

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

---

**Case No. CGRF(NZ)/61/2016**

Applicant : M/s.Jai Ambe Infra.  
24, C/o.Madhav Jadhav, Sarvatra Nagar  
Narendra Nagar,Nagpur.

Non-applicant : Nodal Officer,  
The Superintending Engineer,  
NRC,MSEDCL,  
NAGPUR.

---

Applicant's representative :- Shri Ingle

Respondent by 1) Shri Shendre, Addl.EE, Dn.I, NGP  
2) Shri Narkhede, DyEE,S/Dn.NGP

---

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

---

**ORDER PASSED ON 03.06.2016.**

1. The applicant filed present grievance application before this Forum on 07.05.2016 under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as said Regulations).
2. Non applicant, denied applicant's case by filing reply dated 30.05.2016.
3. Forum heard arguments of both the sides and perused record.

4. According to the applicant, he is industrial consumer with Consumer No.410018447871, given LT supply for sanctioned load of 27 HP for "RCC Bricks & Paver block Cement Products manufacturing unit, on dt.18/07/2015. MSEDCL installed first electric meter bearing No.00357902 on dated 18-07-2015 at the time of release of supply .Same was faulty since the beginning and MSEDCL replaced the same faulty meter on dated 04-12-2015 by second meter bearing No.00035818 after repeated reminders. The same meter was again found to be faulty. Same fact was again brought to the notice of the Non-.applicant. and hence again replaced by third meter bearing no.358187 in the month of Feb-16. MSEDCL has raised energy bills for the faulty period by considering @4116 units consumption per month.

In his opinion they are unjustified considering the fact that, after meter replacement in the month of February-2016, from March onward, they are receiving correct energy bills as per actual consumption recorded by the meter which is not more than 1500 units .Aggrieved by this he filed grievance with IGRC.

5. Non applicant in its reply stated that, the Flying Squad Nagpur, (R) inspected non-applicant's premises on dt 27.11.15, found meter burnt with intact seals but faulty. Hence issued energy bills on the basis of assessed consumption considering connected load as 23 HP, and as per Flying squad report 4116 units per month has been charged from July-2015 to September-2015.

6. IGRC observed that the assessment is not done as per directives and

Regulation of MERC. Hence directed Non-applicant to revise assessed bills as per provisions in clause 15.4.1 of MERC(Electricity Supply code & other conditions of supply) Regulations 2005 & 18.6 of condition of the supply based on MERC issued by MSEDCL and replaced faulty meter.

7. In their reply, Non-applicant accepted that both the meters installed on dt 18-07-2015, and replaced meter on dt.04-12-2015 were faulty. Hence, as per IGRC order, their Subdivision office revised the bill of 3 months I.E. and Assessed Consumption charged is 2100 units per month instead of 4116 units per month and credit given in the bill of March-2016. Non-applicant stated that as per MERC Regulation 2005, in clause No.18.6 general motive power, diversity factor 75% is considered while revision of bill & consumption calculation of consumer. As consumer has not paid since 20.01.2016 any bills, they prayed to order the applicant to pay necessary Energy bills.

8. Forum recorded the clause 15.4.1 i.e. billing in the event of defective meters as per MERC supply code Regulations 2005, clause 15.4.1 is as under,

*15.4.1 "Subject to the provisions part XII and part XIV of the act, in case of the defective meter, the amount of the consumers bill shall be adjusted, for a maximum period of three months prior to the month of in which the dispute has arisen, in accordance with results of the test taken, subject to furnishing the test report of the meter along with the assessed bill."*

*"Provided further that, in case the meter has stopped the recording, the consumer will be billed for the period for which the meter has stopped recording, up to a maximum period of three months, immediately preceding the three months prior to*

*the month in which the billing is contemplated.”*

As per above Regulations it is clear that, in case of faulty or defective meter, the amount of the consumer bill shall be adjusted for maximum 3 months prior to the disputed months.. As consumers meter was detected faulty twice, an applicant is entitled for adjustment of assessment for total 6 months i.e for the period from dt.18-07-2015 till dt.17-01-2016.

9. According to the Non-applicant, as per IGRC order, on-applicant has calculated 2100 units consumption per month as per clause 15.4.1 and 18.6.Forum is of the opinion that the clause 18.6 is for the purpose of calculation proposed security deposit and therefore consumption of 2100 units assessed per month as per 15.4.1 can not be accepted and is totally unjustified.

10. MERC Regulation 14.4, is regarding testing and maintenance of the meter. It is the responsibility of the non-applicant to maintain their meter in order but the non-applicant totally failed to discharge the responsibility of maintenance of their meter since the date of the installation of the meter, which is gross negligence of the non-applicant & they should take serious note of such type of gross negligence in respect of their valued consumer.

11. In view of the above, Forum concluded that the clause 18.6 is meant for calculation of proposed security deposit, whereas No applicant has wrongly considered it for revision of applicant's bill. Hence IGRC has erred while passing the order. And therefore order of the IGRC is quashed and set aside

12. Secondly, non-applicant stated that, in their calculation they have considered the units 2100 as per clause 15.4.1. Whereas as per clause 15.4.1,

assessment is to be done on the basis of average meter consumption for 12 months immediately preceding 3 months prior to the monthly billing is contemplated. In the present case as the meter is faulty since it's first installation on 18-07-2015 and hence record of average consumption of 12 months is not available before the non-applicant.

13. According to applicant, their correct energy bill is as per actual consumption recorded by 3<sup>rd</sup> meter which is not more than 1500 units per month. Applicant also said that at their initial stage of production, they were facing difficulties and struggling very hard due to tragic business market competition and therefore activities of the units was very low and there was strike of Maharashtra Crusher Indian Union from two months. Therefore average consumption as 2100 units considered by non-applicant on the basis of their connected load is unjustified.

14. An Applicant also stated that the actual consumption of the applicant for February-2016, March-2016, and April-2016 is 1507, 1289, 1770 units respectively. Hence forum is also of the firm opinion that the consumption as per the applicant is not more than 1500 units per month. It can be easily verified from the fact that, the average consumption of 3 months i.e. February-2016 to April-2016 is 1522 units/month.

15. Forum is of the further opinion that, as meter was faulty since the release of connection, record of actual power consumption for last 12 months was not available, & Faulty meters were replaced twice, it will not against the provision of 15.4.1 or out of context of clause 15.4.1, that charging of 1522 units per month from the date of release of the new connection will be most appropriate, This will serve the purpose of both the parties in the interest of the justice, recovery of justified revenue.

16. Hence the following order.

#### ORDER

- 1) Grievance application is allowed
- 2) The order of the IGRC dated 23-03-2015 is quashed and set aside, as it is without proper interpretation of clause 15.4.1 and 18.6 mentioned above.
- 3) Non-applicant is directed to revise the Energy bills of the applicant for the month of July-15 to Jan16 on the basis of average of 1522 units without charging DPC & interest while giving necessary adjustment of the amount already paid by the applicant .within the 30 days period.
- 4) Report compliance to this office within 30 days from the date of this order.
- 5) No order as to cost.

Sd/-  
(N.V.Bansod)  
MEMBER

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

