

**CONSUMER GRIEVANCE REDRESSAL FORUM**  
(Established under the section 42 (5) of the Electricity Act, 2003)  
**MAHARASHTRA STATE ELECTRICITY DISTRIBUTION COMPANY LTD.**  
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No. / CGRF /Nashik/NC/Nagar(R) Dn./475/06-15/

Date: 26/05/2015

(BY R.P.A.D.)

**In The Mater Of**  
**Recovery Of Wrong Bill**

**Date of Submission of the case :15/04/2015**

**Date of Decision : 26/05/2015**

To.

1. M/s. G.P. Dairy & Dairy Products  
Gat No. 91 Morgavhan  
Tq. Newasa  
Dist Ahmednagar  
(Consumer No.148270001685)

Complainant

2. Nodal Officer ,  
Maharashtra State Electricity Distribution Com. Ltd.,  
Ahmednagar Circle office,  
3. Executive Engineer,(R)  
Maharashtra State Electricity Distribution Com. Ltd.  
Rural Division Office ,Ahmednagar  
Dist. Ahmednagar.

Distribution Company

**DECISION**

M/s. G.P. Dairy & Dairy Products , Newasa , (hereafter referred as the Complainant). Ahmednagar is the L.T. industrial consumer of the Maharashtra State Electricity Distribution Company Ltd. (hereafter referred as the Distribution Company). The Complainant has submitted grievance against MSEDCL for issuing the energy bill of November 2014 with adjustment units of 55242.. 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 inward no. 86 of 2015 on 15 /04/2015.

The Forum in its meeting on 15/04/2015, decided to admit this case for hearing on 05/05/2015 at 1.30 pm in the office of the forum . A notice dated 16/04/2015 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, Ahmednagar Circle Office for submitting para-wise comments to the Forum on the grievance within 15 days under intimation to the consumer.

Shri. V.G Bhvisani, Dy.Ex.Engr. Circle Office Ahmednagar , Shri. M.P.. Purnaye, Dy. Ex.Engineer, Shri M. S. Jagtap Assistant Engineer represented the Distribution Company during the hearing. Shri B.R. Mantri appeared on behalf of the consumer.

**Consumers Representation in brief :**

1. MSEDCL has provided electricity connection on date 27/09/2012 under tariff category LT-V B with providing CT operated meter no. 055-MSE63407 for billing purpose.
2. From the date of connection, MSEDCL has issued the bills as per installation meter reading and they are paid.
3. The monthly bill of Nov.2014 for Rs. 6,46,094/- to be payable before 20/12/2014.was received as per meter reading for 10529 units and adjustment units 55242 i.e. for total billed units 65771
4. MSEDCL issued the disconnection notice on date 19/12/2014 before due date of payment and requested to pay the total bill amount within 7 days otherwise supply will be disconnected.
5. On date 30/12/2014, MSEDCL was requested to accept the current bill of Nov.2014 as per meter reading units or average of earlier bills and enclosed Demand draft for Rs.118000/-. But MSEDCL has not accepted DD. So DD was sent by registered post requesting not to disconnect the supply.
6. MSEDCL has informed that if the assessment unit amount is not paid within 3 days, supply will be disconnected. Again on date 13/01/2015, the complainant informed MSEDCL that without informing the consumer installation electricity meter has removed and do not agree for the adjustment unit shown in monthly bill of Nov. 2014 and requested for testing of meter. But MSEDCL has not agreed for the testing. MSEDCL and insisted to pay as per DTC meter readings instead of installation meter readings for previous one year period.
7. MSEDCL has to test the meter and then only raise the assessment on the basis of testing results, limited to three months.
8. As per MERC regulation supply code clause 15.4.1, MSEDCL cannot charge assessment for faulty meter for more than three months.
9. As per MERC ruling in case no. 19 of 2004 date 23/02/2005, "The meters have been found to be defective upon subsequent due testing (and the results intimated to the consumer), the bills may be adjusted for up to three months prior to the date of testing or meter replacement whichever is earlier. And should be withdrawn if due meter testing has not been done with the results intimated to the consumer. Any amounts collected should be refunded to the concerned consumer without interest."
10. Assessment should be charged in accordance with the results of the test taken subject to furnishing the test report of the meter. Therefore the assessment shall be for the period of Sept.14 to Nov.14 only, if meter found defective.
11. MSEDCL has not tested accuracy of the meter in faulty condition. MSEDCL has informed reason for assessment: from date 25/11/2013 to 13/11/2014 DTC meter and installation meter MRI data was checked and found installation meter display has stopped for certain period. So as per DTC meter reading from 25/11/2013 to 13/11/2014 assessment has been issued.

**Consumer's Demand:**

1. To verify the testing reports, which are not given to us and if found meter faulty, assessment should be for three months prior to meter replacement date, revise the monthly bills as per testing report from Sept.2014 to Nov.2014 and adjust the amount paid. Withdrawal of DPC and interest charged from Nov.2014 to till date, as MSEDCL has not accepted demand draft.
2. If there is no testing report, withdraw the assessment and amount deposited to be refunded.
3. Kindly allow cost Rs. 5000/- compensation as mentally harassment due to issuing illegal disconnection notices and not act as per regulation

**Arguments from the Distribution Company.**

The Distribution Company submitted a letter dated 02/05/2015 from the Nodal Officer, MSEDCL, Ahmednagar Circle and other relevant correspondence in this case. The representatives of the Distribution Company stated that:

1. The Consumer has given written application on date 20/02/2015 in IGRC about assessment charge of faulty meter. The IGRC has given the decision vide letter No. 5092 dtd. 06/04/2015. The consumer G.P.Dairy Ltd. is having CT meter of CT ratio 100/5 A and meter ratio of 100.5A and MF=1 for billing. Consumer CT meter No. MSE63407 and make secure. Also the consumer was having DTC meter with CT connected 200/5A and meter ratio of 100/5A and MF=2 for units meter No. 06531019 and make L&T. Due to difference in consumption of DTC and Consumer CT meter the unbilled units were added to consumers bill

2. On date 08/09/2014 consumers meter and DTC meter reading was checked as general inspection, the reading were as below.

	DTC	Consumer
Total KWH	194514	176364
C1	59504	34334
C2	65335	67229
C3	33011	41043
C4	36665	33757

On date 04/10/2014 again the consumer meter and DTC meter was checked, as the reading agency informed that the reading is not taken due to some problem. The readings are below.

	DTC	Consumer
Total KWH	203251	187314 ( 35231 + 72616+ 44386 +35080)

Now , there is difference in the consumption of DTC meter and

	Reading on 04/10/2014(A)	Reading on 08/09/2014(B)	Difference (A-B)	MF	Consumption
DTC	203251	194514	8737	2	17474
Consumer	187314	176364	10950	1	10950

Consumers meter for same period , which is as below.

Hence there is difference of (17474-10950=6524) units in DTC meter and consumer meter's consumption.

Due to this difference the meter was kept under observation and again readings were taken on 16/10/2014. The reading were

	DTC	Consumer
Total KWH	207545	194539

On 20/10/2014 at 14.00 Hrs consumer CT meter display was off but DTC meter and consumers Milk plant was on DTC meter reading on that time was 208904 KWH.

The difference in consumption between 16/10/2014 & 04/10/2014 is as below

	Reading on 16/10/2014(A)	Reading on 04/10/2014(B)	Difference (A-B)	MF	Consumption
DTC	207545	203251	4294	2	8588
Consumer	194539	187314	7225	1	7255

Again there is difference in consumption of DTC meter & consumer meter of (8588-7255=1333) units. The cable and meter connection are checked and found OK. Again the meter is checked on 20/10/2014 and it is found that the consumers meter display is OFF. KWH Pulse indication is also OFF but the incoming current checked by Tong Tester and found 100 A in Each phase. At the same time the DTC meter was recording the consumption with current in Display as 50 A in each phase (MF=2)

As per the inspection it is found that the DTC meter is recording actual consumption and consumers meter is recording less consumption as its display is OFF for reading at various times.

	Reading on 24/08/2013 (B)	Reading on 16/10/2014 (A)	Difference (A-B)	MF	Consumption
DTC	87829	207545	119716	2	239432
Consumer	640	194539	193899	1	193899

Hence the total (239432-193899=45533) units are unbilled to consumer as per DTC meter consumption and those units were added to consumers bill as unbilled units.

**Action by IGRC :**

1. Internal Grievance Redressal Cell Ahmednagar Circle conducted hearing on 18/03/2015 for the complaint submitted on 18/02/2015
2. After hearing both the parties IGRC gave decision as per letter dated 06/04/15 as under:  
*Difference in the consumption of DTC meter and consumer CT meter the unbilled units were added to consumer by MSEDCL is correct.*

**Observations by the Forum:**

1. The Distribution Company noticed the discrepancy in consumption recorded by the DTC meter and Consumer meter for a certain period and because the consumer meter recorded less consumption, the bill was amended on the basis of consumption recorded by the DTC meter.
2. During the hearing, the Forum directed the Distribution Company to submit 1) Spot Verification Report, 2) Soft copy of CPL From date of supply 3) MRI data of consumer and DTC meter 4) Consumer's and DTC meter's Test report on or before 12/05/2015. Accordingly the same were submitted by e-mail on 22/05/2015.
3. The consumer meter is the device to measure the quantity of electrical energy supplied or recorded used for the purpose of billing. According to the notification dated 17<sup>th</sup> March 2006 by the Central Electricity Authority regulations for installing and operations of meters have been prescribed. The regulation 7 (1) b is as under:

*"..... (b) consumer meter*

*(i) The consumer meter shall be installed by the licensee either at consumer premises or outside the consumer premises:*

*Provided that where the licensee installs the meter outside the premises of the consumer, then the licensee shall provide real time display unit at the consumer premises for his information to indicate the electricity consumed by the consumer:*

*Provided further that for the billing purpose, reading of consumer meter and not the display unit shall be taken into account. ...."*

4. The DTC meter is not the part of the consumer installation and not in the consumer's premises or at the point of supply. It is installed by the Distribution Company for the purpose of energy audit at DTC. The consumer has no control over the energy loss if any between DTC and the point of supply.
5. As per regulation 14.4.1 Supply Code, 2005 "The Distribution Licensee shall be responsible for the periodic testing and maintenance of all consumer meters. In the present case, it has been reported by the Distribution Company that, the Distribution Company noticed on date 08/09/2014 during general inspection that there is difference between DTC meter reading and consumer meter reading. It was necessary at this stage to send the meter for testing, but the Distribution Company failed to do so. The consumer meter (No. 55/MSE63407) was actually tested on 24/12/2014. As per test report dated 25/12/2014, this meter is found okay with +0.46 % error (working within permissible limit of error). If the test report of the consumer meter is okay, the Distribution Company can not amend the bill. The reason for lower units recorded in the consumers meter may be attributed to the energy loss from DTC to the point of supply.
6. The regulation no. 15.4. of the MERC (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005 provide method of billing in case of defective meter 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 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 and other regulations of the Supply Code ,2005 reveal that the regulations do not make any mention of “comparing the consumer meter readings with the DTC meter readings for determining the exact usage of electricity” . Unless such provision is made in the said regulation , the use of DTC meter data can not be done for the purpose of billing. All the DTCs of the distribution company may not have meters and there can not be only a single consumer on every DTC. Hence this method can not be made applicable to all consumer and there can be discrimination.
8. The data submitted by the Distribution Company analyses as under:

Date	DTC meter reading	Consumer meter reading	Difference	Conclusion
08/09/2014	194514	176364	18150	9.33%
04/10/2014	203251	187314	15937	7.84%
16/10/2014	207545	194539	13006	6.27%

Though based on comparison with DTC meter readings the consumer meter appears to be slow , the test report done later on shows the same meter to be okay. This has created absurd situation. If we follow , the test report , there is no need to correct the bills in view of the MERC Supply Code regulation 15.4 mentioned as above. If we treat the consumer meter defective based on the comparison with DTC meter , the correction in the bill is to be done only for a maximum period of three months prior to the month in which the dispute has arisen i.e. the defect is noticed.

9. The defect was detected by the Distribution Company on 08/09/2014 . But the meter alleged to be defective was continued with the consumer till December 2014. If the Distribution Company would have removed the said meter and tested it in September 2014 itself, the correction for last 3 months prior to September 2014 in view of the Supply Code regulation 15.4 could have been done subject to the results of the test report.
10. The Distribution Company has carried out spot verification of the consumer and reported the connected load as under as per SVR dated 11/05/2015.

Equipment	Load	kW
Boiler	6 HP	4.47
Compressor	50 HP	37.29
Compressor	40 HP	Stand By
Pump	7.5 HP	5.59
Pump	5 HP	3.73
Processor	10 HP	7.46
Washer	2 HP	1.49
Bulbs	160 W	0.16
Fans	60 W	0.06
Total		60.25

The report does not give any estimate of the consumption per day . But it can be assessed according to the MSEDCL Commercial Circular No. 133 dated 1<sup>st</sup> February 2011. Based on this circular , considering LF=0.8, Working Hours as 10 per day and Working Days as 25 per month the monthly consumption is assessed at ( without load shedding):

$$= 60.25 \times 0.8 \times 10 \times 25 = 12050 \text{ units}$$

11. The scrutiny of CPL reveals consumption as under:

SN	Month	Current Reading	Previous Reading	Total Consumption	Remarks
1	Sep-13	25814	3170	22644	
2	Oct-13	38461	25814	12647	
3	Nov-13	61002	38461	23172	
4	Dec-13	76099	61002	15097	
5	Jan-14	88811	76099	12712	
6	Feb-14	100834	88811	12023	
7	Mar-14	117345	100834	16511	
8	Apr-14	129942	117345	12597	
9	May-14	142988	129942	13046	
10	Jun-14	152103	142988	9115	
11	Jul-14	158447	152103	6344	
12	Aug-14	171046	158447	12599	
13	Sep-14	187313	171046	16267	
14	Oct-14	197947	187313	10634	
15	Nov-14	208476	197947	65771	Addition of 55242 units
16	Dec-14	7343	86	7257	
17	Jan-15	15922	7343	8579	
18	Feb-15	22007	15922	6085	
19	March-15	33219	22007	11212	

- ✓ The CPL never shows non availability of readings due to “display off” . On the contrary , the readings are progressive.
- ✓ The Distribution Company has added 55242 units in the bill of November 2014 .But in the say submitted to the Forum, it has been mentioned that the unbilled units are 45533. Thus there is discrepancy in the action and the statement of the Distribution Company.
- ✓ The trend of consumption prior to November 2014 and after November 2014 is not found to be abnormally low and more or less matches to the estimated consumption of 12050 as computed above.
- ✓ From the CPL it is seen that there have been consumer meter changes as under:
 

Meter No.	Period
55/MSE31786	September 2012 to March 2013
65/06260188	April 2013 to July 2013
55/MSE63407	August 2013 to November 2014
76/00521229	December 2014
- ✓ The Distribution Company has stated that the consumer meter reading was 640 on 24/08/2013 . But the CPL does not show any corresponding matching reading.

12. In view of the observations in the proceeding paras, the Consumer meter being found okay in the test report , the Forum is of the view that, there is no need to amend the bill according to regulation 15.4.1 of the Supply Code,2005 based on the DTC meter readings. As such the adjusted units of 55242 in the monthly bill of November 2014 are set aside. The bill of November 2014 should be corrected without adjusted units of 55242 and the DPC and interest arising out of the amount of bill for adjusted units be also set aside.

13. The complainant has stated that MSEDCL issued the disconnection notice on date 19/12/2014 before due date of payment which was 20/12/2014 and asked to pay the total bill amount within 7 days otherwise supply will be disconnected. This action on the part of the concerned officer issuing notice is in contravention to the provisions under section 56 (1) of Electricity Act,2003 which provides for 15 days notice. The action of non-acceptance of the DD for the current bill of Nov.2014 offered by the complainant is also contravention of the section 56 of Electricity Act,2003 , which enables the consumer to pay current bill in case of dispute keeping the disputed amount aside. This is brought to the notice of the Superintending Engineer and the Forum directs to take suitable action in this regard .
14. The demand of the complainant for compensation towards mentally harassment due to issuing illegal disconnection notices and not acting as per regulation can not be considered by the Forum as the MERC (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2014 do not provide for any such compensation.

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 adjusted units of 55242 in the monthly bill of November 2014 are set aside. The Distribution Company should correct the bill of November 2014 without addition of the adjusted units of 55242 and setting aside the interest the DPC arising out of the amount of bill related to the adjusted units, within 30 days from the issue 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.

**(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. , O&M Circle office, Ahmednagar.

