

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

Case No. CGRF(NUZ)/57/2013

Applicant : Shri Ramesh Ramaji Patil,
Plot No. 210, Rambhau Mhalaginagar,
NAGPUR: 24.

Non-applicant : Nodal Officer,
The Superintending Engineer,
(Distribution Franchisee),
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 1.4.2013 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 received excessive bill for the month of Oct. 2012 and November

2012. These bills are not proper. Employees of non applicant came to his house and tested the meter and said that the meter is O.K. but the applicant does not agree with this. Applicant claimed to test the meter in the laboratory of M.S.E.D.C.L. and bill should be revised. The applicant claimed compensation of Rs. 10000/-.

3. Non applicant denied the applicant's case by filing reply Dt. 22.4.2013. It is submitted that bills are issued as per meter reading. In the month of October 2012 previous reading was 2986, current reading was 3331 and consumption was 345 units. In the month November 2012 bill was issued of 500 units. The applicant objected to this bill and deposited Rs. 150/- meter testing charges. The meter was tested on 3.1.2013 by acucheck in presence of the applicant and it was found O.K. Meter testing report is filed along with reply. Even then the applicant was not satisfied and requested to test the meter in the laboratory of M.S.E.D.C.L. For that purpose he filed Grievance application before Learned I.G.R.C. and claimed to revise the bill for the month of October & November 2012 and to test the meter in the laboratory. M/s. SPANCO has no right to test the meter in the laboratory of M.S.E.D.C.L. and therefore Learned I.G.R.C. rejected the grievance application of the applicant, as per the order Dt. 29.3.2013. Bills of October 2012 and November 2012 are correct as per consumption and therefore can not be revised. No compensation can be granted to the applicant. The application may be dismissed.

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

5. So far as this matter is concerned, there is difference of opinion amongst members of Forum and therefore decision is based on majority view of Chairperson and Member of C.G.R.F. However, dissenting note of Member / Secretary of the Forum is noted at the bottom of the order and it is part and parcel of the Judgement.

MAJORITY VIEW OF CHAIRPERSON AND MEMBER OF
FORUM

6. Initially it is pertinent to note that the applicant only claimed to revise the bill of only 2 months i.e. October 2012 and November 2012. There is no prayer to revise the bill of any other month. Therefore so far as revision of the bill is concerned we have to consider whether bill of October & November 2012 can be revised or not. There is even no prayer of the applicant to give him any slab benefit and therefore Forum has no jurisdiction to grant any relief which is not claimed by the applicant in his grievance application. Therefore we have to consider that bill of October 2012 and November 2012 are correct or not.

7. It is noteworthy that M/s. SPANCO has produced meter testing report Dt. 3.1.2013 on record. This meter testing report of SPANCO shows that meter is O.K.

8. During the course of hearing as per order Dt. 23.4.2013 this Forum ordered that meter be tested in the laboratory of M.S.E.D.C.L. in presence of the applicant and Member / Secretary of the Forum and to submit test report. Accordingly, meter of the applicant was tested in presence of the applicant and Member / Secretary of the Forum in the laboratory of M.S.E.D.C.L. Dy. Exe. Engineer (Testing) Dn. Nagpur filed testing report Dt. 22.5.2013 on record to the effect that meter of the applicant is O.K. Therefore meter of the applicant is O.K. and it is not faulty. Therefore consumption of the applicant is properly recorded by the meter and charges of the energy consumed by the applicant are reflected in the bill. Therefore it is clear that bills of October and November 2012 are correct and legal and therefore can not be revised. There is no prayer of the applicant that any slab benefit may be given to the applicant and therefore the relief beyond the prayer of the applicant in grievance application can not be granted.

9. It is true that non applicant also produced photograph of bills of January 2012 to December 2012. However, it is rather surprising to note that there is no prayer of the applicant to revise the bill since January 2012 up to December 2012. Further more, on careful perusal of these photographs of the meter it appears

that these photographs are very faint and practically unreadable and therefore in our considered opinion no value can be attached to these photographs of the meter for the month of January 2012 to December 2012. We are concerned only whether the bill of the applicant for the month of October 2012 to November 2012 is correct or not. Therefore no reliance can be placed on these irrelevant and unreadable photographs.

10. Applicant also claimed compensation of Rs. 10000/-. However, there was no negligence or fault on the part of non applicant, and there was no harassment to the applicant. No excess amount was recovered from the applicant and therefore applicant can not claim any compensation.

11. For these reasons, we find no substance in present grievance application and application deserves to be dismissed.

DISSENTING NOTE OF MEMBER / SECRETARY OF THE
FORUM

12. The Grievance filed by the applicant Shri. Ramesh Ramaji Patil is regarding bill dispute for the month of October 2012 and November 2012. The I.G.R.C. order Dt. 29.3.2013 stated that consumer's meter was tested by accucheck instrument and found to be working normal. But the applicant is not satisfied with acucheck report and he requested for meter testing at

M.S.E.D.C.L's testing laboratory. However, I.G.R.C. does not have powers to direct M.S.E.D.C.L. to test the meter in M.S.E.D.C.L's testing laboratory, therefore I.G.R.C. did not consider applicant's request.

13. The matter was heard on Dt. 23.4.2013. On that day, Forum ordered M.S.E.D.C.L. to test the disputed meter at M.S.E.D.C.L's meter testing laboratory in presence of applicant and Member / Secretary of the Forum. Also Forum directed the non applicant to submit photographs of meter for the period January 2012 to December 2012. The non applicant filed meter testing report to the Forum on Dt. 22.5.2013 which states that results are found in order. The Non applicant also filed meter photographs for the period January 2012 to December 2012 to the Forum through e-mail on Dt. 22.5.2013.

15. As far as revision of bill is concerned, I differ in view. In my opinion the meter testing results are within limit. Therefore recording of the meter does not have any defects. In other words, meter is working normally. However, while going through meter photographs, I observe that there are many abnormalities while reading the disputed meter. My observations are as follows :-

Month	Meter Reading	
	CPL	Meter Photos
January 2012	2318	2310
February 2012	2414	241 (last digit is not readable)
March 2012	2441	Meter photo not clear
April 2012	2486	24 (last two digits are not readable)
May 2012	2513	--13 (Initial 2 digits are not readable).
June 2012	2913	3 (last 3 digits are not readable)
July 2012	2953	Not readable
August 2012	2986	3 (last 3 digits are not readable)
September 2012	2986	36 (last 2 digits not readable)
October 2012	3331	3771
November 2012	3831	3847
December 2012	3991	3991

16. The above table clearly shows that non applicant erred in punching proper photo reading. In other words, the reading and hence consumption shown on the bill for the month of Oct-2012 and Nov-2012 are not the actual consumption of those months, but a case of accumulated reading. Therefore in my opinion it will be prudent to consider two clear photo readings i.e. photo reading for the month of January as 2310 and photo meter reading for the month of November as 3847. From this, one can calculate the consumption for the period January to November 2012 as $3847 - 2310 = 1537$. This consumption should be divided in 11 months

and accordingly the bill should be revised by giving appropriate slab benefit and other reliefs as per rules and regulations.

17. On majority view of the Forum, it is our considered opinion that meter of the applicant is tested in the laboratory, test report is available on record and meter is O.K. Therefore bill of October 2012 and November 2012 can not be revised. Photographs of January 2012 to December 2012 are irrelevant and unreadable. Therefore on that basis no slab benefit can be given to the applicant. Slab benefit is not even claimed by the applicant and therefore relief beyond the scope of the grievance application can not be given. Applicant is not entitled for any compensation. We find no substance and no merits in the present grievance application. Hence we proceed to pass following order :-

ORDER

- 1) Grievance application is dismissed.

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

Sd/-
(Adv.Subhash Jichkar)
MEMBER

Sd/-
(ShriShivajirao S.Patil)
CHAIRMAN