

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

Case No. 20 of 2007

Date: 11/01/2008

In the matter of Mr. Sudhir.V.Batra

- Complainant

V/S

M.S.E.D.C.L. Rastapeth Division

- Opponent

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

1. The facts giving rise to the present controversy in brief as emerged from the contents of the complaint and the documents produced are that Shri. S.V. Batra (Complainant for short) obtained single phase connection for 5KW for his shop premises on 21/02/98 from Maharashtra State Electricity Distribution Co. Ltd.(MSEDCL) (Opponent for short) through a Meter No. 3538. On demand made by the complainant three phase connection of 9 KW was sanctioned on dt.05/05/04 and the old meter was replaced by a new meter No. 84268, however, the consumer personal ledger (CPL), shows that the old meter No was continued and new meter number was not fed to computer, and therefore though for every billing month, the reading was recorded on taking photographs of the meter the bills were not raised accordingly. Each time the bill was given to the complainant on average basis without recording the actual units consumed. On dt. 29/05/07 the complainant was given a bill for the net amount Rs. 4,89,340/- showing previous reading as 64,950. The complainant after receiving the bill dt. 21/05/07 in which previous reading shown was 64,950 and the bill claimed

was Rs. 4,89,340/-, for the first time made an application on dt.18/07/07 and disputed the bill which was unexpectedly high for amount of Rs. 4,96,000/- contending that on the date of application i.e. on dt.18/07/07, reading on the meter fixed at his premises was 14,090. The complainant by the said application requested to prepare the bill on the basis of meter reading 14,090, which according to him was displayed on the meter. The complainant first approached the Internal Grievance Redressal Cell (IGRC). The IGRC ordered the testing of the meter No. 84268. The IGRC received a test report that the said meter was correct on the basis of the fact the IGRC observed that on the meter last reading shown was 64950 as before the said last reading the readings on that meter were recorded on taking photographs in the month of 9/06, 3/07,4/07 which were 49371, 62347,64950 respectively and the said readings were suggestive of the fact that the meter was correctly recording the units consumed and therefore the IGRU directed the opponent to divide the total unit consumed 64950 over the period from May-04 up to April- 07 evenly in 36 months and prepare the bill on giving credit of the amounts which were paid by the complainant from time to time. The IGRU also directed not to charge interest and delayed payment charges.

2. The complainant not being satisfied with the relief given by IGRC, approached this forum on 28/11/07 and contended that bill should be raised on the basis of the reading 14,090 as was allege by him. By making an application dt.18/07/07, he made a grievance contending that an action should be taken against the concerned employee of the opponent for not recording the Number of changed meter promptly.
3. The opponent filed his written statement and contended that in the application made by the complainant, the original connection of single phase of 5 KW was changed to three phase connection of 9 KW on dt.05/05/04 and at that time the old meter bearing No.3538 was replaced with new meter bearing No.84268. From the date of replacement of old meter that is from 05/05/04 onwards the bills were issued without recording the actual

units consumed, due to some error in not providing the correct meter Number of the changed meter. On routine check of average bill of consumer, it was noticed that the meter through which supply of electricity was given to the complainant the photographs of the said meter were taken and those photographs taken in March-07 and April-07 showed reading 62347 and 64950 respectively. On making scrutiny of the documents the bills for the units consumed i.e. 64945 units from 05/05/04 till April 07 plus the units consumed 1024 from last reading of the old meter till it was replaced on dt.05/05/04 was prepared for the amount of Rs.4,23,245.49 and the same was debited to the complainant's account in the month of April-07. Carrying forward that amount for the month of May, a bill dt.21/05/07 showing on it the previous reading 64950 the amount of Rs. 4,89,340 was given to the complainant. Further bills dt. 20/06/07 and 20/07/07 carrying forwards the arrears were also issued for the amount of Rs. 4,89,340/- and Rs. 4,96,770 respectively. In the month of July-07, the complainant approached the opponent and challenged the reading of 64950 units and therefore the area engineer visited the site on dt.21/07/07 and found that the complainant's meter No. 84268 displayed the reading 14,090. The said meter was immediately replaced with new meter No.7204232. The meter No. 84268 was sent for testing to Testing Division, Pune and it was found that the meter was correctly recording the electricity consumed. It was further contended that the allegation made by the complainant that the reading shown by the meter is 14,090 correctly displayed the units consumed, is wrong, as previously in the month of April-07, March-07 & Sept-06 the readings were taken and the last reading taken in the month of April-07 was 64950. It was also contended that the Xerox copy of the chart produced by complainant showing that record was maintained of the reading date wise is false and fabricated. It is mentioned by the opponent in the written statement that on giving consent by complainant's representative, the IGRC directed to divide total units consumed 64945 equally in 36 months and prepared the bill according to the then tariff applicable giving

credit of the amount paid by the complainant. In terms of the direction given by IGRC the revised bill was prepared and complainant was given liberty to pay the same in three equal installments.

4. The IGRC's order simply mentioned that no evidence was adduced as to how the meter displayed reading 14,090 when it was replaced. The opponent also did not explain in its written statement any thing as regards the reading of 14,090 which was displayed on the meter No.84268 when it was replaced and therefore the opponent was directed to give explanation by filling additional written statement. The opponent filed its Additional Written statement on dt.07/01/08. The opponent in its Additional Written statement admitted that in the month of July-07 on representation made by the complainant, the area engineer visited the site and found that the reading on the meter was 14090 though the photo reading of the same meter taken in the month of March & April-07 showed the reading 62347 and 64950 respectively. The opponent contended that such difference was possible under three circumstances

- 1) The reading may show this abnormality due to faulty circuit.
- 2) Completion of round (i.e. in case of 5 digit meter after 99999 next reading becomes 00001 and onwards.
- 3) Manual handling/tampering of seals and/or manipulation of display.

The possibilities 1 & 2 are ruled out by the testing department's report. The opponent contended that on carrying out testing, the meter was found correct and therefore the first and second possibilities were ruled out. The opponent contended that the cutting of the right side of the rebate was noticed. The quick fix was filled in the rebate, the scratch mark is apparent and the body seals of the meter are repressed and therefore there was only third possibility of manual handling/tampering of manipulation of display.

5. The date for hearing of the case was fixed on 02/01/08 on which on behalf of the complainant Shri. Vinod Palresa, complainant's representative Shri.Vijay Malage and complainant's electrical contractor who maintained electrical appliances were present. The complainant contended that though when meter was replaced it displayed reading 14,090, the opponent falsely prepared the bill showing that the said reading was 64950. He further argued that he maintained the record of the reading date wise of which Xerox copy was enclosed with the complaint. The opponent contended that the Xerox copy of the record allegedly maintained by the complainant is false, prepared after thought. The opponent had brought the meter bearing No. 84268 and he showed the condition of right side rebate, the mark of liquid quick fix, which over flowed on right side surface of the meter, the scratch mark on the right side of the meter and repressed right side seal to substantial the case of manual handing / tampering of seals and/or manipulation of display.
6. The case was adjourned to 07/01/08, for Vinod Palresa, the complainant to produce the original record which he had maintained about reading, the sale deed under which his father purchased the premises from the complainant, Shri.Sudhir Batra and for opponent to give additional written statement about the condition of the meter and the explanation of the reading 14,090 recorded on meter No 84268 in the month of July-07. The complainant's representative when apprehended that there was a possibility of tampering the meter, he expressed his desire to withdraw and produced a note of withdrawal dt. 08/01/08. On the adjourned date of hearing 07/01/08 Shri.Vinod Palresa remained absent, the opponent produced his Addl. Written statement and also brought meter with him.
7. From the facts of the case and whatever documents produced and the arguments advanced by both parties, following point arises for consideration.

- 1) Is complainant entitled to get the impugned bill revised on the basis of last reading as 14,090 instead of 64,950 .

The above point is answered in the negative for the reasons given below.

REASONS

8. The opponent has produced the firm quotation dt. 03/05/04 the application dt. 30/04/04 made by complainant for Additional Load and test report by the Electrical contractors dt. 05/05/04. From these documents, It is clear that existing single meter was replaced by three phase meter on 05/05/04, the complainant's CPL shows that prior to 05/05/04 the complainant's meter number was 3538 though the said meter was replaced by a new meter No. 84268 the change of meter Number was not recorded to CPL. The old meter Number continued till April-07. Entry in CPL shows that in the month of April-07 current reading was shown as 64950 and the bill was prepared for the accumulated units and the amount of Rs. 4,23,244.49 was debited to the complainant account in the month of April-04. The opponent has produced the bill dt.21/05/07 in which previous reading is shown as 64950 and the net amount claimed is Rs. 4,89,340/-. At the time of hearing Shri.Vinod Palresa admitted that he first made grievance in the month of July-07 contending that the last reading displayed on his meter was 14,090 and therefore the bill issued to him for Rs. 4,96,800/- was wrong. The said application made by the complainant dt. 18/07/07 is produced by the opponent. Before the complainant made an application on 18/07/07 he had received the bill dt. 21/5/07 in which the previous reading is shown as 64950 if the reading on the meter had been more probably less than 14,090 he would have immediately made a complaint to the opponent about the excess billing. The fact that he made a grievance about the excess billing nearly about two months late makes his case suspicious and therefore unbelievable. The complainant alleged that he had maintained a record of the reading. He produced the Xerox copy of the same which is in two separate pages he

was asked to produce the original but he did not produce the same and remained absent on the adjourned date. If he was maintaining the record of the day-to-day reading he could have noticed when he received the bill dt. 21/05/07 that it was for excessive reading, however, he did not make a grievance immediately in the same month, which shows that the alleged record maintained by him is not genuine but it is fabricated to support his false claim. The hand writing, the Pen Pressure, Flow of Ink in which figures of record are written clearly show that it was written probably at the same time in the same sitting with the same pen in the same flow and therefore it can not be relied upon. While preparing the record showing that the reading on the meter displayed on 21/07/07 was 14,090 it appears that it did not occur to Shri.Vinod Palresa that the previously photographs of the same meter were taken. The opponent has produced copies of the photographs of meter No. 84268, which showed that the reading displayed in the photographs taken in Sept-06, March-07 and April-07 were Rs. 49371, 62347, 64950 respectively. From the readings seen in photographs of the meter No. 84826 it is clear that meter was correctly recording the units consumed and the reading taken in the month of April07 was 64950. The meter No. 84268 was sent to testing division. The said meter was tested and it was found that the % of error was 1.18 which was within the permissible limit for class-I meter ± 2.5 % as described in specification for A.C. Static Electrical Energy Meters. It is also within permissible limit of 3% above or below the absolute accuracy as provided in Rule 57 of Indian Electrical Rules 1956. From the test report, It is clear that the meter No. 84268 was correct and not at all faulty. The meter No. 84268 was produced by the opponent. As mentioned by the opponent in Addl. Written statement the right side rebate was disturbed one and it was not as clean shape as that of left side rebate and therefore there is every reason to believe that on removing the rebate the meter might have been opened to manipulate the display and subsequently sealed. There is a mark of flow of liquid quick-fix starting from the disturbed rebate. There is also a scratch mark on the right

side of the meter suggesting that while cutting the rebate it might have been made. All these circumstances strengthen the opponent's case about the meter being tampered. The complainant's case that the last reading on the meter was 14,090 is totally falls and unacceptable.

9. From the CPL it is seen that right from April-04 till April-07 the bills were not raised on the basis of actual units consumed, continuously for about 3 years the bills were given to the complainant for lesser amount, which is regrettable position. In view of the decision in writ petition No. 264 of 2006 between Bruhan Mumbai Corporation VS. Shri.Yatish Sharma decided on 18/01/07 by Hon. Justice Dr. D.Y. Chandrachud acting for the High Court of judicature at Bombay even the charges claimed over the period from May-04 to July-07 under the bill dt.21/05/07 are not barred as limit of 2 years start not from the date of consumption of electricity but from the date of the bill in which for the first time the amount is claimed for the units consumed. In the present case though electricity was consumed from May-04 the amount for it was claimed for the first time in a bill dt 21/05/07 and therefore is not barred by time. The old meter bearing No. 3538 was replaced on 05/05/04 the reading displayed on it was 6094 as shown in the record maintained by the opponent in the daily course of its business. From the CPL It is seen that the last reading recorded on the said meter was 5059 and therefore the opponent has rightly claimed the charges for units consumed 1024.
10. Issuing the bill continuously for 3 years for meagre units consumed without recording the meter reading and showing utter negligence in not feeding the correct meter number to the billing section amounts to a serious misconduct on the part of the opponent's employees.
11. In the instant case it appears that meter has been tampered in a cleverly manner. For tampering of the meter the help of some skilled person must have been taken. It is possible that such skilled person must have indulged

in many other cases, which might not have been yet noticed. It is therefore necessary to make thorough investigation by logging FIR to the Police.

ORDER

1. The complaint is dismissed.
2. The complaint do pay the charges for the units consumed 64945 utilized over the period from 05/ 05/04 to Apri-07 and also the units consumed 1024 prior to 05/05/04 according to the relevant tariff bifurcated in equal 36 part at monthly rest deducting the amount already paid by him with liberty to pay it in three monthly equal installments. The complainant to pay the bill for the period Apri-07 till July-07 on the basis of average unit consumed of 12 months preceding April-07. The complainant to pay from July-07 onward as per reading recorded by the meter.
3. The opponent to take disciplinary action against those who showed utter negligence in not issuing the bills according to units consumed recorded by meter.
4. The opponent to lodge the FIR to the police about tampering of the meter in question and assist the investigating agency rendering all type of assistance including technical to bring the culprit to justice.

Sign:

Mrs. N.D.Joshi,
Member/Secretary

Mr. T.D.Pore,
Member

Mr. A.V. Bhalerao
Chair Person

Date: 11/01/2008