2007 comes to 2935. The applicant has further calculated consumption for the intervening period of 10 days from 05.03.2007 to 15.03.2007, during

which period, he was availing of direct supply at the rate of 545 units per day. Hence, according to him, his average consumption for this 10 days' period should have been calculated as 5450 units. His burnt CTs were replaced on 15.03.2007 and at that time his meter was showing reading of 386671 units. Next reading was taken on 26.03.2007 which was 387839 units. Hence, units consumed from 15.03.2007 to 26.03.2007 comes to 1168 units. Giving these details, his contention is that his consumption for the month of March 2007 cannot be more than 9553 units (2935+5450+1168 units)

As regards his complaint about excess billing for the month of June 2007, his contention is that his meter had stopped showing display of consumption between 17.06.2007 till 21.06.2007 and as such he should have been billed on the basis of average per day of actual consumption for the last 6 days from 21.06.2007 to 27.06.2007 for the month of June 2007. It is his contention that the average of 12416 units calculated by the non-applicant in respect of billing month of June, 2007 is improper and unjust.

He lastly prayed that excessive billing done to him as stated above may be corrected accordingly.

The non-applicant has submitted his parawise report a copy which was given to the applicant. It is his say that billing done to the applicant for the months of March 2007 and June 2007 was correct.

In respect of bill for March 2007, his submission is that two CTs out of three had failed on 05.03.2007 and the same were replaced on 15.03.2007. The meter was by-passed on 05.03.2007 and direct supply was given to the applicant's Unit. Hence, for the purpose of assessing the consumption for the month of March 2007, average of last

three months was considered for billing the applicant. This average calculated for the period from December 2006 to February 2007 comes to 15949 units p.m. He added that the applicant's average consumption was assessed at 8805 Kwh units for the month of March 2007 considering the fact that two CTs had failed while one CT recorded consumption correctly. The consumption recorded by the applicant's meter was thus only 1/3 of his total consumption for the month of March 2007. This consumption related to the period from 26.03.2007 to 15.03.2007. The actual consumption recorded by the meter from 15.03.2007 to 26.03.2007 was 1168 units which is not disputed. He further stressed that though such was the assessment, it was found that this average consumption was not tallying with the last month's consumption or last three months' consumption which was in fact quite high. According to him, per month average of last three month's consumption was 15949 units and hence, the same was charged to him.

So far as energy bill for the month of June is concerned, his say is that the display of the consumer's meter was missing on 25.05.2007. The applicant's meter was replaced on 21.06.2007. The consumption recorded by the new meter from 21.06.2007 to 27.06.2007 was 1784 units which yields average of 297 units per day. However, the average of last three months calculated as per Regulation 15.4 of the MERC (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005 hereinafter referred to as Supply Code Regulations was required to be taken as base and as such the average of 12416 units charged for the month of June, 2007 was correct.

It is to be decided in this case as to whether billing done to the applicant for the months of March and June 2006 was excessive and if so, what should have been the proper method of billing.

So far as billing for the month of March 2007 is concerned, it is an admitted fact that two CTs out of three failed on 05.03.2007 and the same were replaced on 15.03.2007. The question, therefore, pertains to arriving at correct quantum of consumption for the period from 26.02.2007 to 15.03.2007. As provided in Regulation 15.4.1 of 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 subject to furnishing the test report of the meter alongwith the assessed bill. Here, it is an admitted position that the applicant's meter was found to be defective for a period not exceeding three months. The test reports on record reveal that only one CT was working and the other two CTs were not.

It is clear that the applicant was billed less for  $\frac{2}{3}$ <sup>rd</sup> of his consumption between 26.02.2007 and 15.03.2007. The non-applicant has also admitted that the quantum of Kwh units measured equivalent to  $\frac{1}{3}$  of his consumption was 2935 units. Hence adding  $\frac{2}{3}$ <sup>rd</sup> consumption which was recorded less, the quantum of Kwh units to be charged comes to 8805 [2935+(2x2935)] units. However, the non-applicant did not consider this quantum and instead erroneously charged the applicant for much higher quantum without any basis. There is no force in the non-applicant's submission for not considering 8805 units as the applicant's consumption on the ground that this consumption did not tally with the preceding month's or preceding

three months' consumption. Such a comparison is not warranted by any provisions of any Regulations. We are convinced that the billing done of 15949 Kwh units was, indeed, excessive. The correct quantum of billing ought to have been  $8805 + 1168 = 9973$  units. It is seen that the submissions made by the non-applicant do not have any support of the said Regulations neither was he able to pin-point any provision in the said Regulations for arriving at applicant's consumption at 15949 units. There is no dispute from either side that the applicant's recorded consumption was 1168 units from 15.03.2007 to 26.03.2007. It, therefore, boils down to this that excess energy charges were recovered from the applicant for the month of March 2007. The non-applicant should have charged 9973 units and not 15949 units. The excess amount charged to the applicant should be refunded to him by way of credit adjustment in the applicant's ensuing bill.

As regards energy bill for June 2007, the non-applicant's concept of billing on the basis of average of last three months' was not correct. It is an admitted position that the applicant's meter was not showing display up to 21.06.2007. The defective meter came to be replaced on 21.06.2007. Hence, in terms of the second proviso to Regulation 15.4.1 of the Supply Code Regulations, the applicant ought to have been charged on the basis of last 12 months' average because the applicant's meter had stopped recording. The Forum further observes that the applicant's demand for billing him on the basis of actual consumption for the last 6 days' from 21.06.2007 to 27.06.2007 in the month of June 2007 is also not correct. What is required by the second proviso to Regulation 15.4.1 of the Supply Code Regulations is that the applicant's average consumption in the

preceeding 12 months immediately preceeding the month of June, 2007 should be considered as the correct basis for billing the applicant for this month. The non-applicant shall revise the applicant's energy bill accordingly.

In the result, the grievance application is thus allowed and the same stands disposed off in terms of this Order.

The non-applicant shall report compliance of this Order to this Forum on or before 31.01.2008.

<b>Sd/-</b>	<b>Sd/-</b>	<b>Sd/-</b>
<b>(S.J. Bhargawa)</b>	<b>(Smt. Gauri Chandrayan)</b>	<b>(S.D. Jahagirdar)</b>
Member-Secretary	MEMBER	CHAIRMAN

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