

**Before Maharashtra State Electricity Distribution Co. Limited Consumer Grievances
Redressal Forum, Pune Zone, 925, Kasabapeth Building, 11nd flr. Pune-11**

Case No. 16 of 2007

Date: 19/12/2007

In the matter of Shri Sachin P. Sakpal

- Complainant

V/S

**Maharashtra State Electricity Distribution Co. Ltd.
Parvati Division**

- Opponent

| | | |
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| Corum | Chair Person | Mr. A.V.Bhalerao |
| | Member/Secretary, | Mrs. N.D.Joshi, |
| | Member, | Mr. T.D. Pore |

- 1) Shri.M.P.Sakpal (Complainant for short) is a consumer, who has been supplied electricity through a Meter No. 9031100392 by Maharashtra State Electricity Distribution Co. Ltd.(MSEDCL) (Opponent) . The main grievance of the complainant is that earlier meter was a faulty one, which was replaced by the present meter without giving any intimation to him and also without giving him a test report of the meter installed. After the new meter was fixed, the bills were issued on the average basis without reading the meter for about 20 months and there after a bill dt. 06/12/05 was raised for the amount of Rs. 32,920/- showing total units consumed as 8735/- The said bill for the arrears was issued without giving details about the amount in arrears and the amount of the current month's demand. The complainant contended that the employees of the licensees were visiting his premises without a nametag. The complainant alleged that he had approached the opponent, however the opponent instead of giving any relief served a notice of disconnection without following the provision contained in Sec.56 of Elect. Act-2003. The complainant contended that before coming to the forum he had approached the Internal Grievance Redressal Cell (IGRC).

However, the IGRC did not give any relief except a promise of getting the meter tested and depending upon its results the adjustment of the bill and substitution of old meter with new meter along with its test report.

- 2) Not being satisfied with the relief given by IGRC the complainant made a grievance to this forum and claimed 1) that the bill dt. 6/12/05 for the amount of Rs. 32,920/- be quashed and cancelled. 2) That the present meter be tested and if found correct the opponent be directed to claim the arrears only of three months as provided in regulation 15.4.1 of Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, period for Giving supply and Determination of Compensation) Regulations-2005 (Electricity supply code 2005 for short) he also claimed compensation for not giving supply of electricity through meter which was in contravention of Sec.55 of the Electricity Act , and also compensation as provided under Maharashtra Electricity Regulatory Commission (Standards of Performance) period and determination of compensation. The complainant except producing the copy of the application made to IGRC did not produce any documents.
- 3) After complaint was registered notice was issued to the opponent. The opponent filed its say dt. 22/11/07 contending that complainant was using 4.6 KW load against sanction load of 2.5 KW due to which meter might have been burnt and the same was replaced on request made by complainant after he had paid Rs. 1,000/- The said meter was tested by accucheck meter in presence of consumer representative on 24/07/06 and it was found within the limits of accuracy. The bills dt. 30/11/05 was not a bill for arrears but it was a bill for accumulated consumption bifurcated in 20 months giving credit of Rs. 1,416.11/. The said bill was explained to the complainant even then complainant did not pay the amount claimed in the bill and therefore a notice of disconnection was issued as provided under Sect. 56 and Electricity Act-2003. All the members of the staff had been given badges/l card with strict instruction and that they were to use them while on duty. However, if details were given by the complainant, an action would be taken against erring member of the staff. The opponent alleged that meter was

never a faulty one and therefore there arises no question of adjustment of the bill as provided under Regulation 15.4.1 of electric supply code 2005. The opponent further alleged that some time meter could not have been read as it is installed inside the house at the height of 7 to 8 feet above the ground level, due to which for some months bill were raised on average basis.

- 4) The opponent produced a photocopy of meter replacement sheet and complainants Consumer Personal Ledger (CPL). Neither the complainant nor the opponent produced the order passed by IGRC and therefore the said order was obtained by this forum from IGRC. From the said order, it appears that the IGRC did not give any relief of the complainant Vis-a-Vis a bill dt. 30/11/05 contending that it was on the basis of reading shown by the meter. The IGRC directed the opponent to get the meter tested for its accuracy and accordingly adjust the bill.
- 5) On first date of hearing as the opponent showed willingness to test the meter an order to that effect was passed and opponent was directed to produce the test report on the adjourned dt. 17/12/07
- 6) On the date adjourned, the Opponent produced meter test report, which shows that the meter was correctly recording the units consumed instead of it being fast it was slow with $- 0.0599\%$. The Opponent produced CDs of the photometer reading. Those CDs were displayed on monitor and it was found that the meter in the photo has Sr. No. F-1131100302. The reading in the photo tallied with the current meter reading for May 2006, Oct. 2006 and Jan. 2007 as shown in the CPL and in all photos, meter number in hand script is 31100392.
- 7) Both parties were given patient hearing. From the evidence adduced and the facts pleaded following points arose for consideration.
 - 1) Is complainant entitled to contend that the meter which was replaced in July 2004 was faulty and when new meter was fixed its test report was not shown to him and the same was replaced in his absence.

- II) Does the complainant prove that the existing meter is faulty? If yes, to what extent he is entitled to adjust the bill in view of the provision containing in Regulation 15.4.1 of Electricity Supply Code 2005.
- III) Is the complainant entitled to get the bill dtd. 16.12.2005 for the amount of Rs.32,920/- quashed on the ground that the said amount was claimed in one stroke without recording reading on meter for 20 months?
- IV) Does complainant prove that the Opponent gave him the unmetered supply of electricity in contravention of Section 55 of Electricity Act 2003?
- V) Is complainant entitled to any compensation on account of the member of the staff of the Opponent not using nametag while on duty?
- VI) Is complainant entitled to claim compensation for not getting the bill on the basis of units consumed recorded by the meter once in two months? If yes, for how many months and what should be the quantum?

The Point no. 1 to 5 are answered in the negative and the Point no.6 as per final order for the reasons given below: -

Reasons:

- 8) **Point No 1:** The complainant made this complaint/grievance on 5.10.07 to this Forum. The complainant has made an allegation that the meter was replaced in the month of July 2004 and the replaced (Old) meter was a faulty one. He has also contended that when new meter was fixed it was in his absence and its test report was not shown to him. For all these grievances the cause of action arose for the complainant in the month of July 2004. In view of Regulation 6.6 of Consumer Grievance Redressal Forum Regulation 2006 the Forum shall not admit any grievance unless it is filed within 2 years from the date on which the cause of action arose. For the complainant the cause of action arose in the month of July 2004. From July 2004, the present complainant filed on 5.10.07 is not within 2 years and, therefore, the complainant cannot be heard for the said

grievances, as they are time barred. The complainant cannot contend that the meter was replaced in his absence. The Opponent has produced a copy of the meter-changed report. The said report shows that the meter was changed after the complainant had deposited the amount of Rs.1000/- as the meter was burned. It is, therefore, obvious that the meter was not changed keeping the complainant in dark, on the contrary it was changed on his request.

- 9) **Point No 2 & 3:** The complainant nowhere in his complaint averred that the new meter fixed was defective and it did not record correctly the units consumed and he had ever made any application to the Opponent on paying testing charges to test the accuracy of the meter. The complainant disputed the bill, which was for the units 8735 not on the ground that meter was defective but he disputed the bill on the ground that it was for about 20 months claimed in one stroke. The complainant for the first time contended in col. No 7 of his complaint that the existing meter be checked and if found correct (incorrect) the opponent be directed to claim the arrears of last three months preceding the date of the dispute as provided in the Regulation 15.4.1 of MERC Supply Code. The IGRC in the interest of the complainant directed the Opponent to get the meter tested. The Opponent in view of the order given by IGRC did the accucheck. Its report is produced. It shows that there was an error by 3.2%. The Opponent was ready to remove the meter for laboratory testing but the complainant restraining the Opponent from removing the meter and, therefore, meter could not be taken for laboratory testing. At the time of hearing the complainant showed willingness for removal of meter for laboratory testing. An order was passed accordingly and the meter was tested by taking it to the laboratory. According to the laboratory test report which has been produced today it is seen that the meter in question was not fast but it was -0.0599% slow means the meter was recording the units consumed less than the units actually consumed. The error is very minute and, therefore, according to the laboratory report the meter is correct and not defective and it recorded the units consumed correctly. Though it was found little bit slow, it was within permissible limit. It did not cause any loss to the complainant but it proved somewhat advantageous to the complainant. As the

meter is found correct there is no question of adjusting the bill. The complainant also cannot contend that the bill should be quashed on the ground that it was defective.

10) At the time of accucheck it was noticed that in CPL the meter number is 31100392. However, actual meter number is F-1131100302. On behalf of the complainant it was argued that he received the bill not of the units consumed by him as shown by his meter bearing number 31100302 but he received the bill of some one other's meter bearing number 31100392. In order to find out whether in fact the complainant had received the bill of the units consumed not by the meter fixed at his premises but of some other's meter. The Opponent was asked to produce CDs containing photos of the meter. The Opponent brought CDs and displayed it on monitor. The reading recorded by the meter in the photograph for the Oct. 2006, Jan. 2007, May2006 tallied with the current reading as shown in the consumer's CPL. The serial number of the meter in the photo displayed is 31100302. The complainant also did not dispute that the current readings shown in the CPL were different than the current reading shown on the meter fixed at his premises. It is, therefore, clear that the complainant did not receive the bill of the units consumed by else's meter but he received the bills of the units consumed shown by the meter fixed at his premises. The meter number shown in CPL is simply a clerical error instead of '02' it was recorded as '92'.

11) Merely because without recording reading on the meter for about 17 months the bill was issued for accumulated units consumed in the month of Nov. 2005 the complainant cannot contend that it should be quashed. The complainant did not dispute that in the month of Nov. 2005 when the meter was read the current reading showed was 8737. The previous reading shown was 2 (two), obviously because since the meter was fixed it was never read. The bill claimed in the month of Nov. 2005 was for the period from July 2004 which is for a period of 17 months which is for the period less than 2 years and, therefore, the Opponent has every right to recover the same from the complainant as it is not barred as provided in Section 56 of Electricity Act 2003. The complainant's contention that

the said bill should be quashed has no basis, as the meter on testing is found correct.

12) Merely because for 17 months the bills were issued on average basis, the complainant can't escape his liability to pay the bill for the actual units consumed as recorded by the meter. While claiming the bill for 17 months it was bifurcated and benefit of Rs. 1416.11/- was given. The complainant even after demand for the accumulated units consumed did not pay the amount therefore only after he fell in the arrears, interest was charged which he has to pay, as he is a defaulter.

13) **Point No. 4:** The complainant's contention that he was given unmetered supply is without any basis. Actually meter was fixed at the premises. Merely because bills were not issued after recording units consumed does not mean that the supply of electricity was given to the complainant unmetered, contravening the provisions of sec 55 of the Electricity Act 2003.

14) **Point No. 5:** The complainant in Clause (d) of column (4) of his complaint contended that Licensee's men while visiting his premises did not wear their name tag as required by Regulation. The complainant did not give particulars as to on what date and time when Opponent's employee visited his premises without wearing nametag. It is not his contention that he had asked the employee of the Opponent to produce the proof of his identity but the same was not given to his satisfaction. Unless the complainant asks to produce the proof of identity and the same is refused by the Opponent's employee the complainant has no action to claim compensation. There is no sufficient evidence to prove that the Opponent's employee visited his house without wearing a nametag. The averment made by the complainant in Clause (d) on column no.4 of his complaint is not sufficient to give him the cause of action to claim compensation on the said ground.

15) **Point No. 6:** The complainant did not specifically claim compensation for not reading the meter at least once in 2 months. However he made a complaint that for about 20 months meter was not read and the bills were issued on average

basis. From the contents of the CPL it is clear that from May 2004 till Nov. 2005 the bills were issued on average basis without reading the meter. The total period from May 2004 to Nov. 2005 is of 19 months. At Sr.No.7 of Appendix 'A' of MERC (Standards of Performance and determination of Compensation Regulation 2005) the reading has to be taken once in every two months, as the complainant is not an agriculture consumer. The compensation provided is Rs.200/- p.m. or part thereof beyond first month of the delay. The bill is required to be given on reading the meter once in every two months the compensation has to be given beyond first month of the delay. For about 19 months the meter was not read deducting from it 3 months period is provided under Regulation, the complainant is entitled to compensation for 16 months @ of Rs. 200/- p.m. which comes to Rs.3200/-

ORDER

- 1) The Opponent to pay the complainant the amount of Rs. 3200/- with interest @ 9% p.a. from 1 July 2004 till the said amount is adjusted in the bill Jan 08.
- 2) The bill issued in the month of Nov 2005 for the amount of Rs.32,918.38/- is legal and valid. The complainant is liable to pay the same with interest accrued thereon as claimed in all subsequent bills issued, as he fell in arrears to pay the same from time to time.
- 3) If the complainant fails to pay the amount claimed in the bill drawn as ordered above the opponent is at liberty to take steps to disconnect the supply of electricity to the Complainant's premise in accordance with the provisions contained in Sec56 of the Electricity Act 2003.

Sign:

Mrs. N.D.Joshi,
Member/Secretary

Mr. T.D.Pore,
Member

Mr. A.V. Bhalerao
Chair Person

Date: 19/12/2007