

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

Case No. CGRF(NUZ)/59/2013

Applicant : M/s. P.B.A. Infrastructure Ltd.,
Village Sawangi, Taluka - Hingna,
NAGPUR.

Non-applicant : Nodal Officer,
The Superintending Engineer,
Nagpur Rural Circle,
MSEDCL,
NAGPUR.

Quorum Present : 1) Shri. Shivajirao S. Patil
Chairman,

2) Adv. Subhash Jichkar,
Member,

3) Smt. Kavita K. Gharat
Member Secretary.

ORDER PASSED ON 28.5.2013.

1. The applicant filed present grievance application before this Forum on 3.4.2013 under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as Regulations).

2. The applicant's case in brief is that the applicant is H.T. consumer of M.S.E.D.C.L. since 2006. In the second week of November 2012 the applicant received excessive bill of Rs.

9.94 lacs for the month of October 2012. The applicant requested to revise the bill. The applicant also pointed out as per letter dated 29.11.2012 that in their past 2 years of running the factory, the M.D. had general been around 400 kVA whereas in this bill it was shown as 1477 kVA. Provisional bill for the month of November 2012 was issued for Rs. 4,89,900/- showing principal arrears of 3,64,095.61. The applicant paid amount of Rs. 4,88,510/- on 17.12.2012. In the month of January 2013 applicant received bill for December 2012 showing the billing for Contract Demand of 750 kVA, whereas recorded demand of applicant for that month was only 389 kVA. As per letter dated 11.1.2013 issued to Superintending Engineer, the applicant pointed out that although M.D. had not exceeded 400 kVA, a fine has been imposed on the applicant and requested to correct the bill. As per letter dated 18.1.2013 the applicant informed the no applicant that they are willing to pay entire bill under protest and claimed installments. During the pendency of the dispute, non applicant issued disconnection notice Dt. 4.1.2013 due to non payment of bill for he month of November 2012. However, applicant already paid on 17.12.2012. No installments were given to the applicant for payment of bill. Supply was disconnected on 22.1.2013 at 15.30 Hrs. by switching off A.B. switch and locked it with their lock, thereby putting all operations to standstill and plugging the entire premises into darkness in the night. This lock was removed on 17.30 Hrs. on 24.1.2013 after the applicant paid entire outstanding amount. Disconnection notice is illegal and

therefore disconnection was illegal. Applicant claimed to revise excessive bill and to refund excess amount with interest. Applicant claimed compensation @ Rs. 50/- per hour as per S.O.P. The applicant claimed compensation of Rs. 50,000/- for harassment and loss of reputation.

3. Non applicant denied applicant's case by filing reply Dt. 8.5.2013. It is submitted that M/s. P.B.A. Infrastructure is H.T. Consumer of M.S.E.D.C.L. having contract demand of 750 kVA and connected load of 900 kW on 11 kV. The connection was released on 6.2.2007. During the billing month of October 2012 bill was generated and issued to the consumer considering the reading approved through automatic meter reading (AMR) in which maximum kVA M.D. recorded 1478.6 kVA (Say 1479 kVA), details of which has been ascertained from billing profile of MRI data retrieved in which it is seen that on Dt. 23.10.2012 at 3.00 Hrs. maximum kVA was recorded. The consumer was issued with provisional bill during the month of November 2012 amounting to Rs. 4,89,900/-. The meter was tested by testing division on 10.12.2012 and in report it was stated that meter is O.K. There was no abnormal occurrence registered in the event history. Found O.K. during 30 minutes load test and meter is replaced on 21.3.2013. From the detail analysis received from manufacturer company and testing division, after investigation the meter declared as faulty. Assessment will be calculated as per MERC (Electricity supply code and conditions of supply) Regulations 2005, clause 15.4.1, bill assessed based on average

metered consumption for 12 months immediately preceding prior to one month in which billing is contemplated. On this basis bill will be revised. Arrears outstanding even for the month of September 2012 was 2,30,730/- and has been amount of October 2012. Therefore supply was disconnected. Disconnection can not be termed as illegal as written notice was issued and arrears due from the month of September 2012. After completion of said period disconnection was done.

4. Forum heard the arguments of both the sides and perused the record.

5. So far as status of the meter is concerned it is specifically mentioned in para 3 of the reply of the non applicant Dt. 8.5.2013 that *“from the detail analysis received from manufacturer company and Testing Division, after investigation, the meter declared as faulty, assessment will be calculated as per MERC (Electricity Supply Code and Conditions of Supply) Regulations 2005, clause No. 15.4.1, bill assessed based on average metered consumption for 12 months immediately preceding prior to one month in which billing is contemplated. On this basis bill will be revised to the consumer”*. Therefore it is clear that provisions of regulation 15.4.1 of MERC (Electricity Supply Code & Conditions of Supply) Regulations 2005 are applicable to this case. Therefore as meter is declared as faulty, assessment has to be calculated as per this provision and bill has to be assessed on average metered consumption for 12

months immediately preceding to one month in which billing is contemplated. It is necessary to issue revised bill to the consumer on this basis. This much relief only can be granted to the applicant.

6. So far as compensation is concerned, it is crystal clear from the record that arrears outstanding even in the month of September 2012 was Rs. 2,30,730/- and balance amount of October 2012. Therefore supply was legally disconnected. On these premises and on this background, disconnection can not be termed as illegal, as written notice was issued and there were arrears due from September 2012. After completion of said period there was disconnection. Therefore under no stretch of imagination it can be said that disconnection was illegal. On the contrary we hold that disconnection was after complying due process of law.

8. So far as compensation is concerned, it is noteworthy that according to 3rd proviso of Regulation 12.2 of Maharashtra Electricity Regulatory Commission (Standard of Performance of Distt. Licensee, period of giving supply and determination of compensation) Regulation 2005, it is specifically laid down that –

.....”Provided also that no claim for compensation shall be entertained if the same is filed later than a period of 60 days from the date of rectification of deficiency in performance

standard”. In this case, even as per pleading of the applicant supply was reconnected on 24.1.2013 at 17.30 hrs. Therefore, it was necessary for the applicant to claim compensation within 60 days from 24.1.2013. However, present grievance application is filed on 3.4.2013. It is not within 60 days and therefore claim for compensation is untenable at law as per mandatory proviso No. 3 of regulation 12.2 of MERC (Standard of Performance of Distribution Licensee, period for giving supply and Determination of Compensation) Regulation 2005

9. Furthermore Schedule ‘A’ of MERC (Standard of Performance of Distribution Licensee, Period for giving Supply and Determination of Compensation) Regulations 2005, no compensation can be claimed for illegal disconnection as per present Regulations which are in existence today. Therefore compensation can not be claimed as per SOP for illegal disconnection if any. On this point also claim for compensation deserves to be dismissed.

10. Furthermore, record shows that up till now the applicant did not claim compensation to distribution licensee in his any letter or correspondence. The applicant did not file any grievance application for compensation to I.G.R.C. Without claiming compensation to distribution licensee and without approaching to I.G.R.C. applicant can not claim compensation in this Forum.

11. Further more, disconnection was perfectly legal and valid. There was no fault on the part of Officers of Distribution Licensee. Therefore there was no unnecessary harassment of the applicant and for these reasons no compensation can be granted. Therefore claim of compensation deserves to be dismissed.

12. Resultantly, Forum proceeds to pass the following order :-

ORDER

- 1) Grievance application is partly allowed.
- 2) Non applicant is hereby directed to revise the bill of the applicant according to Regulation 15.4.1 of MERC (Electricity Supply Code & Conditions of Supply) Regulations 2005 and directed to calculate the assessment and assess the bill based on average metered consumption for the 12 months immediately preceding prior to one month in which bill is contemplated. On this basis bill shall be raised to the consumer and to revise the same.
- 3) Claim for compensation is hereby dismissed.
- 4) Non applicant is directed to comply within 30 days from the date of this order.

Sd/-
(Smt.K.K.Gharat)
MEMBER
SECRETARY

Sd/-
(Adv.Subhash Jichkar)
MEMBER

Sd/-
(ShriShivajirao S.Patil)
CHAIRMAN