

**CONSUMER GRIEVANCE REDRESSAL FORUM
M.S.E.D.C.L., PUNE ZONE, PUNE**

Case No.22/2015

Date of Grievance : 01.09.2015

Date of Order : 27.10.2015

In the matter of exorbitant billing.

Raviraj Group
Office No.20, S.No.36/20,
Near Sangamwadi.
Pune.

Complainant
(Herein after referred to as Consumer)

Versus

The Executive Engineer,
M.S.E.D.C.L.,
Bundgarden Division,
Pune.

Respondent
(Herein after referred to as Licensee)

Quorum

Chair person
Member Secretary
Member

Mr. S.N.Shelke
Mr. D.H.Agrawal
Mr. S.S.Pathak

Appearance

For Consumer

Mr. Narendra Baldota

For Respondent

Mr. P.H.Shirke, Ex.Engineer
Mr.Panghate , Addl.E.E.
Wadia Sub/dn.GKUC.

- 1) The Consumer has filed present Grievance application under regulation no. 6.4 of the MERC (CGRF & E.O.) Regulations 2006.
- 2) Being aggrieved and dissatisfied by the order dated 27.07.2015 passed by IGRC Rastapeth Urban Circle, Pune, thereby rejecting the grievance the

consumer above named prefers this grievance application on the following amongst other grounds.

- 3) The papers containing the above grievance were sent by the Forum to the Executive Engineer, M.S.E.D.C.L., Bundgarden Dn, Pune vide letter no. EE/CGRF/PZ/Notice/22 of 2015/286 dtd.07.10.2015. Accordingly the Distribution Licensee i.e. MSEDCL filed its reply on 05.10.2015.
- 4) We heard both sides at length, gone through the contentions of the consumer and reply of the respondent and the documents placed on record by the parties. On its basis following factual aspects were disclosed.
 - i) Consumer M/s. Raviraj Group is LT consumer vide consumer no.160230894628
 - ii) Consumer was receiving bills of minimum charges with zero unit from Dec.2010 to Dec.2013
 - iii) The consumer applied to Licensee about faulty meter in the month of June-2013.
 - iv) The Licensee retrieved MRI data of said consumer and found that the meter was hung and the same was showing with same reading from Dec.2010 to Dec.2013.
 - v) Consumer meter was replaced in the month of Dec.-2013 .
 - vi) The Licensee issued bill to the consumer with average of previous consumption pattern for Rs.13,03,430/- for 37 months.
 - vii) The consumer made representation to the Licensee about said bill on 5.1.2015. Therefore the Licensee assessed the said bill upto previous 24 months as per Section 56(2) of Electricity Act & issue fresh bill for Rs. 8,75,500/-.
 - viii) Consumer approached to IGRC in respect of exorbitant bill on 19.5.2015. The IGRC rejected the grievance of the consumer vide impugned order dated 27.07.2015 and directed to pay the said bill by appropriate installments.

5. The consumer representative Mr.Narendra Baldota submitted that the Licensee initially issued notice dated 29.12.2014 for depositing bill of Rs.13,03,490/- for 37 months. Thereafter consumer replied to said notice on 5.1.2015 and challenged the said bill. Thereafter the Licensee directed the consumer to pay arrears of bills from Jan.2012 to Dec.2013 for 24 months to the tune of Rs.8,75,492/-. He further submitted that they are not defaulter in paying bills. They are regularly paying the electricity bills. They are not liable to pay of bills for 3 to 4 years. The Licensee has replaced the said meter and they are paying bills as per meter reading. Therefore the notice send by Licensee dated 29.12.2014 for paying bill of Rs.8,75,492/- be set aside.

6. On the other hand Mr. Shirke, Ex. Engineer for Licensee submitted that despite receiving bill of minimum charges from Dec.2010 to Dec.2013 consumer has applied in the month of June-2013 about faulty meter. Therefore MRI data was retrieved and found that meter was hanged and the same reading was showing from Dec.2010 to Dec.20113 till replacement of meter in Dec.2013. Therefore arrears bills for 37 months was issued to the consumer with average of previous consumption pattern for Rs.13,03,430/-. Thereafter the consumer made representation on 5.1.2015 challenging the above mentioned bill. Therefore as per Provision of Section 56(2) consumer was given bill of Rs. 875492/- for 24 months on 30.3.2015. Thereafter consumer approached to IGRC and the IGRC directed the consumer to pay bill for 24 months vide order dated 7th July 2015. MRI sheets with reading from Jan.2013 to June-2013 is enclosed which shows current voltage and other reading on meter are same due to hanging of meter. He further submitted that as per physical verification by section officer it was confirmed that there was use for corporate office of Raviraj Group for disputed period. The consumption from Feb.2010 to Nov.2010 was from 2969 units to 4866 units at on average of 3680 units. He lastly submitted that permission may be granted to recover total amount of 1303430/- for 37 months for which consumer has used the electricity for its corporate office.

7. Following points arise for our determination. We give our findings thereon for the reasons stated below.

Points	Findings.
1. Whether consumer is liable to pay bill of Rs.1303430/- for 37 months.	No
2. Whether consumer is liable to pay bill of Rs.875492/- for 24 months.	No
3. What Order	As per final order.

8. : REASONS :

According to Licensee consumer was receiving bills of minimum charges (with zero unit) from Dec.2010 to Dec.2013. Consumer applied for faulty meter in the month of June-2013. Thereafter consumer's meter was replaced in Dec.2013. Thereafter the Licensee issued a bill of Rs.1303430/- for 37 months on previous average consumption basis. It is not disputed that the consumer challenged a bill of Rs.1303430/- before Licensee and the Licensee taking into consideration provisions of Section 56 (2) of the Act reduced the said bill to Rs.875492/- for 24 months vide bill dated 30.03.2015. Thereafter consumer approached to IGRC and the IGRC while rejecting the grievance of the consumer, directed them, to pay the said bill of Rs.875492/- by installments.

9. It is the case of Licensee that the said meter was hanged therefore minimum charges bills with zero unit were issued to the consumer from Dec.2010 to Dec.2013 for 37 months. The consumer has utilized energy during said period of average 3680 units amounting to Rs.1303430/-. Therefore crucial question relates to defective meter. In this regard it is essential to reproduce MERC regulations supply code 15.4 of supply code.

10. Regulation no. 15.4 of MERC (Electricity Supply code and other conditions of supply) Regulations, 2005 reads as under -

15.4 Billing in the Event of Defective Meters : 15.4.1 Subject to the provisions of Part-XII and Part XIV of the Act.in case of 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 14.4.1 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 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.

11. Thus Regulation No.15.4 is divided in three parts. First category is of defective meter , Second is that of broken or damaged meter seal or tampering of meter & third category is that the meter has stopped recording. In the present case we do not found case under section 126 or Section 135 of the Act. However the meter was hung during the period Dec.2010 to Dec.2013 i.e. for 37 months & therefore Licensee has issued bills to the consumer of minimum charges. As per Regulation No.15.4 in case of meter stopped recording, recovery can be done maximum period of three months only, prior to the month of dispute, based on the average metered consumption for 12 months immediately preceding the three months prior to the month in which the bill is contemplated. Therefore the claim of Licensee for recovery of bills for 37 months amounting to Rs. 1303430/- or for 24 months amounting to Rs. 875492/- as per Section 56(2) of the Act needs to be set aside. It is now required for the Licensee to work out a fresh claim making it limited only for three months as discussed above. Hence we answer point no.1 and 2 in the negative. In the result, the grievance of the consumer is to be allowed.

Grievance could not be decided within stipulated time. Since one of the members of the Forum namely Mr. Agrawal, (Member Secretary) was on leave from 28.10.2015 to 10.11.2015.

Lastly we pass following order.

ORDER

1. Grievance of consumer is allowed as under.
2. Demand raised by Licensee quantifying dues to the tune of Rs.1303430/- is hereby set aside.
3. Impugned order passed by IGRC directing the consumer to pay bills of Rs. 875492/- by installments is also hereby set aside.
4. The Licensee to issue revised bill to the consumer as per provisions of 15.4.1 of MERC supply code 2005 as discussed in Para No.11.
5. The Licensee to take necessary steps against erring officers for not verifying meter of premises though meter stopped recording for the said period.
6. The Licensee to report compliance within one month from the date of this order.

Delivered on: - 27.10.2015

Sd/-	Sd/-	Sd/-
D.H.Agrawal	S.S.Pathak	S.N.Shelke
Member/Secretary	Member	Chairperson
CGRF:PZ:PUNE	CGRF:PZ:PUNE	CGRF:PZ:PUNE

Note :- The consumer if not satisfied may filed representation against this order before the Hon.'ble Ombudsman within 60 days from the date of this order at the following address.

Office of the Ombudsman,
Maharashtra Electricity Regulatory Commission,
606/608, Keshav Bldg.,
Bandra Kurla Complex,
Bandra (E), Mumbai-51.