

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

**Case No. 22 of 2007**

**Date: 21/01/2008**

**In the matter of Shri. V.P. Sarangdhar**

**- Complainant**

**V/S**

**M.S.E.D.C.L. Kothrud Division**

**- Opponent**

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

- 1) Mr.V.P.Sarangdhar (Complainant for short) is a consumer getting supply of electricity to his premises from Maharashtra State Electricity Distribution Co. Ltd. (MSEDCL) (Opponent for short). The complainant was making grievances to the opponent by making various applications out of which the oldest is dt 23/09/05 and the latest is dt. 29/09/07. The various applications of which Xerox copies have been produced by him were pending with the opponent for the period more than one year and therefore his grievance directly to this forum, without first approaching IGRC was registered. The complainant did not aver his grievance but mentioned that his case was as per enclosed various applications. The oldest application dt. 23/09/05 related to the bill for the period 05/07/04 to 07/09/04 in the said application grievance made by him was about wrong calculation in the bill, in that application, he contended that bills were wrong but no where alleged that meter was faulty. In the application dt.02/02/06, he contended that he was getting wrong bills and both meters were defective and on 13/01/06 a new meter was installed and alleged that as per discussion with Assistant Engineer on inspecting the connected load the daily consumption was 7 units and therefore each monthly bill should be for the units not more than 210.

He also contended that while preparing the bill amount of interest and penalty imposed also be considered. In other several applications which were made subsequently he repeated practically the same story.

- 2) Taking into consideration all applications together the gist of them is that the meters installed at his premises, during the period from 05/07/04 upto 06/01/06 were faulty & wrong bills were issued on the basis of reading recorded by those meters.
- 3) On behalf of the opponent copy of the letter dt. 28/12/07 sent to the complainant and a copy of the compliance report made by DY. Executive Engineer, Deccan S/Dn. to Executive Engineer Kothrud are produced and they together are treated as written statement. The sum and substance of the defense taken up by the opponent is that on complaint made by the complainant, his meter No.34275 was tested by accucheck on 02/01/06 and it was found running fast by 18.88% and therefore it was replaced with new meter No. 1489360. On the basis of units consumed recorded by new Meter no 1489360 for two days and taking into consideration connected load the consumption of the electricity by the complainant per day was calculated as 7.2 units rounded to 7 units. Taking monthly units consumed at the rate of 7 unit per day for the entire period of 15 months during which through defective meter supply of electricity was made the units consumed were calculated as 3150 units instead of units 5,145 shown by the defective meter during that period and accordingly the difference was calculated and the difference of Rs. 6,241.25 was credited to the complainant's account and total bill was reduced by that amount. The complainant did not pay any amount for the electricity consumed from 08/12/05 till 11/01/07. On 11/01/07 & 02/02/07 he paid the amount of Rs.12, 000/- and Rs. Rs. 820/- respectively and thereafter from 02/02/07 till Oct.07 he did not pay any thing.
- 4) At the time of hearing the complainant produced a chart prepared by him as to how the bills should have been raised for the units consumed and showed that the credit should have been given to him of the difference of Rs. 8,070.07

instead of Rs. 6,241.35. The complainant and on behalf of opponent its employee argued their cases.

On rival contentions raised by them the following point arises for consideration.

1. Is the complainant entitled to any further relief over and above the relief given by the opponent by crediting the amount of Rs. 6,241.35.

The above point is answered in the negative.

### **REASONS**

- 5) The complainant did not plead specifically in his complaint about the bills which he wanted to be revised on the ground that meter was defective. In his application dt. 23/09/05 he did not alleged that the meter was defective but contended that wrong bills were issued to him. From the contents of that application it is seen that his allegation about wrong bills was on account of arithmetical mistakes. The complainant may claim a relief for any longer period but according to the Reg. 6.6 Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulations, 2006 (MERC CGRF & EO Regulation 2006) complaint for which cause of action has arisen within 2 years preceding the date of application made to the forum is to be admitted. The complaint is made by the complainant to this forum on 30/11/07 and therefore his complaint/grievance for which cause of action has arisen after 30/11/05 only is to be entertained.
- 6) On complaint made by the complainant, the opponent tested the meter No.34275 by accucheck and found that it was fast by 18.88%. As meter was found defective running fast 18.88%, it was replaced by new meter bearing No.1489360 on 14/01/06. Here it has to be noted that probably in the month of Dec-05 when the complainant received, the bill for units consumed 1437, he might have made a complaint in the month of Jan-06 contending that meter was defective without asking the opponent to test the meter on paying the testing charges. The opponent on its own tested the meter by accucheck and when it was found that the meter was running fast by 18.88%, the old defective meter

was replaced. Reg.14.4.2 of MERC Maharashtra Electricity Regulatory Commission (Electricity supply code and other conditions of supply) Regulation 2005(MERC ESC & OC of S Reg.2005)

*“The consumer may, upon payment of such testing charges as may be approved by the Commission under Regulation 18, request the Distribution Licensee to test the accuracy of the meter”*

**Reg.14.4.4 reads as follows**

*“In the event of the meter being tested and found to be beyond the limits of accuracy prescribed in the Indian Electricity Rules, 1956, till the regulations are specified by the Authority under Section 55 of the Act, the Distribution Licensee shall refund the testing charges paid by the consumer and adjust the amount of the bill in accordance with the results of the test as specified in Regulation 15.4 below.”*

**The relevant part of Reg 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.”*

- 7) On reading of the above regulations it is clear that one who wants to allege that the meter is defective to get it tested. In case of consumer he has to make an application making payment of testing charges and request the opponent to test the accuracy of the meter. If the meter is found defective the amount of consumers bills is to be adjusted for maximum period of 3 months prior to the month in which the dispute has arisen in accordance with the result of test taken subject to furnishing the test report of the meter along with the assessed bill. In the present case the meter was tested on 13/01/06 and it was replaced on 14/01/06. The dispute arose in the month of Jan-06 and therefore according to the provision contends in Reg. 15.4.1 of MERC Reg.2005 the bills of Dec-05,

Nov-05, & Sept-05 only should have been adjusted in accordance with the result of the test taken means the units 290 of the month of Sept-05 should have been reduced by 19% equivalent to (55 units) the units of 390 of Nov-05 should have been reduced by 19% equivalent to (59 units) and the units 1437 for the month of Dec-05 should have been reduced 19% equivalent to (273 units) and the revised bill should have been adjusted accordingly. However, the opponent on the basis of two days reading recorded by the new meter and considering the connected load calculated the average consumption 7 unit per day. On the basis of consumption 7 unit per day the total consumption of 15 months (Nov-04 to Jan-06) was calculated as 3150 units. The total units consumed for the same period recorded by defective meter was summed up as 5145 units fix charges, electricity charges, E.D. charges and interest were calculated for 5145 units and for 3150 units. The details of which as given by the opponents are

<b>Months</b>	<b>Units</b>	<b>Fixed Charges</b>	<b>Electricity Charges</b>	<b>Electricity Duty</b>	<b>Other Charges</b>
15	5145	600.00	16430.35	2178.97	1127.79
15	3150	600.00	11292.50	1510.26	693.00
Difference:			5137.85	668.71	434.79
					-1.85
					436.64
Total Difference					6241.35

Credit of difference of Rs. 6241.35 was given to the complainant in the month of March-06. The complainant has produced a bill dt. 3/12/07 in which the units consumed from Dec-06 to Oct-07 have been shown. These units have been recorded by a new meter of which accuracy is not disputed. Average of 11 months shown in that bill when calculated comes to 261 units. In the instant case while adjusting the bill of 15 months, the opponent took 210 units per month which is less than the average consumption of the electricity by the complainant as shown by the present meter of which accuracy is not in dispute.

The complainant has been given the benefit by the opponent more than the benefit to which complainant is entitled to as per Reg. referred to above. According to the Reg. 15.4.1. of MERC (ESC & OC of S Regulation 2005) the complainant's bill of 3 months preceding the month in which meter was tested should have been adjusted according to the test report means bills for month of Sept-05, Nov-05 and Dec-05 should have been adjusted by deducting 55 units from 290 units of Sept-2005, 59 units from 310 units of the month of 2005 , 273 units from 1437 units of the Dec-05. In the light of above calculation electricity charges should have been revised for the month of Sept-05, Nov-05, Dec-05 showing the units consumed as 245, 251, 1164 units. If on average consumption, the bills for those months was to be adjusted, it should have been 261 units each for the month of Sept-05, Nov-05, Dec-05 as the average consumption of units 261 is established over a period of 11 months recorded by a new meter of which accuracy is not in a dispute. However, the complainant has been given a benefit by adjusting a bill for 15 months instead of 3 months. The units consumed should have been taken as per result of the test taken or at least 265 units per months an average which has been established on taking the reading of eleven months as recorded by new meter of which accuracy has not been disputed but average has been taken 210 units per month. The complainant has been unduly benefited and therefore he is not entitled to any more relief.

### **ORDER**

The complaint is dismissed

Sign:

Mrs. N.D.Joshi,  
Member/Secretary

Mr. T.D.Pore,  
Member

Mr. A.V. Bhalerao  
Chair Person

Date: 21/01/2008