

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

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

No. / CGRF /Nashik/NUC/N.U.Dn.2/449/32-14/

Date: 11/11/2014

(BY R.P.A.D.)

Date of Submission of the case : 07/10/2014

Date of Decision : 11/11/2014

To.

1. M/s. J.K. Enterprises,
4, Birla Shopping Centre ,
Opp Nashik Road College .
Nashik 422101
(Consumer No. 076210003408)

Complainant

2. Nodal Officer ,
Maharashtra State Electricity Distribution Com. Ltd.,
Urban Circle office, Shingada Talav,
Nashik

Distribution Company
(Respondent)

3. Executive Engineer (Urban-2)
Maharashtra State Electricity Distribution Com. Ltd.
Division Office , Nashik .

DECISION

M/s. M/s. J.K. Enterprises, (hereafter referred as the Complainant). Gat No. 19/1, Mauje Brahamanwade, Tuluka Sinnar, Dist. Nashik is the L.T. consumer of the Maharashtra State Electricity Distribution Company Ltd. (hereafter referred as the Distribution Company). The complainant has submitted grievance against MSEDCL for wrong electricity charges. The complainant filed a complaint regarding this with the Internal Grievance Redressal Committee of the Maharashtra State Electricity Distribution Company Ltd. But not satisfied with the decision of the Respondent , the consumer has submitted a representation to the Consumer Grievance Redressal Forum in Schedule "A". The representation is registered at Serial No181 of 2014 on 07 /10/2014.

The Forum in its meeting on 10/10/2014, decided to admit this case for hearing on 28/10/2014 at 11.30 am in the office of the forum . A notice dated 10/10/2014 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, for submitting para-wise comments to the Forum on the grievance within 15 days under intimation to the consumer.

Shri D.T. Saynekar , Executive Engineer, Urban-2 Division Nashik, Shri. A. N. Jondhale Additional Executive Engineer, Sau. U. K. Bhamre, Asstt. Auditor, Shri. P.P. Ahire, Account Asstt. represented the Distribution Company during the hearing. Shri Sanjay P. Sahani appeared on behalf of the consumer.

Consumers Representation in brief :

1. The Complainant received energy bill for the period 26/03/14 to 22/04/14 for total units consumed as 23080 which the complainant has paid . For the next period 22/04/14 to 22.05/14 bill was received for 0 units amounting to Rs. 2040/- which the complainant has paid . Then the complainant has received bill for the period 22/05/14 to 27/06/14 . In this bill 31820 units are shown for the period of 22/04/14 to 22/05/14.
2. This is not accepted by the complainant because their meter burnt out on 05/05/2014 at early morning. After burning of the meter the complainant has immediately taken quotation from Distribution Company and paid Rs. 22,500/- vide receipt No. 0362522 dtd. 05/05/14 and new meter was installed on the same day evening.
3. Complainant is maintaining daily record of the electrical consumption. As per record meter reading as on 04/05/14 at 9 PM was 1231157. It indicates that complainant have consumed 8091 units up to 04/05/14. The new meter indicates 14915 reading as on 27/06/14. The total consumption is 29830 Units. Therefore complainant requested the Distribution Company by letter dated 08/07/14 to charge for total units 37921 from 22/04/14 to 22/06/14 [(22/04/14 to 04/05/14)= 8091 + (05/05/14 to 27/06/14)=29830) instead of 61650 Units.
4. The complainant then submitted complaint to the Executive Engineer (Adm). IGRC, Nashik on 20/08/2014. The hearing was done on 16/09/2014 . Decision as per hearing was “faulty meter will be sent to company for meter testing. After receiving test report they will proceed further.” But meanwhile complainant received a letter No. SE/NUC/EE/IGRC/4619 dtd. 22/09/14 and they have refused the complainant’s claim without considering their point and haven’t received any test report from meter Company.

Demand:

The complainant is not satisfied with the decision and request the forum to solve the grievance.

Arguments from the Distribution Company:

The Distribution Company submitted a letter dated 21/10/2014 from the Nodal Officer, MSEDCL, Nashik Urban Circle Office and other relevant correspondence in this case. Putting forth the arguments on the points raised in the grievance the representatives of the Distribution Company stated that:

1. The meter of M/s J.K. Enterprises was changed on 15/05/2014 because the earlier meter burnt. 31820 units were recorded in the bill.
2. But as per application dated 08/07/2014 , the correction was done in July 2014 bill on the basis of past average consumption at 1060 units per day by giving B-80 credit of Rs. 1,17,111/- for 13780 units. The same was paid on 11/08/2014 by the consumer.
3. The bill of 13780 units given as per old meter average is therefore correct.

Action by IGRC :

1. Internal Grievance Redressal Cell Nashik Rural Circle conducted hearing on 16/09/2014 for the complaint submitted on 20/08/2014
2. After hearing both the parties IGRC gave decision as per letter dated 22/09/2014 as under:
Energy bill issued to the consumer is correct.

Observations by the Forum:

1. This is a case for issuing bill for the period for which reading was “not available due to burning of meter” . The regulation 14.2.2 of MERC (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005 provides clear directives as under:

14.2 Lost / Burnt Meters

14.2.1 Any complaint to the Distribution Licensee regarding a lost meter shall be accompanied by a copy of the First Information Report (FIR) lodged with the appropriate police station.

14.2.2 Supply in these cases, if cut-off, shall be restored after installation of a new meter and payment by the consumer of the price of the meter, the cost of other apparatus, and any other applicable deposits and charges based on the approved schedule of charges under Regulation 18:

Provided that the estimated electricity charges for the period for which meter was not available due to loss of meter may be billed to the consumer in the ensuing bill after supply is restored.

14.2.3 Where, upon a complaint by the consumer or inspection by the Authorized Representative, the meter is found to be burnt, it shall be replaced and supply restored to the consumer.

Provided that the Distribution Licensee may recover the price of the new meter from the consumer:

Provided further that the estimated electricity charges for the period for which meter was not available due to burning of meter may be billed to the consumer in the ensuing bill after supply is restored.

14.2.4 Except in the case of a burnt meter or a lost meter, the Distribution Licensee shall not be authorized to recover the price of the meter more than once during the continuance of supply to the consumer.....”

2. In the present case new meter was installed on 15/05/2014 due to burning of old meter. According to the energy bill issued for the period 26/03/14 to 22/04/2014, the current reading on 22/04/2014 is 1223066. Hence the period for absence of meter readings is 23/04/2014 to 14/05/2014. The estimation of the consumption is to be done only for this period. The above regulation 14.2.2 prescribes to calculate estimated consumption . It is not to be average consumption for past period.
3. The guidelines for estimating the consumption are given as per Commercial Circular no. 133 dated 15/02/2011 from Chief Engineer (Commercial). The Annexure–A to this circular explains the methodology in this regard as below:

“2.2.2 **ENERGY CHARGES:** The quantum of energy consumption shall be determined as follows:
Assessed Consumption = Connected Load found at the time of inspection in kW (or Assessed MD in kW if consumer is billed under LT MD Tariff) X Diversity Factor X Load Factor X Working Hours per Day X Number of Days in a Month;

2.2.3 The Diversity Factor, Load Factor, Working Hours per Day, Number of Days in a Month, etc. for the different categories of the consumers shall be as given below:

CATEGORY	Sub-category	L. F. X D. F. %	WORKING HOURS PER DAY	NUMBER OF DAYS PER MONTH
Domestic	Lights & Fans	25	24	30
	Heating & cooling equipments	50	As per actual working hours	30
Non - Domestic	Shops	50	10	25
	Malls	50	10	30
	Office establishments	50	8	25
	Other category like hospitals, school etc.	50	As per actual working hours	As per actual
General Motive Power (LTP -G) and Others		60	7 per Working Shift or 10 for general shift	25

3) **GENERAL GUIDELINES:** In respect of both, Low Tension as well as High Tension consumers, following guidelines shall be given judicious consideration while determining the assessment vis-a-vis Energy Consumption, after verifying the documents & recording the reasons thereof.

1 Load Shedding:.....”

In this case it is the industrial (with motive power) LT connection with the Connected Load as 105 HP i.e. 78 kW and it is. Hence :

Assessed Consumption = 78 X 0.6 X 10X25 = 11700 units per month i.e. 390 units per day

4. As per the bill last reading available from the old meter is 1223066. This meter burnt out in May 2014 and the new meter was installed on 15/05/2014 as reported by MSEDCL. As such the energy consumed is to be estimated/assessed for 23/04/2014 to 14/05/2014 i.e. only for 22 days. The assessed consumption as per above formula is 390 units per day . Hence estimated consumption for the said period would be $(390 \times 22) = 8580$ units.
5. The computation of the bill for the month of June 2014 should be corrected as under:
 - a. Units recorded on new meter: $(14916 - 1) = 14915$
 - b. Units to be adjusted for burnt meter: 8580 [Period 23/04/2014 to 14/05/2014]
 - c. Total Units [a+b] :23495

After considering the representation submitted by the consumer, comments and arguments by the Distribution Licensee, all other records available, the grievance is decided with the observations and directions as elaborated in the preceding paragraphs and the following order is passed by the Forum for implementation:

ORDER

1. The Distribution Company should revise the bill for June 2014 based on total units of 23495 and correct subsequent bills accordingly within 20 days from the date of this order.
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 Complainant 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.

(Ramesh V. Shivdad)
Member-Secretary & Executive Engineer
Consumer Grievance Redressal Forum, Nashik

(Suresh P.Wagh)
Chairman

Copy for information and necessary action to:

1. Chief Engineer , Nashik Zone, Maharashtra State Electricity Distribution Company Ltd. , Vidyut Bhavan, Nashik Road 422101
2. Superintending Engineer, Maharashtra State Electricity Distribution Company Ltd. , Urban Circle office, Nashik .