

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

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**Case No. CGRF(NUZ)/066/2005**

- Applicant : Shri S.V. Waghchoure  
At Dharmadip Niwas,  
Bhandar Mohalla, Indora,  
Nagpur.
- Non-Applicant : The Nodal Officer  
Executive Engineer,  
Civil Lines Division,  
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.

**ORDER (Passed on 14.11.2005)**

The present grievance application has been filed on 21.10.2005 in the prescribed schedule "A" as provided in 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 erroneous inclusion of arrear amount of Rs. 22,551.35 shown in the applicant's energy bill dated 16.09.2005 for a total amount of Rs. 23,450/- for the period from 05.07.2005 to 05.09.2005.

Before filing this grievance application, the applicant had approached the Internal Grievance Redressal Unit under the said Regulations by filing his complaint application dated 16.07.2005 before it. In response, this Unit replied the applicant by its letter, being letter number 2017 dated 29.07.2005, informing him that his meter, being meter number 515136 was changed on 18.08.1999 and that the applicant was charged for consumption of electrical energy on average basis till November, 2004 because of late feeding of appropriate data in the applicant's CPL and further that a revised bill for Rs.16,300/- for a period of 68 months from August, 1999 to March, 2005 was given to the applicant on 13.07.2005 after giving credit of Rs.15,453=93. The Unit also informed the applicant that the energy bill for Rs. 30,446.16 for 7113 units was wrongly issued to him in March, 2005.

The applicant was not satisfied with this reply and hence he filed the present grievance application before this Forum.

The matter was heard by us on 09.11.2005 when both the parties submitted their respective say in support of their respective claims.

After receipt of the present grievance application, the non-applicant was asked to submit before this Forum his

parawise comments on the applicant's grievance application in terms of Regulations 6.7 and 6.8 of the said Regulations. Accordingly, the non-applicant submitted his parawise report dated 29.10.2005 on 31.10.2005. A copy of this parawise report was given to the applicant which he duly received on 31.10.2005 and he was given adequate opportunity to offer his say on this parawise report also.

The applicant has produced copies of the following documents in support of his contentions.

- 1) His application dated 30.09.2005 addressed to the Assistant Engineer, Kadbichowk Branch, MSEB, NUZ, Nagpur requesting for withdrawal of arrear amount of Rs. 22,500/- in respect of his meter, being meter number 900515136.
- 2) His complaint application dated 16.07.2005 in the prescribed annexure "X" filed under the said Regulations before the Internal Grievance Redressal Unit.
- 3) His energy bill dated 16.09.2005 for a total amount of Rs.23,450/- for the period from 05.07.2005 to 05.09.2005 in respect of meter, being meter number 9001568805 showing inclusion of arrear amount of Rs.22,551.35.
- 4) His energy bill dated 16.07.2005 for 1040 units for the period from 05.05.2005 to 05.07.2005 showing inclusion of arrear amount of Rs.16499.61.
- 5) Legal notice dated 21.07.2005 addressed to the Assistant Engineer, MSEB, Kadbichowk Branch,

Nagpur by the applicant's Advocate one Shri Narnaware complaining against faulty energy bills issued to the applicant.

- 6) Letter, being letter number 2017 dated 29.07.2005, addressed to the applicant by the Internal Grievance Redressal Unit in response to his complaint dated 16.07.2005.

Relying on the aforementioned documents, the contention of the applicant is that his previous meter, being meter number 254582 was replaced by a new meter, being meter number 515136 on 18.08.1999. According to him, his energy bill dated 16.09.2005 for the period from 05.07.2005 to 05.09.2005 showed consumption of only 52 units during the period from 05.07.2005 to 05.09.2005 and that an arrear amount of Rs.22,551.35 was erroneously included in this energy bill by the non-applicant. His say is that this meter being meter no. 515136, was faulty and that the arrear amount pertained to the period of 68 months from 18.08.1999 to March, 2005. He had approached the Assistant Engineer of Kadbichowk Branch, MSEB, Nagpur by filing his complaint application dated 30.09.2005 complaining against erroneous inclusion of arrear amount of Rs.22,500/- in his energy bill in respect of his previous faulty meter, being meter no. 515136. However, no cognizance was taken by the MSEB official of this complaint. He also approached the non-applicant Company's officials on several occasions even prior to 30.09.2005 and filed his complaint applications. However, his complaint

applications were not even acknowledged nor any satisfactory remedy was provided to him in respect of his grievance. He strongly contended that the non-applicant's action of charging him for 7113 units over a period of 68 months from August,1999 to March,2005 is improper, unjust & illegal.

He lastly prayed that although a credit of Rs.15,453.93 is given to him by the non-applicant, the relief given to him so far is not at all adequate and that the non-applicant be directed to issue a revised bill at the earliest.

The non-applicant has stated in his parawise report that the premises in question was in the name of one Shri D.U. Sawaikar till the billing month of September, 2001. The applicant Shri S.V. Waghchoure purchased this property from Shri Sawaikar and applied to the non-applicant for change of name. Accordingly, name of Shri S.N. Waghchoure came to be recorded in the non-applicant's record from the billing month of November, 2001. The applicant wants his name to be mentioned as S.V. Waghcoure in place of S.N. Waghchoure. According to the non-applicant, the mistake in respect of the applicant's name can be corrected if the applicant submits to him the receipt of Property Tax paid to Nagpur Municipal Corporation.

He added that the Jr. Engineer of MSEB inspected the meter of the applicant on 22.05.2005 after receipt of the applicant's complaint and upon inspection, it was revealed that the final reading of the applicant's old meter, being meter number 900254582 was 04712 units while the initial reading of the applicants subsequent meter, being meter number

515136 installed on 18.08.1999 was 0006 units. The applicant's old meter was changed on 18.08.1999. However, effect of change of meter was not incorporated in the applicant's CPL at the relevant time and hence energy bills on average basis came to be issued to the applicant. The effect of change of meter was shown for the first time in the applicant's energy bill for March, 2005. Because of this, an erroneous energy bill for Rs. 30,446.16 for 7113 units came to be issued to the applicant in March, 2005. Since excessive bill was issued to the applicant over a period of 68 months from August, 1999 to March, 2005 for 8808 units, this bill was corrected and a credit of Rs.15,453.93 for 1797 units was given to the applicant and a corrected bill of Rs.16,300/- for 7011 units was issued to the applicant on 13.07.2005. However, the applicant has not paid this amount. A subsequent energy bill for 1040 units as per metered reading was also given to him in July, 2005. Thereafter the applicant's meter, being meter number 515136 was again changed and a new meter, being meter number 1568805 was installed on 20.08.2005.

According to the non-applicant, the net amount outstanding against the applicant up to September, 2005 is to the tune of Rs.23,450/-. The non-applicant added that the applicant be directed to pay this amount and that relief already granted to the applicant is correct and adequate.

The non-applicant has submitted copies of following documents in support of his contentions.

- 1) Spot inspection report dated 22.05.2005 showing various inspection details in respect of the applicants meters, being meter number 254582 and 515136.
- 2) Office Note dated 02.06.2005 approved by the Executive Engineer, Civil Lines Division whereby the applicant has been charged for 7011units over a period of 68 months from August-99 to March, 2005 in place of 8808 units.
- 3) Meter change report dated 20.08.2005 of the Jr. Engineer, Civil Lines Division, MSEB, Nagpur.
- 4) Spot inspection report dated 23.10.2005 of the Jr. Engineer, Civil Lines Division, Nagpur showing Ok. status for the applicant's meter, being meter number 1568805.
- 5) The applicant's CPL for the period from July, 1999 upto September, 2005.
- 6) The applicant's complaint application dated 15.07.2005 addressed to the Executive Engineer, Civil Lines Division, MSEDCL, Nagpur complaining against erroneous charging of Rs. 16,300/- in the applicant's energy bill dated 13.07.2005 against meter number 515136.
- 7) The applicant's application dated 07.07.2001 addressed to the Chief Engineer, MSEB, Nagpur requesting for incorporating his name in place of previous owner Shri D.U. Sawaikar.

The non-applicant lastly prayed that the grievance application may be rejected since there is now no substance in it.

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

It is admitted by the non-applicant that an erroneous energy bill for 7113 units for Rs.30,446.19 came to be issued to the applicant in March 2005. It is also admitted by the non-applicant that process of meter change effect in respect of the applicant's previous meter, being meter number 515136 was delayed abnormally. In that, although the applicant's meter, being meter number 515136 was changed way back on 18.08.1999 replacing his old meter, being meter number 254582, effect of this meter change was not shown in the applicant's CPL till the billing month of March, 2005. Consequently the applicant was charged only on average basis for an abnormally long period of 68 months from September, 1999 to March, 2005. The applicant's CPL also reveals that a net bill for Rs.30,446.16 was issued to the applicant in the billing month of March, 2005 for 7113 units. In that, it is clearly seen that final reading of the applicant's meter, being meter number 515136 is shown is 7017 units while previous reading of the same meter is shown as 0006 units. The CPL also shows the applicant's meter to be either faulty or it was showing a reject status or status of locked premises intermittently, over a period of 68 months from September,1999 till March, 2005. No satisfactory explanation,



whatsoever, has been given by the non-applicant as to why proper meter readings were not recorded in respect of the applicant's meter over such a long period of 68 months. This leads to a logical conclusion that this must have happened because of non-reading and non-recording of meter readings periodically by the concerned meter readers in respect of the applicant's meter over a period of 68 months. It is also pertinent to note that nobody from the non-applicant Company bothered to see and find out as to why and under which circumstances the applicant was issued energy bills only on average basis for such a long period of 68 months.

When asked pointedly, the non-applicant admitted that a serious lapse has occurred in the instant case resulting into a total negligence.

There is no doubt that the non-applicant realized in July, 2005 that a serious mistake has occurred in the applicant's case and thereupon, a credit of Rs.15,453.93 came to be given to the applicant on 13.07.2005. Resultantly, the applicant was charged for Rs.16,300/- for 7011 units over a period of 68 months from Sept. 1999 to March, 2005 in place of charge for 8808 units. The applicant's contention in this respect is that the credit given to him is not adequate. He claims that he has paid all his energy bills issued to him from time to time from September, 1999 upto March, 2005.

It seems that the non-applicant is trying to remedy his grave mistake which was being committed continuously over a long period of 68 months by burdening the applicant in one go by charging him for 7011 units over the past period of

68 months. This action of the non-applicant is evidently against the principles of natural justice. The non-applicant can not, by any stretch of imagination, penalize the applicant for mistakes committed by his staff over a long period of 68 months particularly when he has paid all the energy bills issued to him from time to time over this period of 68 months.

The non-applicant Company will have to suffer a monetary loss because of the criminal negligence on the part of the non-applicant's meter readers. In fact, we venture to say that this is a fit case for proceeding against the concerned staff and for taking stringent action against the persons responsible who have displayed this criminal negligence. We do hope that the Chief Engineer will take appropriate action against the persons responsible at the earliest.

It is also pertinent to note that there is an endorsement dated 30.05.2005 recorded by some official of MSEDCL on the spot inspection report dated 22.05.2005 to the effect that the meter readers took wrong readings for years together. He also posed a question as to why effect of meter change was not given from the date viz 19.08.1999 when the applicant's meter, being meter number 515136, was changed. This clearly reflects that criminal negligence has been displayed by the concerned meter readers as well as by their supervisory officers.

It is needless to say that it is the boundant duty of the non-applicant to cause readings of meters recorded regularly and to check that his meters are in proper working

condition. Obviously this has not been done in the instant case by the non-applicant's staff.

The non-applicant had contended during the course of hearing that the applicant never disputed the average bills sent to him throughout the period of 68 months and that he cannot now say that the billing done was faulty or erroneous.

We are unable to accept this contention for the simple reason that it is the non-applicant and not the applicant who is responsible for checking the meter and for recording correct bi-monthly metered readings. The applicant cannot be penalized for the grave mistakes committed by the non-applicant's staff. Moreover, the applicant has raised his dispute appropriately immediately after he received the excessive bills.

May that be the case, the net result is that the non-applicant's action for charging the applicant for a net amount of 16,300/- as per his bill 16.07.2005 after having given a credit of Rs.15,453.93 is not in tune with the principles of natural justice and hence he should withdraw this amount from the applicant's energy bill and in its place, charge him only for a period of 3 months prior to March, 2005 at the rate of 103 units per month. All the subsequent bills should be revised accordingly and a fresh corrected bill issued to the applicant.

The present case deserves to be treated on par with the case of a faulty meter.

In the result, we are inclined to hold and do hold accordingly that the applicant's grievance is genuine.

We, therefore, accept the grievance application and direct that the non-applicant shall withdraw the energy charges of Rs.16,300/- from the applicant's energy bills and he shall issue a fresh energy bill to the applicant in terms of the observations made by us in this order.

We further direct the non-applicant to submit compliance of this order on or before 30.11.2005.

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**

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