

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

Case No. CGRF(NUZ)/57/2012

Applicant : Late Kanyaiyalal Pal,
Thr:- Shri Girish Pal,
At Plot No. RK-4, Ramkrishna
Coop. Hsg. Soc. Narendranagar,
NAGPUR.

Non-applicant : Nodal Officer,
The Superintending Engineer,
(Distribution Franchisee),
M.S.E.D.C.L. NAGPUR.

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

2) Adv. Smt. Gouri Chandrayan,
Member,

3) Smt. Kavita K. Gharat
Member Secretary.

ORDER PASSED ON 24.7.2012.

The applicant filed present grievance application before this Forum on 28.5.2012 under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as Regulations).

1. The applicant's case in brief is that his energy bill for the month of April 2012 is excessive. Therefore, he requested for cancellation of bill and for issuing revised bill. The applicant is not accepting that his meter is slow 69% and

requested to test the meter in the laboratory. The applicant also requested to grant compensation of Rs. 5000/- for physical, mental and economic torture. According to the applicant, order passed I.G.R.C. in case No. 29/12 Dt. 25.5.2012 is incorrect, illegal and therefore needs to be set aside and cancelled.

2. Non applicant denied the applicant's case by filing reply Dt. 15.6.2012, by M/s. SPANCO franchisee of distribution licensee. It is submitted that consumer is Shri Kanhayyalal Pal and he is dead. The applicant Shri Girish Kanhayyalal Pal is using the meter but had not taken any action for change of name. It is submitted that on 23.1.2012, officers of M/s. SPANCO inspected the spot. At that time, representative of the consumer Shri Nitu G. Pal, age 31 years was present. Meter of the applicant bearing No. 72849 was checked by Acucheck machine and it was found that it is 69% slow and therefore technically defective. According to the provisions of regulation 15.4.1 of MERC (Electricity Supply Code and other conditions of supply) Regulations 2005, in case of defective meter, consumer can be billed for the period for which it was defective up to a maximum period of 3 months, based on the average metered consumption for 12 months, immediately preceding the 3 months prior to the month in which the billing is contemplated. Therefore as per that provision in the bill of April 2012, 1652 units amounting to Rs. 17270.88 were added. The applicant was not ready to accept correctness of this bill and therefore he filed complaint before

IGRC. Learned I.G.R.C. directed to add 1231 units instead of 1652 units and further directed to replace the meter. Therefore bill of Rs. 5660/- for 421 units was deducted from original bill and bill was corrected and revised as per the directives of I.G.R.C. but consumer refused to accept the bill. Officers of M/s. SPANCO went to the house of consumer to replace the meter but the applicant did not allow to replace the meter. As the meter of the applicant is 69 % slow therefore bill of 31 % is only issued. It is requested that till replacement of meter non applicant may be permitted to add 69% consumption in the 31 % consumption in the consumers bill and directions may be given to replace the meter.

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

4. During the course of hearing Dt. 18.6.2012, it is ordered by the Forum that meter be tested in the laboratory in presence of the applicant and his representative and Member/Secretary of the Forum and to submit the report and matter was fixed for filing of test report and further nearing on 22.6.2012 at 12.30 P.M.

5. Meanwhile, the meter of applicant was tested in the laboratory. Dy. Executive Engineer of testing division, Nagpur Urban Zone Nagpur submitted testing report of meter of the applicant to the effect that the meter is slow 69.33 %. Forum again heard the arguments of both the sides on 22.6.2012 and perused the record.

6. Record shows that meter of the applicant was checked by M/s. SPANCO with the help of Acucheck machine and it was found that meter is 69% slow. On that basis Learned I.G.R.C. decided the matter. In the present grievance applicant, it was requested by the applicant that meter should be tested in the laboratory. Accordingly, meter of the applicant is tested in the laboratory and as per report, the meter is 69.33% slow. Therefore, Forum holds that meter of the applicant was slow by 69.33 %. Record shows that initially M/s. SPANCO calculated the assessed units 1652 for the period 23.10.2011 to 23.1.2012. The amount of which comes to Rs. 17270,88 towards normal assessment. In such case, provisions of regulation 15.4.1 of MERC (Electricity supply code & other conditions of supply) regulations 2005 are applicable. In such case, assessment units are required to be calculated as per these provisions. In this provision, it is specifically provided that in case of defective meter, amount of bill of the consumer shall be adjusted for a maximum period of 3 months prior to the month in which dispute has arisen in accordance with the results of test taken subject to furnishing of test report of the meter along with assessed bill.

7. In this case, the dispute has been raised on the energy bill of April 2012. Therefore the assessment for the maximum period of 3 months has to be calculated considering billing month of January 2012, February 2012 and March 2012 as per meter test result. Report of testing by acucheck machine so also report of testing of meter in the laboratory,

both show that the meter is slow by 69% and consumption recorded by the defective meter for the month of January 2012, February 2012 and March 2012 is 553 units. Had the meter been working normally, the meter would have actually recorded $\underline{100 \times 553} = 1784$ Units. The applicant consumer is

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Actually billed short of $(1784 - 553) = 1231$ units. Therefore, correct amount of assessed units should be 1231 units and not 1652 units as it was previously calculated by M/s. SPANCO. Therefore, the assessment of 1652 units charged by M/s. SPANCO is liable to be set aside and it is necessary to revise the bill of April 2012 considering the assessed units of 1231 units and not 1652 units. The applicant consumer is entitled to get credit for $(1652 - 1231) = 421$ units.

8. We have carefully, scrupulously and meticulously perused the order passed by Learned I.G.R.C. In our opinion, the said order of Learned I.G.R.C. is based on sound reasoning and in accordance with regulations. There is no illegality or perversity in the order passed by Learned I.G.R.C. Therefore, in our opinion the said order is perfectly correct, legal and valid and therefore needs no interference.

9. So far as the doubt of percentage of slow meter of the applicant is concerned, as we have already pointed out the meter is tested in the laboratory in present of the applicant and Member / Secretary of the Forum and it is found that meter is slow 69 %. Therefore we hold that meter is slow 69 %. Therefore, order of Learned I.G.R.C. is correct.

10. The applicant claimed compensation of Rs. 5000/- for physical, mental and economic torture. However, in our opinion the applicant is not entitled for any compensation. The applicant produced certain receipts of medicines issued by Sachin Medicos, Sahu Medical Stores, Apex Medicos etc. However, the applicant did not produce papers of prescription signed by registered Medical Practitioner to prove for which decease applicant was suffering and whether really medicines described in the bills were prescribed by the Medical Practitioner. Furthermore, the applicant did not produce any documentary evidence on record to show that his Blood Pressure was high. There is no document signed by Doctor what was B.P. of applicant. Applicant did not produce any evidence on record to show that alleged high B.P. has any connection with issuance of bill by M/s. SPANCO. Needless to say that even if, for the sake of argument, it is presumed that B.P. of any person is increased, there can be several reasons for the same. There is no evidence on record to show that the medicines shown in the vouchers of the medical stores has any connection with grievance in this case. Considering the facts and circumstances of the case, evidence on record, and legal position, in our opinion the applicant is not entitled for any compensation or damages. Learned I.G.R.C. has already given legal relief to the applicant in its order Dt. 25.5.2012.

11. For these reasons, in our opinion, order of Learned I.G.R.C. is correct and legal and therefore needs no interference. Therefore we have no other alternative than to dismiss present grievance application.

12. Resultantly, Forum proceeds to pass following order.

ORDER

- 1) Grievance application is dismissed.

Sd/-	Sd/-	Sd/-
(Smt.K.K.Gharat)	(Adv.Smt.GauriChandrayan)	(ShriShivajirao S.Patil)
MEMBER	MEMBER	CHAIRMAN
SECRETARY		