

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

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**Case No. CGRF(NUZ)/29/2013**

Applicant : Shri Dharamdas S. Mandwatkar  
Plot No. 20, New Bezanbag Garden  
Layout, Kamptee Road,  
NAGPUR: 440 004.

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 12.4.2013.**

1. The applicant filed present grievance application before this Forum on 15.2.2013 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 his meter is faulty. Applicant complained about faulty meter and requested to replace the meter for the first time on 13.10.2011 and thereafter at several times but up till now meter is not replaced. Excessive bills on average basis are issued. Therefore meter be replaced and bills since October 2011 may be revised.

3. Non applicant SPANCO did not file any reply on record and not denied relief claimed by the applicant in writing by filing it's say.

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

5. During the course of hearing on behalf of M/s. SPANCO pursis was filed in writing on 12.3.2013 and thereby M/s. SPANCO undertook that they will replace the meter within 7 days. That seven days period expired on 19.3.2013 but till 19.3.2013 meter was not replaced and accordingly applicant filed an application in writing Dt. 19.3.2013 that meter is not replaced as per the undertaking given before the Forum. Applicant consumer orally informed to the Forum that meter is replaced on 20.3.2013.

6. C.P.L. shows FAULTY status of the meter. Therefore it is necessary to revise the bills of the applicant

according to regulation 15.4.1 of MERC (Electricity Supply Code and Other Conditions of Supply) Regulations 2005. For the first time the applicant complained on 13.10.2011. Therefore, it is necessary to revise the bills since October 2011 as per the said provisions.

7. It is rather surprising to note that M/s. SPANCO even did not care to file reply in this matter in writing. It shows that concerned officers of M/s. SPANCO are negligent in performing their duties. They have nothing to do with grievance of the consumer. They are not taking cognizance of the grievance of the consumers and further more they are also not complying orders of the Forum. Though notice was duly served on M/s. SPANCO under regulation 6.14 of the said regulations, calling upon SPANCO to submit reply on record and to comply provisions of regulation 6.13 but SPANCO even did not care to file any reply in writing on record. As there is no reply in writing contents in grievance application are not denied. It is a settled law that if contents in the application are not denied, it is presumed that it is an admitted fact.

8. Further more, officers of SPANCO during the course of hearing realized their mistake of not replacing the meter since long. Therefore undertaking / pursis Dt. 12.3.2013 was filed on record by D.G.M. (Com.) SNDL and thereby undertook to change the meter within 7 days. It is undertaking given to

the Forum. Therefore it was the duty of SPANCO to comply the said undertaking given to the Forum. It is rather surprising to note that within 7 days i.e. on or before 19.3.2013, meter was not replaced and therefore it has amounted to contempt of Forum and non compliance of the undertaking given by M/s. SPANCO.

9. Entire conduct of officers of SPANCO appears to be negligent. It appears that SPANCO is interested only to harass helpless consumer. Applicant is a pensioner. Applicant several times complained about faulty meter since 13.10.2011 from time to time. It was assured to the applicant at many times that they will change the meter within 8 days but during the period of last 2 years no cognizance of the grievance was taken by SPANCO. Reply is not filed on record. Undertaking given to the Forum is not complied and acted upon. Though the meter is faulty bills are not revised since last two years in spite of several complaints. It is nothing but unnecessary harassment to help less consumers. Considering all these aspects, in our opinion, it is a fit case to grant compensation of Rs. 1000/- to the applicant for unnecessary harassment, physical and mental torture and for economical loss. Forum hopes that M/s. SPANCO will take a lesson in future and may improve their conduct and may comply relevant regulations of Hon'ble MERC to avoid further complications. With these observations and strictures, Forum proceeds to pass following order :-

## ORDER

- 1) Grievance application is allowed.
- 2) Bills of the applicant since August 2011 be revised as per regulation 15.4.1 of MERC (Electricity Supply Code & other conditions of supply) Regulations 2005.
- 3) SPANCO is hereby directed to pay the compensation of Rs. 1000/- to the applicant for physical, mental and economical torture.
- 4) Non applicant should comply the order within 30 days from the date of this order.

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

Sd/-  
(Adv.Subhash Jichkar)  
MEMBER

Sd/-  
(ShriShivajirao S.Patil)  
CHAIRMAN