

**CONSUMER GRIEVANCE REDRESSAL FORUM**  
(Established under the section 42 (5) of the Electricity Act, 2003)  
**MAHARASHTRA STATE ELECTRICITY DISTRIBUTION COMPANY LTD.**  
**NASHIK ZONE**

**Phone: 6526484**  
**Fax: 0253-2591031**  
E.Mail: [cgrfnsk@rediffmail.com](mailto:cgrfnsk@rediffmail.com)

**Office of the**  
**Consumer Grievance Redressal Forum**  
**Kharbanda Park, 1<sup>st</sup> Floor,**  
**Room N. 115-118**  
**Dwarka, NASHIK 422011**

No. / CGRF /Nashik/NUC/N.U.Dn.2/511/42-15/

Date: 01/03/2016

**In the matter of excessive recovery for defective meter**

(BY R.P.A.D.)

Date of Submission of the case : 15/01/2016

Date of Decision : :01/03/2016

To.

1. M/s. Anand Hatcheries Pvt. Ltd.  
4<sup>th</sup> Floor, Shri Ganesh Classic  
Above Canara Bank ,Anandwalli,  
Gangapur Road ,Nashik 422013  
(Consumer No. 049050057932)

}

Complainant

2. Nodal Officer ,  
Maharashtra State Electricity Distribution Com. Ltd.,  
Urban Circle office, Shingada Talav,  
Nashik  
3. Executive Engineer (Urban-2)  
Maharashtra State Electricity Distribution Com. Ltd.  
Nashik

}

Distribution Company  
(Respondent)

**DECISION**

M/s. Anand Hatcheries Pvt. Ltd. an L.T Commercial – 40 kW consumer ( Hereafter referred as the Complainant ) of the Maharashtra State Electricity Distribution Company Ltd. (Hereafter referred as the Distribution Company) has filed a complaint regarding recovery of energy charges beyond three months on account of slow meter contravening the section 15.4 of the MERC Supply Code, 2005. The grievance was submitted to the Internal Grievance Redressal Cell at Nashik Urban Circle Office . But as the complainant was not satisfied by the decision of the IGRC , the consumer has submitted a representation to the Consumer Grievance Redressal Forum in Schedule “A”. The representation is registered at inward no. 11 on 15/01/2016.

The Forum in its meeting dated 15/01/2016 decided to admit this case and matter was fixed for hearing on 02/02/2016 at 12.00 p.m.. at the office of the Forum . A notice dated 19/01/2016 to that effect was sent to the appellant and the concerned officers of the Distribution Company. A copy of the grievance was also forwarded with this notice to the Nodal Officer, MSEDCL, Urban Circle Office Nashik and the Executive Engineer (U-2) , Nashik, for submitting para-wise comments to the Forum on the grievance within 15 days under intimation to the consumer.

Shri C.C. Humane, Nodal Officer, Urban Circle Nashik , Shri Ajitkumar Pingle Addl Executive Engineer , Shri K.M.Raut Dy. Manager, Shri A.S. More Assistant Accountant represented the Distribution Company during the hearing. Shri Prashant Kulkarni and Shri S.B.Khandare appeared on behalf of the consumer.

**Consumer's Representation:**

1. The MSEDCL team visited the consumer's premises on 28/Nov/2015 and had given the information that their electric meter is not working properly and they need to check it with urban testing department.
2. On 02/Dec./2015 MSEDCL officers had conducted the Spot panchanama along with the panchas and recorded their statements which states that there was no tampering to the said meter. It means the MSEDCL had supplied the faulty meter to us and which caused the difference in unit reading.
3. Now the consumer is in receipt of a letter from MSEDCL dated 02/12/2015 stating that pay the bill of Rs. 1,43,630 immediately. We are paying the bills regularly and though there is no fault from our end, we are ready to pay the difference amount but as per the electricity supply code regulation no. 15.4 for Billing in the Event of Defective Meters which is as under:

**15.4.1 :Subject to the provisions of Part XII and part XIV of the Act, in case of a defective meter, the amount of the consumer's bill shall be adjusted for a maximum period of three months prior to the month in which the dispute has arisen, in accordance with the assessed bill. It means in case of defective meter the consumer is only duty bound to pay the three months bill.**

**Consumer's Demands:**

1. Not to disconnect the electricity supply
2. To act as per the Electricity Supply Code for proper assessment of the bill and
3. Make an order to compensate the company for the mental agony and harassment.

**Arguments from the Distribution Company:**

The Nodal Officer of the Distribution Company has submitted reply dated 30/01/2016 in response to the notice of the Forum and copy of the letter from the Additional Executive Engineer, Gangapur Subdivision dated 29/01/2016. The representatives of the Distribution Company argued as under:

- 1- es vkun gbjht ik-fy- ; kuk 40 ds MCY; q ps def'kz y duD'ku fn- 13@02@2014 jksth ns ; kr vkysys vkgs I nj xtgdkps ehVjph rikl .kh ukf'kd 'kgj pkp.kh foHkkxkus d#u ehVjps R Phase current deh vl Y; kps fn- 19@11@2015 jksth dGfoysys vkgs R; kud kj I nj xtgdkpk LFG rikl .kh vgoky I gk-vfHk; rk] xaki j d{k ; kuh I knj dsk vl u R; kpk ipukek xtgd ifrfu/kh @ ip o egkforj.kps ifrfu/kh ; kps I ekj dssyk vkgs rl p I njps ehVj iqhy rikl .khl kBh xtgd ifrfu/kh ; kuk dYi uk nou dkk?ks ; kr vkys gks
- 2- xtgdkus fn- 01@12@2015 jksth I nj ehVj xtgd ifrfu/khl ekj rikl .kh dj. ; kckr i = fnys gks R; kud kj I nj ehVjph fn- 01@12@2015 jksth dk; Bkjh vfHk; rk] 'kgj pkp.kh foHkkx] I kri j ; kps VLvhax ylt ; Fks I a Prhd ikgk.kh o rikl .kh dj. ; kr vkyh- rl p I njPk ipukek xtgd ifrfu/khe ip o egkforj.kps ifrfu/kh ; kps I e{k dj. ; kr vkysyk vkgs 'kgj pkp.kh foHkkxkus dssyk ehVj pkp.kh vgoky i = da 301 fn- 29@01@2016 vlo; s ; k dk; ky; kl i klr >kysyk vkgs I nj vgokyki ek.ks xtgdkps ehVjps R Phase Current missing in meter display vl k 'kjk fnssyk vkgs
- 3- rl p I Wl , tUl h dMq xtgdkP; k ehVjpk MRI data ?kou rikl .kh dsh vl rk xtgdkps ekgs Qcpkj 2015 rs vkDVks 2015 ; k dkyko/khrhy 33-33 VDds deh vkdkj.kh >ky; k 10047 ; fuVps , dqk #- 1]43]630& ijo.kh fcy xtgdkl ns ; kr vkys xaki j mi foHkkxkekQR fn- 02@12@2015 jksth xtgdkl ijo.kh fcy nou ikgkp ?krssyh vkgs R; kurj xtgdkus 07@12@2015 jksth ehVj VLvhax jhi kvZ feG.kckr ekx.kh dsh gkrh- R; ki ek.ks I njph iqrk dj. ; kr vkyh vkgs xtgdkl fcy nou fcy u Hkj Y; kegs mi foHkkxkekQR i =0; ogkj dj. ; kr vkysyk vkgs
- 4- R; kurj xtgdkus vr xr rdkj fuokj.k d{k k dMs rdkj d; kus R; kph I uko.kh fn- 23@12@2015 jksth ?ks ; kr vkyh- R; kr I foLrj ppkz gkou xtgdkl ns ; kr vkysys #- 1]43]630& ps fcy ; kx; vl Y; kpk fu.kz >kysyk vkgs R; kud kj xtgdkyk fcy Hkj. ; kph fourh dj. ; kr vkyh gkrh- rjh v|ki xtgdkus oht fcy Hkjssyk ukgh-

**Action by IGRC:**

1. On the complaint received on 08/12/2015 the IGRC, Nashik Urban Circle conducted hearing on 23/12/2015 .
2. After hearing, the IGRC gave decision as under vide letter dated 07/01/2016:

**Observations by the Forum:**

The main points and facts of the grievance , as seen from the records submitted in the case, are brought out below:

1. During the inspection the Executive Engineer Urban Testing Division of the Distribution Company observed that R phase current at meter display is 0.60 A against 10.58 A. Hence by a letter dated 19/11/2015 , he informed the Executive Engineer Urban II Division to check in detail and retrieve the meter for further analysis.
2. Later on 28/11/2015, the Assistant Engineer , Gangapur Subdivision of the Distribution Company tested the meter ( No. 6269220) in presence of the representative of the consumer and two witnesses. It was observed as under:

	R-phase	Y-phase	B-phase
Current Reading on the meter	0.64 A	10.77 A	12.32 A
Reading on the Tong Tester	12.1 A	9.0 A	10.8 A

Readings on both the meters should have been same. But they differed . The AE concluded that the meter is recording less energy causing loss to the Distribution Company. The meter was replaced on the same day. But the number and make of the new meter is not mentioned in the report . The details are left blank. The AE also remarked that the R-phase current is not correct since February 2015 and recommended assessment from February 2015. However he has not given any justification/clarification for carrying assessment from February 2015.

3. The meter was tested on 01/12/2015 in the Testing Lab of the Distribution Company at Satpur in the presence of the representatives of the consumer and a joint report was prepared . According to this report R-phase current was found missing and meter was found to be 33% slow. The meter was not found tempered and the Distribution Company agreed that this is not a case of theft of electricity.
4. The meter was replaced being defective. The complainant was billed for 10047 units for February 2015 to October 2015 considering the meter 33% slow from February 2015. A supplementary bill of Rs. 1,43,630/- was raised by a letter dated 02/12/2015 from the Additional Executive Engineer, Gangapur Subdivision.
5. Though the defect in the meter was detected on 19/11/2015 by the Testing Division, Distribution Company has considered that the defect has occurred since February 2015 and persisted till October 2015. As per the CPL data and bills for January 2015 to January 2016 following observations are recorded:

Month	Consumption	Variation over January 15
Jan 2015	2762	-
Feb 2015	2510	252
Mar 2015	1409	1353
Apr 2015	1827	935
May 2015	2720	42
Jun 2015	3859	-1097
Jul 2015	2100	662
Aug 2015	1405	1357
Sep 2015	2177	585
Oct 2015	2081	681
Nov 2015	2800	-38
Dec 2015	1693	1069
Jan 2016	1705	1057

It can be seen that during the period February 15 to October 15 , the readings as compared to January 2015 level do not vary uniformly. Even in the month of May 2015 higher reading than January 2015 is recorded. The meter can not be said to be slow for the entire period.

6. As the test report indicated meter to be slow beyond permissible limits , this is a case of defective meter hence covered under regulation 15.4 of MERC ( Electricity Supply Code and other Conditions of Supply ), 2005. The said regulation 15.4 of provide guidelines for billing in the event of defective Meters as under:

*“Subject to the provisions of Part XII and Part XIV of the Act, in case of a defective meter, the amount of the consumer’s bill shall be adjusted, for a maximum period of three months prior to the month in which the dispute has arisen, in accordance with the results of the test taken subject to furnishing the test report of the meter alongwith the assessed bill.”*

*Provided that, in case of broken or damaged meter seal, the meter shall be tested for defectiveness or tampering. In case of defective meter, the assessment shall be carried out as per clause 15.4.1 above and, in case of tampering as per Section 126 or Section 135 of the Act, depending on the circumstances of each case.*

*Provided further that, in case the meter has stopped recording, the consumer will be billed for the period for which the meter has stopped recording, up to a maximum period of three months, based on the average metered consumption for twelve months immediately preceding the three months prior to the month in which the billing is contemplated.....”*

7. The plain reading of the above regulation 15.4 reveal that , in case the meter is detected defective , the correction can be made only for past maximum 3 months prior to date of detection. It is worth noting that:
- The regulation does not make any mention of “determining the exact date of defect” and does not make any intention of analysing the past history of the meter. Unless such a provision is made in the said regulation , the use of analysing MRI data for determination of exact date of defect can not be done.
  - All the meters installed by the distribution company do not have MRI data retrieval facility. Hence it may not be made applicable to all consumer and there can be a discrimination.
  - In case of fast meters, the consumers may ask for refund of excess amounts recovered for the period beyond three months, claiming a certain date of defect in past.
  - The Forum also brings on record a similar case of M/s Rajlaxmi Home Products Pvt. Ltd. (Representation No. 100/2010) decided by the Hon.ble Electricity Ombudsman, Mumbai under order dated 17.08.2010. In the said case Distribution Company has raised bill for the past 40 months for defective meter which was confined to two years by the CGRF. MRI of the meter indicated absence of “R” phase voltage for 1164 days leading to slowness of the meter by 52.37% . Therefore recovery was proposed for 1164 days. The Hon.ble Electricity Ombudsman however held the view that *“the recovery is got to be limited to a period of maximum three months as provided in Regulation 15.4.1.”* and setting aside the decision of Distribution Company and CGRF , directed the Distribution Company to rework the bill for the period 3 months prior to the detection of defect .
8. In view of the points raised as above the Forum directs the Distribution Company that the assessment should be done only for three months prior to 19/11/2015 (date of detection of defective meter) as stipulated in Regulation 15.4 of MERC (Electricity Supply Code and other Conditions of Supply), 2005.

After considering the grievance submitted by the consumer, comments and arguments by the Distribution Licensee, all other records available, the following order is passed by the Forum for implementation:

### **ORDER**

- The Forum sets aside the supplementary demand of Rs. 1,43,630/- by the Distribution Company, and directs the Distribution Company to rework the bill for the period 3 months prior to November 2015 i.e. the month of detection of the defect within one month from date of issue of this order . The excess amount recovered if any should be refunded to the complainant.

2. As per regulation 8.7 of the MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 , order passed or direction issued by the Forum in this order shall be implemented by the Distribution Licensee within the time frame stipulated and the concerned Nodal Officer shall furnish intimation of such compliance to the Forum within one month from the date of this order.
3. As per regulation 22 of the above mentioned regulations , non-compliance of the orders/directions in this order by the Distribution Licensee in any manner whatsoever shall be deemed to be a contravention of the provisions of these Regulations and the Maharashtra Electricity Regulatory Commission can initiate proceedings suo motu or on a complaint filed by any person to impose penalty or prosecution proceeding under Sections 142 and 149 of the Electricity Act, 2003.
4. If aggrieved by the non-redressal of his Grievance by the Forum, the appellant may make a representation to the Electricity Ombudsman, 606, 'KESHAVA', Bandra Kurla Complex, Bandra (East), Mumbai 400 051 within sixty (60) days from the date of this order under regulation 17.2 of the MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006.

**(Rajan S. Kulkarni )**  
Member

**(Ramesh V. Shivdas )**  
Member-Secretary  
& Executive Engineer

**(Suresh P.Wagh)**  
Chairman

**Consumer Grievance Redressal Forum,Nashik Zone**

**Copy for information and necessary action to:**

- 1) Chief Engineer , Nashik Zone, Maharashtra State Electricity Distribution Company Ltd. , Vidyut Bhavan, Nashik Road 422101 (For Ex.Engr.(Admn)
- 2) Chief Engineer , Nashik Zone, Maharashtra State Electricity Distribution Company Ltd. , Vidyut Bhavan, Nashik Road 422101 (For P.R.O.)
- 3) Superintending Engineer, Maharashtra State Electricity Distribution Company Ltd. , Urban Circle office, Nashik .