

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

Case No. CGRF(NUZ)/081/2005

Applicant : Shri Govind Tukaram Gedam
Deceased by Heir
Shri Pandurang Govindrao Gedam,
Plot No. 26 Om Nagar, Niwruitti Park
Nagpur.

Non-Applicant : The Nodal Officer-
Executive Engineer,
Mahal Division, NUZ,
Nagpur representing the MSEDCL.

Quorum Present : 1) Shri S.D. Jahagirdar, IAS (Retd),
Chairman,
Consumer Grievance Redressal Forum,
Nagpur Urban Zone,

2) Smt. Gouri Chandrayan,
Member,
Consumer Grievance Redressal
Forum,
Nagpur Urban Zone, Nagpur
Nagpur.

ORDER (Passed on 29.12.2005)

The present grievance application is filed on 12.12.2005 under 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 excessive energy bill dated 12.10.2004 issued by the

non-applicant showing consumption of 2379 units by the applicant during the period from 13.07.2004 to 11.09.2004.

Before approaching this Forum, the applicant had filed his complaint application in the prescribed annexure 'X' before the Internal Grievance Redressal Unit on 05.10.2005 under the said Regulations. However, it seems that no remedy has been provided by this Unit to the applicant within the prescribed period of two months. Hence, the present grievance application.

Both the parties are heard by us on 28.12.2005. The case of the applicant was presented by his nominated representative Shri S.A. Suke. Documents produced on record by both of them are also perused and examined by us.

After receipt of the present grievance application, the non-applicant was asked to submit to this Forum his parawise comments on the applicant's grievance application in terms of Regulations 6.7 & 6.8 of the said Regulations. Accordingly, he submitted his parawise comments on 23.12.2005. A copy thereof was given to the applicant on 28.12.2005 before the case was taken up for hearing and he was given opportunity to offer his say on this parawise report also.

The contention of the applicant's representative is that he was paying all his energy bills from time to time regularly. To the applicant's shock and surprise, he received his energy bill dated 12.10.2004 which showed abnormally high consumption of 2379 units during the two months' period from 13.07.2004 to 11.09.2004. According to him, this

consumption is abnormally high and it is not at all commensurate with his usual pattern of consumption. After receipt of this bill, the applicant complained to MSEB on 21.10.2004. There-upon, his meter, being meter no. 9010148278, was replaced by a new meter, being meter no. 80971. He has no complaint about the functioning of the new meter.

He added that he had paid meter testing fee of Rs. 30/- on 02.11.2004 as advised to him by the non-applicant's Officer for the purpose of testing accuracy of his meter, being meter no. 9010148278, which according to him, was defective during the period from 13.07.2004 to 11.09.2004 during which it showed highly incorrect and highly abnormal consumption of as many as 2379 units.

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

- 1) Applicant's application dated 05.10.2005 addressed to the Internal Grievance Redressal Unit.
- 2) Applicant's disputed energy bill dated 12.10.2004 for Rs. 10,680/- for the period from 13.07.2004 to 11.09.2004 for 2379 units.
- 3) A report, being report dated 03.09.2005, addressed to the Assistant Engineer by the Jr. Engineer, Umred Road DC, Mahal Division MSEDCL, Nagpur stating that the applicant's meter was faulty and recommending revision of the disputed energy bill.
- 4) Meter change report dated 24.11.2004 of the applicant's meter, being meter no.9010148278.

- 5) Applicant's un-dated application addressed to the Engineer In-charge of Great Nag Road Office, MSEB, Nagpur disputing there in the Ok. report of his faulty meter, being meter no.9010148278.
- 6) Applicant's application dated 23.08.2005 addressed to the Executive Engineer, Umred Road MSEB, Nagpur requesting for correction of his disputed energy bill.
- 7) Inspection report dated 16.05.2005 of Jr. Engineer, Umred Road D/C, Mahal Division, Nagpur in respect of the applicant's meter, being meter 80971.
- 8) Meter testing report dated 03.03.2005 of the applicant's meter, being meter no.9010148278, indicating that this meter was found to be Ok.
- 9) Applicant's application dated 04.08.2005 addressed to the Assistant Engineer, Nandanwan S/Dn., MSEB, Nagpur regarding correction of his disputed energy bill.
- 10) Applicant's application dated 25.02.2005 addressed to the Executive Engineer, Umred Road Office, MSEDCL, Nagpur regarding correction of his energy bill.
- 11) Applicant's CPL for the period from January,2002 to July,2005.
- 12) Applicant's energy bill dated 08.12.2005 for Rs. 9600/- for the period from 08.09.2005 to 09.11.2005 showing inclusion of arrear amount of Rs.8678.78/- for 203 units against his new meter, being meter no.9000080971.

13) Death Certificate of the consumer Shri Gonvindrao Gedam.

Relying on these documents, the applicant's representative has prayed that the applicant's disputed energy bill may be corrected appropriately.

The non-applicant has stated in his parawise report that as per the consumer's complaint, his old meter, being meter no. 1148278, was replaced on 24.11.2004 at final reading of 5059 and that this meter was sent to the testing unit of Mahal Division, MSEDCL, Nagpur for testing accuracy of this meter. A new meter, being meter 80971, was installed with initial reading of 0008 on 24.11.2004 replacing the applicant's old meter, being meter no. 1148278.

The non-applicant has further contended that the applicant's previous meter, being meter no. 1148278 was tested by the testing Unit on 03.03.2005 and it was found that the applicant's meter was Ok.

Relying on the ok testing report of the applicant's old meter, the contention of the non-applicant's is that the applicant's energy bill under dispute needs no revision.

According to him, all these facts have been explained to the applicant's representative by the Office of the Assistant Engineer, Nanadanwan S/Dn.

He prayed that the grievance application in question may be rejected.

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

The limited grievance of the applicant is in respect of highly abnormal and erroneous consumption shown by his faulty meter, being meter no. 9010148278, as reflected in his energy bill dated 12.10.2004.

The disputed energy bill dated 12.10.2004 shows consumption of 2379 units by the applicant during a small period of two months from 13.07.2004 to 11.09.2004.

On receiving the applicant's complaint, the applicant was advised by the non-applicant to pay the meter testing fee of Rs.30/-. Accordingly, he paid this amount on 02.11.2004.

It is pertinent to note that the applicant's meter, being meter no. 9010148278, was replaced on 24.11.2004 while this meter was got tested as late as 03.03.2005 i.e. after more than three months' period. It is not understood as to why the applicant's meter was not tested by the non-applicant with due diligence particularly when he had earlier complained about his energy bill in question and also when he had duly paid the meter testing fee on 02.11.2004. It is also pertinent to note that besides these inexplicable delay caused by the non-applicant in testing the applicant's meter, no opportunity seems to have been given to the applicant or his representative at the time of testing of the applicant's meter. The non-applicant admitted before us during the course of hearing that no prior notice was given to the applicant or his representative to remain present in the testing laboratory on 03.03.2005.

The non-applicant ought to have asked the applicant or his representative to remain present in the testing laboratory and his meter ought to have been tested in his presence because the meter testing fee is recovered by the non-applicant. This was also necessary according to the principles of natural justice. This demonstrates that there was no transparency in the non-applicant's action of testing the applicant's meter.

Moreover the applicant's pattern of consumption prior to 13.07.2004 and also after replacement of his previous meter by a new electronic meter shows almost the same pattern of consumption.

It is also seen from the report dated 03.09.2005 of the Jr. Engineer Umred Road DC, Mahal Division, MSEDCL, Nagpur that the Jr. Engineer has also opined that the applicant's meter was faulty. He has, in fact, recommended revision of the applicant's disputed energy bill.

No plausible explanation is forth-coming from the non-applicant on the point of non-service of notice on the applicant or his representative before his meter was tested on 03.03.2005 in the Testing Laboratory.

There is also an abnormal delay in getting the applicant's meter tested in the testing laboratory of the non-applicant. Not only this, but there is also no transparency in the non-applicant's action of testing his meter.

In view of above, we are inclined to hold and do hold accordingly that there is a reason to believe that the

applicant's consumption of 2379 units as shown in his energy bill dated 17.04.2004 was abnormally excessive.

In the result, we accept the present grievance application and direct the non-applicant to revise the applicant's disputed energy bill on the basis of his past three months' average consumption immediately preceding 13.07.2004.

We also direct the non-applicant to waive the interest portion charged, if any, on the excessive amount.

The non-applicant shall, accordingly, issue a revised bill to the applicant and give appropriate credit to him in terms of this order.

Report of compliance of this order should be furnished before this Forum by the non-applicant on or before 31.01.2006.

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.**