

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

Case No. CGRF(NZ)/66/2017

Applicant : Smt..lalita Punjabrao Ingle
Plot no.83,Shrinath Krupa Nilkanth Society
Hajari Pahad Nagpur-7.

Non-applicant : Nodal Officer,
The Superintending Engineer,
(D/F.) NUC,MSEDCL,
NAGPUR.

Applicant :- Shri Gajanan Punjabrao Ingle, Applicant's son & representative
Non- applicant:- 1) Shri.Vairagade , EE, Nodal Office,MSEDCL
2) Shri Dahasahastra, SNDL Nagpur.

Quorum Present: - 1) Mrs. V.N.Parihar,
Member, Secretary & I/C.Chairman.
2) Shri N.V.Bansod,
Member

ORDER PASSED ON 09.08.2017.

1. The applicant filed present grievance application before this Forum on 13.06.2017 under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressed Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as said Regulations).
2. Non applicant, denied applicant's case by filing reply dated 14.07.2017.
3. Forum heard arguments of both the sides and perused record.

4. Applicant filed her grievance application for excessive units charged to her for the consumption recorded by Meter no.ESN05282 hence asked for revision of the said the energy Bills issued to her since the date disputed meter is installed at her premises.

5. Non-applicant In his reply dated 29-05-2017 stated and denied the contention of the applicant and stated that all Energy bills issued are as per meter reading only. Meter testing of disputed meter no. ESN05282 was carried out both at SNDL and MSEDCL laboratory on dt 15.05.2017 and it was found O.K i.e Meter Error found within permissible limit. Accordingly, on the basis of the photo meter reading taken, the bills were issued to the applicant. Hence they are in order .However Non-applicant replaced the said doubtful meter in the month of Nov.2016 and again in Jan.2016 for the satisfaction of the applicant.

6. Non-applicant in his reply further stated that, as meter accuracy is within limit, and bills issued by them is as per the reading only, Hence prayed to the forum to direct the Applicant to pay the same and dismiss the grievance application. Non-applicant also filed the consumption statement of the Applicant (CPL)for the record.

7. Applicant filed her grievance with IGRC on dt.05.06.2017.Accordingly matter was heard and IGRC rejected the appeal by its order stating that to rule out the apprehension of the Applicant, the disputed meter is tested in MSEDCL laboratory on dt 15.05.2017, and it was found O.K i.e. Meter Error found within permissible limit, As meter was found ok in both the Meter testing laboratory of SNDL and MSEDCL, The grievance application stands rejected.

8. Aggrieved by this decision of IGRC, Applicant filed his grievance application with this forum for necessary relief.

9. During the argument and discussion, Applicant reiterated the same facts as stated in application that consumption recorded by the disputed meter does not commensurate with their actual usage of power. They further argued that even after removal of the cooler in the month of June 2016, it is seen that there is no remarkable difference in the units charged to them in the month of July16 and Aug2016, whereas their consumption from July-2016 onward should have been comparatively less than the consumption for earlier months. Hence they suspected that meter might be faulty and shoot up during these months.

10. Non-applicant also stated same facts as per written argument and furnished soft copy of the Photo-meter readings taken to justify the fact that meter readings are correctly taken by meter reader and they are as per CPL. Hence prayed to forum to dismiss the grievance application.

11. At the time of hearing on 10.07.2017 and 17.07.2017, the Parties were informed that due to expiry of tenure of of the Chairperson holding additional charge of the Forum on dt.30.06.2017,the matter would now be heard by the two remaining Members. At the time of hearing Quorum present was

1) Member Secretary & I/C. Chairman.

2) Member (CPO).

As per in clause 4.1(c) of MERC (CGRF & EO) Regulation2006 which reads as under,

4.1(c) "Provided also that where the Chairperson is absent from a sitting of the Forum, the technical member, who fulfills the eligibility criteria of sub-clause (b) above, shall be the Chairperson for such sitting".

Needless to say that, in absence of Hon'ble Chairman, Member Secretary is In-Charge Chairman. There is difference of opinion amongst the two. Since I/Charge. Chairman has one additional casting vote, therefore as per provision given in clause 8.4 of MERC (CGRF & EO) Regulation 2006 which reads as under,

8.4 "Provided that where the members differ on any point or points the opinion of the majority shall be the order of the Forum. The opinion of the minority shall however be recorded and shall form part of the order".

Hence, the Judgment is based on majority view of I/C chairman and Member Secretary. However the separate dissenting note of Hon'ble Member (CPO) is noted in the judgment and it is part and parcel of the judgment. But the judgment is based on majority view and reasoning thereof is as under:

12. During hearing, on perusal of the consumption statement of the applicant from the month July-2015, Aug-2015, Sept -2015, Oct-2015, Nov-2015, Dec-2015, Jan-2016, Feb-2016, March-2016, April-16, May-16, June-16 recorded consumption is 236, 297, 253, 219, 254, 122, 83, 108, 242, 331, 274, 282 units resp. From the soft copy filed by Non-applicant, photo meter reading is verified by the forum and found to be as per given in CPL.

13. Forum is of the opinion that disputed meter is tested twice, in both the Meter Testing Laboratory of SNDL and MSEDCL and found to be OK. Also meter readings taken and shown in CPL are also correct which can be clearly seen from soft copy of photo meter reading produced on record by the Non-applicant. It is therefore concluded that units/consumption charged by the Non-applicant is recorded by the meter only. Considering the fact that, 1) Meter accuracy is within limit. 2) energy bills are issued as per meter reading only. 3) Applicant's actual usage of electrical supply is responsible for the said metered consumption, the claim of the applicant, to revise energy bills of disputed meter cannot be accepted and therefore Applicant has to make its payments. Hence the observation & findings as well as order of IGRC are justified and needs no Interference.

Separate dissenting note of Hon'ble Member (CPO) is given as under.

Dissent note By Member (CPO) Mr. Naresh Bansod Dated 09.08.2017 in case No 66/2017

1. The Arguments heard on 17.7.2017 and case file is sent to me on 1.8.2017 at 1.45 pm and asked back at 4.30 m by peon and again sent to me on 3.8.2017 at 11.10 am and taken back at 4.30 and again given on 4.8.2017 at 12.15 pm.

2. Applicant consumer having consumer No. 410018047849. Applicant said that during June 2016 in summer, even after using cooler and without using cooler also, Bill & Reading becomes same and suspected about meter faulty. In the starting of Sept 2016. Complaint was registered and on 26.9.2016 the meter was inspected but after 2 months

on 12.11.2016 meter was changed. In spite of same type of consumption, Applicant noted wide difference between 2 meters. (old replaced & New meter) Non Applicant inspected the appliance in house on 26.9.2016 as well as May 2017 but no change was noticed in appliance in the house and denied that 1st meter is ok and requested to reduce the bill.

3. IGRC relied on meter test report which is declared ok and rejected the grievance application as Error was 0.05% as within permissible limit.

4. Non Applicant stated that on request of Applicant, meter was tested in M.S.E.D.C.L meter testing lab on 11.5.2017 and it is ok.

Non Applicant said, Bills were issued as per consumption & meter reading and test report is ok, hence bill cannot be revised and grievance application be rejected.

5. We heard the Arguments of both the parties & perused the bill, spot inspection report & CPL of consumer filed by the Non Applicant.

6. Applicant's residence is consist of 3 Rooms and 3 Persons are residing in the house on ground floor. Connected load is 3 fan, 2 CFL, 2 Tube light, 1 TV, 1 Set top Box, 1 freeze, Zero bulb & 1 Mixer but in this particular case Non Applicant did not calculate the connected load in K.W.

As per chart publish by MSEDCL To cheque consumption by consumer

3 Fan 40 vats	3 hours	$2.7 \text{ vats} * 3 = 8.1$
2 CFL	3 hours	$12 \text{ vats} * 2 = 2.25$
2 Tube light 40 vats	4 hours	$4.8 \text{ vats} * 2 = 9.60$
1 TV 150 vats	4 hours	$18 \text{ vats} * 1 = 18.00$
1Set Top Box 25 vats	4 hours	$3 \text{ vats} * 1 = 3.00$
1 freeze 200 vats	11 hours	$66 \text{ vats} * 1 = 66.00$
Mixer 200 vats	1 hours	$6\text{vats} * 1 = 6.00$
2 zero bulb 5 vats	8 hours	$1.5 \text{ vats} * 2 = 3.00$
Total		115.95

Total 116 Units (Approximates)

Hence approximate maximum consumptions come to 116 Units.

7. I have undertaken actual approximate calculations on maximum consumption above which is 116 units

As per CPL, Average consumption from

Aug 2014 to June 2015 - 36 Units

July 2015 to Feb 2016 – 197 Units

March 2016 to Oct 2016 – 248 Units

After change of old meter i.e. 55/ESM05282 to new meter No. 65/C1128953. i.e. on 12.11.2016

It is observed that Non Applicant is totally mum on two inspections of connected loan 26.9.2016 at after complaint and on May 2017 and as per spot inspection and enquired

To Applicant Appliances are also same.

8. After change of meter on 12.11.2016. the consumption in Unit is as under.

November-2016	-	62.0
December-2016	-	46
January-2017	-	45
February-2017	-	43
March-2017	-	62
April-2017	-	109
May-2017	-	135
June-2017	-	184

686/8 = Average 86 Units.

On perusal actual approximate maximum consumption is 117 Units p.m. and After change of meter on 12-11-2016 also Average consumption is 86 Units p.m.

Considering present trend of consumption of Applicant in new meter and M.S.E.D.C.L. Testing Lab Reports, I doubt the reliability of Testing of meter and not worth relying just. Because tested in meter lab.

In view of the above observations and keeping practical & realistic approach, it will be in the interest of Justice to the consumer that is as per section 15.4.1 of MERC (ES Code & other conditions of supply) regulation 2005, the bills of the Applicant deserved to be revised for a period of 3 months prior to Sept.2016 on the basis of Average of Nov.2016 to June-2017 i.e. 86 Units and any interest or delayed payment charges are levied be reduced accordingly.

The Complaint Application deserves to be allowed.

Hence the following order. Non applicant is directed to revise the bill of Applicant for 3 months prior to Sept-2016 on the basis of consumption of 86 units per month and reduce the interest & delayed payment charges levied if any within 30 days from the date of order.

Member Secretary claims to be in charge chairperson. As per Reg. 4.1

(c) last provision means that when chairperson is appointed in the CGRF and he is absent from sitting of the forum, then technical member, shall be the chairperson for such sitting (during leave, sick leave etc) but presently the Chairperson's post is vacant in the forum on date of sitting, so the technical member and member (CPO) can continue to run sitting and decides the cases as per 5.2 of Regulation but technical member does not get position of Chairperson and second & casting vote, which is done in earlier cases after 16/5/2017, Which is illegal as per me because in case of vacant post of Chairman of MERC, Hon'ble Shri Ajij Khan & Mr. Deepak Lad Saheb sign as member and not any one as chairman as per seniority or Regulations. Hence order of the Technical person or so called member secretary cannot be a "Majority order".

Naresh Bansod
Member (CPO)

14. In view of the majority we hold that the consumption utilized by applicant is

correctly recorded by the meter. Hence Energy Bills issued for disputed meter cannot be revised; Grievance application deserves to be dismissed.

Therefore we proceed to pass the following order.

ORDER

- 1) Grievance application is dismissed.

Sd/-
(Shri. **N.V.Bansod**)
MEMBER

sd/-
(**Mrs.V.N.Parihar**),
MEMBER/SECRETARY
& I/C. CHAIRMAN

