

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

Case No. 1 of 2008

Date: 10/03/2008

In the matter of Mr.Kohali D.K.

- Complainant

V/S

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

- Opponent

Corum

Chair Person Mr. A.V.Bhalerao

Member/Secretary, Mrs. N.D.Joshi,

Member, Mr. T.D. Pore

- 1) M/s.Ganga Associates,(Complainant for short) is a consumer who obtained connection for supply of electricity to his Hotel and water pump from Maharashtra State Electricity Distribution Co. Ltd. (Opponent for short). The complainant's case is that these two connections were given to him from Distribution Transformer Centre (DTC) and from the same DTC no other connection was given. The units supplied recorded by DTC meter were 43299 during the period 12/07/03 to 23/12/04; however total units consumed by the two meters through which he obtained supply of electricity to his Hotel and water pump were 51800 during the same period. He contended that when from the TDC no other connection was given then units recorded by DTC meter should be equal to the units recorded by his two meters as the total units recorded by his two meters were more by 8501 units means these two meters were fast and wrongly recorded more units consumed. He therefore claimed the refund of charges which were recovered from him for more units 8501 during the period 12/07/03 to 23/12/04. He alleged that when he noticed that his meter was defective he paid fee for testing of meter on 03/12/04. The opponent removed, the old meter for testing and installed a new meter. The meter was tested by the opponent in its laboratory without calling the complainant to remain present for testing and the said test report

was never supply to him. It was for the first time produced before the Internal Grievance Redressal Cell (IGRC) to say that the old meter on testing was found accurate.

- 2) The opponent filed its written statement on 22/01/08 and supplementary written statement on 03/03/08 and admitted that from the DTC there were only two connections to the complainant. It also admitted that there was a difference in units recorded by DTC meter and total No. of units recorded by complainant's two meters, however the complainant's meter No. 11662 which according to him was defective on testing was found accurate, while it was noticed that DTC meter was wrongly recording the units due to wrong grouping of CT & PT connections to DTC meter. The opponent in its additional written statement explained that though the DTC meter was found accurate, how it was recording wrong units as "R" phase C.T. Connection was given to "B" phase PT supply to meter and "B" phase C.T. connection was given to "R" phase PT supply to meter. The opponent contended that the units consumed by the complainants meter were correct and no amount for excess units has been recovered from him.
- 3) In the facts and the circumstances of the case.

Following point arises for consideration.

- 1) Does complainant prove that the meter through which supply of electricity was made to his Hotel and water pump wrongly recorded more units 8501 due to which he is entitled to have refund of the charges of those units recovered from him during the period 12/07/03 to 23/12/04

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

- 4) The complainant has claimed the refund of the charges for the excess units wrongly recorded by his meter during the period from 12/07/03 to 23/12/04. During the above said period from the complainant's Consumer personal ledger (CPL), it is seen that during the above said period the bills were raised monthly and therefore, as and when, the demand for the electricity consumed was made presenting a bill in the next month for the units consumed in the

previous month, the complainant had a cause of action to make a grievance if by the said bill excess demand was made. The complainant therefore has a cause of action to challenge the bill in each month as and when the bills were given to him during the period 12/07/03 to 23/12/04. The latest cause of action accrued to the complainant to challenge the monthly bill of Dec-04 was in the month of Jan-05 the cause of action to challenge the bills of earlier month were prior to Jan-05. The complainant in para "E" of his complaint contended that after he had paid fee for testing meter his meter, was removed for testing on 23/12/04 he further contended that the report of testing was never made known to him but the complainant himself has produced the copy of the notice dt. 07/02/05 issued by him to the Executive Engineer (Padmavati). In the said notice he clearly mentioned that on 01/02/05 when he visited the office of the opponent he was told that the testing report showed that his meter was accurate means he was apprised of the fact that his meter was accurate. If he wanted to challenge the test report then he had a cause of action on 01/02/05. Reg.6.6 of Maharashtra Electricity Regulatory Commission. Mumbai (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (MERC CGRF Reg.2006) lays down that the forum shall not admit any Grievance unless it is filed within two (2) years from the date on which the cause of action has arisen.

- 5) The complainant made grievance to this forum on 04/01/08 from the date of accrual of cause of action to the complainant to claim refund of the charges for excessive unit which was either in the month of Jan-05 or Feb-05 the present complaint filed on 04/01/08 is not within two years from the date of accrual of cause of action as provided under Reg. 6.6 of MERC CGRF Reg.2006 and therefore it can not be entertained as barred by time.
- 6) Having recorded that the grievance made by the complainant can not be entertained as it is barred by time there is no need to deal with merit of the case, however to give finality to the litigation the forum decides to deal with the merit of the case.
- 7) After the complainant had paid fees for testing meter, his meter No. 11662 was tested in the laboratory. The said test report is produced by the opponent which says that the meter in question was in order. The complainant was

apprised of the result of test of meter as accurate on 01/02/05 which is clear from the contents of the notice dtd. 07/02/05 issued by the complainant to Executive Engineer (Padmavati). Being satisfied that the meter was correct the complainant instead of relying upon the allegation of inaccuracy, of his meter made a grievance that the units recorded by his meters were more than the units recorded by the DTC meter contending that when from the DTC there were only two connections given to him then the units recorded by DTC meter should be equal to the total units recorded by his two meters. The complainant's meter on testing was found accurate.

- 8) When the complainant's meter was found accurate, it was sufficient to hold that the units recorded by his meter were correct and he was not charged for excessive units. The opponent in its additional written statement stated that the DTC meter on testing was also found accurate.
- 9) The complainant contended that if DTC meter was found accurate then units recorded by it should be taken as basis for raising his bills, the said basis on which complainant claims relief itself is without any foundation, & illogical, however, the opponent has explained how on investigation though DTC meter was accurate it was not correctly recording the units as "R" phase C.T. connection was connected to "B" phase PT Supply to meter and "B" phase of CT connection was given to "R" phase PT Supply to meter by producing a report of spot inspection dt., 29/05/06. It is therefore clear that the units recorded by the complainant's meter were correct as on testing his meter it was found accurate while the units recorded by DTC meter were wrong though that meter was accurate due to wrong phase connection. It is therefore clear that even on merit the complainant has no case.

ORDER

The complaint is dismissed

(Case No.1)

Sign:

Mrs. N.D.Joshi,
Member/Secretary

Mr. T.D.Pore,
Member

Mr. A.V. Bhalerao
Chair Person

Date: 10/03/08