

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

Case No. CGRF(NUZ)/090/2006

Applicant : Smt. Parvin Begun Shaikh Israil,
Plot No. 30,
New Bidipeth,
NAGPUR.

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

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

2) Shri M.S. Shrisat
Exe. Engr. & Member Secretary,
Consumer Grievance Redressal Forum,
NUZ, MSEDCL, Nagpur.

ORDER (Passed on 24.01.2006)

The present grievance application has been filed on 07.01.2006 as per 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 billing and in respect of non-reading of applicant's consumption by the non-applicant's staff w.e.f.

Nov.-2002 till December,2005 and also in respect of wrongful disconnection of the applicant's power supply for no fault of the applicant.

Before approaching this Forum, the applicant had filed his complaint application dated 28.10.2005 addressed to the Executive Engineer, Mahal Division, MSEDCL, Nagpur, complaining therein that she was charged erroneously on average basis since the time when her meter was changed in November,2002 and that her energy bills are not issued as per her actual consumption as recorded by her meter despite her oral complaints.

No satisfactory remedy was provided to this complaint by the said Executive Engineer. The Executive Engineer concerned also did not forward the applicant's complaint to the Internal Grievance Redressal Unit constituted as per the said Regulations. The requirement of the applicant again approaching the Internal Grievance Redressal Unit as per the said Regulations, therefore, stands dispensed with in this case in view of above position. The applicant had filed the present grievance application since she is aggrieved by the wrongful action of the Executive Engineer, Mahal Division, MSEDCL, Nagpur.

The matter was heard by us on 23.09.2006.

The applicant's case is presented before us by her nominated representative Shri Shaikh Ismail Shaikh Babboo.

A copy of the non-applicant's parawise comments on the applicant's grievance application submitted by him as per Regulations 6.7 & 6.8 of the said Regulations was given to the applicant's nominated representative on 23.01.2006 before the case was taken up for hearing on 23.01.2006 and the applicant's representative was given opportunity to offer his say on this parawise report also.

Documents produced on record by both the parties are also perused & examined by us.

The contention of the applicant's representative is that the applicant was served with excessive energy bills based on erroneous average basis. The applicant's meter, being meter No. 3136313, was installed in November, 2002 with initial reading as 00004 and that no proper metered readings were recorded by the staff of the non-applicant Company since November, 2002. The applicant was served with energy bills on erroneous excessive average basis from time to time. The applicant was asked to pay her energy bill for the billing month of December,2005 for an amount of Rs.1039.96. This bill pertains to a period of 15 months from November,2004 to December,2005. This bill is not acceptable to the applicant because an arrear amount of Rs.6520=14 and interest arrear of Rs.420=42 are included in it. He added that the applicant's meter was accessible throughout the period and yet nobody from the non-applicant's side came & recorded actual bimonthly consumption of the applicant.

According to the applicant's representative, the applicant's meter reading was ultimately recorded in

December, 2005. He further strongly contended that the applicant's energy bills were issued in a most arbitrary manner and these energy bills issued from time to time were showing excessive consumption not commensurate with the applicant's actual consumption.

He added that the applicant's power supply was disconnected on 11.12.2005 because of non-payment of his energy bills which were disputed by the applicant from time to time. His say is that the non-applicant's action of stoppage of power supply was unjust, improper & illegal. The applicant's representative is also disputing the non-applicant's erroneous action of billing.

He has produced copies of the following documents alongwith his grievance application.

- 1) Applicant's complaint dated 28.10.2005 addressed to the non-applicant's senior Officer.
- 2) Applicant's application dated 09.07.2005 addressed to the Executive Engineer, Sutgirni S/Dn., MSEDCL, Nagpur in respect of her improper energy bills.
- 3) The provisional duplicate bill dated 16.05.2005 for Rs.4500/- issued by the Assistant Accountant, Manewada S/Dn., MSEB, Nagpur.
- 4) Payment receipt dated 16.05.2005 of energy bill for Rs.4500/-.
- 5) Applicant's energy bill dated 26.09.2003 for Rs.5030/- for the period from 13.07.2003 to 12.09.2003 for 229 units + adjusted 500 units.

- 6) Applicant's energy bill dated 25.11.2004 for Rs. 5380/- for 420 units for the period from 03.09.2004 to 02.11.2004.

He lastly prayed that his grievance in question may be removed.

The non-applicant has stated in his parawise report that the applicant was served with energy bills only on average basis since installation in November, 2002 of her meter, being meter no. 3600313. There-after meter reading was taken in December,2005 and based on relevant initial and final reading, the applicant was served with energy bill for Rs.1039.96 for a period of 15 months. The applicant's energy bills from November,2002 to September,2004 served on her earlier again on average basis were also revised and a credit of Rs.4412/- was given to her after revision.

According to him, the grievance of the applicant is properly redressed and that there is no substance in it.

He has produced a copy of the applicant's CPL for period from September,1999 to December,2005.

We have carefully gone through all the documents produced on record and all submissions, written & oral, made before us by both the parties.

It is pertinent to note that the non-applicant has categorically admitted in his parawise report and also during the course of hearing that the applicant was charged only on average basis right from November,2002 upto December,2005.

No plausible explanation was offered by him as to why & how energy bills on average basis only were issued since November,2002 onwards and as to why metered readings not taken from time to time.

Mere perusal of the applicant's CPL reveals that the initial and final reading of the applicant's meter, being meter no. 36313, is shown as 4 and 4 respectively from the billing month of November,2002 till the billing month of November,2003. During this period the applicant was charged on average basis ranging from 95 units to 110 units per month. It is also seen that the same initial and final reading viz. 846 is shown in the billing month of May,2004 and July,2004. Similarly, the same initial and final reading of 1229 is appearing in the applicant's CPL from the billing month of November,2004 upto November,2005. There are remarks like meter change, reading not taken, rejected reading appearing in the CPL through out the period from November,2002 upto October,2005. This demonstrates beyond doubt that the non-applicant has utterly failed to record proper and correct readings of the applicant's meter right from the beginning. The applicant has been charged in a very arbitrary manner styling the charging methodology as average basis.

May that be the case, relief to be granted to the applicant will have to be restricted only in relation to the applicant's energy bill for Rs. 1039.96 for the billing month of December, 2005. The reason is that the applicant has already paid her previous energy bills previous to 10.12.2004 without raising any protest and her first written complaint was made

by her on 09.07.2005. The applicant's representative's say that the applicant made many oral complaints prior to her written complaint dated 09.07.2005 cannot be accepted since it is not at all substantiated by any supporting proof. The non-applicant has issued the bill for Rs.1039.96 for a period of 15 months and as such, payments already made by the applicant during this period only will have be considered while working out the credit to be given to her.

In the instant case, the provision contained in Regulation 15.3.1 of the MERC (Electricity Supply Code and Conditions of Supply) Regulations, 2003 is not applicable because the applicant's meter was very much accessible for the purpose of the recording the applicant's consumption throughout the period from November,2002 upto December,2005.

The applicant's CPL shows that she was charged for 1342 units for a period of 15 months in her billing month of December,2005 and that no readings were taken during this period although the meter was invariably accessible. The present case will have, therefore, to be treated at par with the case of a defective meter and the applicant deserves to be charged only for a period of 3 months prior to the billing month December,2005 and not for a period of 15 months as has been erroneously done by the non-applicant.

The applicant's consumption was 1342 units over a period of 15 months as reflected by the applicant's CPL and also by the non-applicant. Thus, the applicant's average consumption per month comes to 90 units per month. The

applicant should have, therefore, been charged only for 270 units (90 x 3) and not for 1342 units as has been wrongly done by the non-applicant. The applicant, therefore, deserves to be given credit for (1342-270=)1072 units in addition to the credit of Rs.4412/- already given to the applicant. The fact that the applicant has already made payments of Rs.3500/- and Rs.4500/- respectively on 10.12.2004 & 16.05.2005 during the period of aforesaid 15 months should necessarily be considered by the non-applicant while working out the exact amount of credit admissible to the applicant.

The non-applicant's Nodal Officer had admitted during the course of hearing that proper and timely metered readings were not recorded by the concerned staff in the present case right from the period from November,2002 till December,2005. This reflects the aspect of criminal negligence on the part of the concerned staff of the non-applicant company which should be dealt with very stringently.

We, therefore, direct the Chief Engineer, Nagpur Urban Zone, MSEDCL, Nagpur to probe into this matter of criminal negligence and take suitable stringent action against staff responsible for serious lapses.

The non-applicant's action of disconnecting the applicant's power supply was also not proper and legal in as much as wrong and excessive billing was done through out the period and also because of the fact that clear 15 days' notice was not given to the applicant before disconnecting her power supply as provided in section 56 (1) of the Electricity Act,2003. The contention of the applicant's representative that the

applicant's power supply was disconnected illegally for no fault of the applicant is, therefore, quite correct.

We therefore, direct the non-applicant to ensure that such a mistake is not committed in future.

In the result, the applicant's grievance application is accepted by us and we direct the non-applicant to revise the applicant's energy bills in terms of observations made by us in this order and give additional appropriate credit to her.

We also direct the non-applicant to restore the applicant's power supply within 24 hours from the date of this order and report to this Forum full compliance of this order on or before 31.01.2006.

Sd/-
(M.S. Shrisat)
Member-Secretary

Sd/-
(S.D. Jahagirdar)
CHAIRMAN

**CONSUMER GRIEVANCE REDRESSAL FORUM
MAHARASHTRA STATE ELECTRICITY DISTRIBUTION CO LTD's
NAGPUR URBAN ZONE, NAGPUR**

**Member-Secretary
Consumer Grievance Redressal Forum,
Maharashtra State Electricity Distribution Co.Ltd.,
Nagpur Urban Zone, NAGPUR.**