

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

**Case No. 2 of 2008**

**Date: 26/03/2008**

**In the matter of Mr.Chavan**

**- 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) Shri. C.B.Chavan (Complainant for short) obtained connection for supply of electricity to his flourmill from Maharashtra State Electricity Distribution Co. Ltd. (Opponent for short) through a meter No. 94540. The said meter was replaced with new meter No. 6632643 in the month of April-07; however, meter change was effected in the computer system for raising bill actually from January-2008 onwards. Till meter change was effected in the computer system the bills were raised on estimated consumption. The complainant received a bill dt. 08/11/07 for the amount of Rs. 36,000/- and therefore he made a complaint to the Internal Grievance Redressal Cell (IGRC). The IGRC found that during 8 months period for which complainant was given bills on estimated consumption, the units consumed were 16,093. The IGRC equally divided above units consumed in 8 months and directed the complainant to pay the amount of Rs. 33,080/-. The complainant was not satisfied with the relief given by IGRC and therefore made a grievance/complaint to this forum and contended that for about 8 months the bills were raised on estimated consumption. In the 9<sup>th</sup> month a bill was given to him showing credit of Rs. 37,000/- he therefore made an enquiry with the opponent and was told that the bills for the wrong amount was given as meter change was not fed to the

computer system and in the next month, a bill for the amount of Rs. 33,000/- was raised the complainant alleged that whatever bills were regularly given to him on estimated basis should be taken as final and arrears shown should be waived. He showed willingness to pay the bills as per consumption recorded by the meter from 9<sup>th</sup> month onwards.

- 2) The opponent filed its written statement and explained how mistake was made for not feeding the computer system with meter change at the appropriate time. It gave details as to how the bill for the month of January-08 of Rs. 49,761.99 was correct. It contended that as per direction given by IGRC a new meter No. 6632643 was tested by accuecheck and it was found correct.
- 3) On the date of the hearing the complainant did not dispute the accuracy of the new meter he only contended that for about 8 months, the bills were raised on estimated consumption he regularly made payment of all those bills and was never in arrears. The opponent committed fault in not raising the bills as per actual consumption and surprisingly raised the bills for huge amount of Rs. 33,000/- which should be waived.
- 4) The opponent submitted a report in writing dt. 17/03/08 giving detail account of the units consumed recorded by the old and new meters and the amount assessed as per relevant tariff. In the report the opponent stated that in the month of March-07 the last reading recorded was 13,771 while when said meter was replaced somewhere in the month of April-07, the reading recorded by the meter was 14,880. The units 1109 shown by the old meters were not accounted for billing. When new meter was installed its initial reading was 14 and final reading recorded in the month of December-2007 was 16,093, therefore the total units recorded by the new meter were 16,079. The opponent gave details as to how the amount of the bill up to March-08 was calculated. The opponent added the units consumed during period from December-07 to March-08 as recorded by the meter. The total units consumed from April-07 upto March-08 were 24,669 assessed to the amount 1,12,704.02 and during the above said period, the complainant had

paid Rs. 69,630/- deducting the said amount paid from amount due, the opponent assessed the net bill Rs. 43,074/-.

On rival contention raised, following point arises for consideration.

1- Is the net bill assessed by the opponent for the amount of Rs. 43,074/- upto 02/03/08 is correct, if not what is the exact amount payable by the complainant.

2- Above point is answered as follows-

No. The exact amount payable by the complainant upto 02/03/08 is as per final order for the reasons given below.

### **Reasons**

5) The relief claimed by the complainant that the bills raised on estimated consumption sans reading should be treated as final and opponent should be restrained from revising the bills on the basis of the actual units consumed which were available after meter reading, is not tenable. It is the right of the opponent to recover the charges for the electricity supplied on the basis of the reading recorded by the meter and it is the liability of the complainant to pay for the units actually consumed by him subject to the point of limitation. It is not in dispute that after an old meter No. 94540 was replaced with new meter No. 6632643 on 04/04/07, the bills were raised on basis of estimated consumption till reading of the new meter was taken and the meter change was effected in the computer system. Reg. 15.3.1 of Maharashtra Electricity Regulatory Commission (Electricity Supply code and other conditions of supply) Regulations-2005 (MERC ESC Reg 2005) makes a specific provision that when reading is not available the Distribution Licensee shall send an estimated bill to the consumer and amount so paid has to be adjusted after the readings are taken during the subsequent billing periods. The opponent has produced the Consumer Personal ledger (CPL) of the complainant. From the entry in the CPL it is seen that from April-07 till Oct-07 bills were raised on estimated basis. It is explained by the opponent that in the month of Nov-07 a reading recorded by the new meter was made available and it was fed to

the computer system. The said reading recorded by new meter was progressive means more than the last reading recorded by old meter. The computer system on the basis of those two readings showed consumption as 1178 units. The said consumption was obviously for the period from April-07 till Nov-07 the computer system by default made calculations and showed Rs. 41,441.91 recovered in excess. Deducting the amount of electricity charges for the month of Nov-07 the complainant was given a bill of credit Rs. 37,890.89. The complainant was also surprised to receive bill of credit. He brought it to the notice of the opponent. The opponent therefore recorded the reading of the new meter in the month of Dec-07. The effect of the meter change was also made to the computer system in the month of December-07. Current and previous reading were shown the same as 16,093. After the mistake was rectified, the credit bill was withdrawn and bill was raised on the basis of the actual reading which was for the amount of Rs. 49,761.88. By the time matter came for hearing it was practically last week of March-08. The opponent therefore for the sake of convenience prepared the bill upto the month of March-08. In its report dtd. 17/03/08, bill is assessed from April-07 till march-08. During the said period the old tariff 2006 was replaced with new tariff 2007 from 1/05/07 onwards. The opponent therefore was expected to prepare the bill for the month of April-07, according to old tariff-2006, the bills for the subsequent months were to be prepared according to the new tariff -07. However, the opponent in its report prepared the bill applying old tariff-2006 for 3 months and for the rest of the months new tariff-07. The opponent charged Delayed payment charges & interest (DPC & interest). The complainant was making payment of the bills given to him regularly. He was never a defaulter. The bill for the huge amount was given to him in the month of Jan-08 unexpectedly. As the bill was of huge amount it was beyond his financial capacity to pay. Under such circumstances, he should have been given benefit of making payment in installment without interest and DPC. The opponent was therefore directed to submit the revised bill. The opponent submitted revised bill dt. 24/03/08.

6) The complainant did not dispute the accuracy of new meter No. 6632643 after it was checked with accucheck in his presence and the same was found without any defect. The correctness of old meter was never challenged by the complainant. It is not in dispute that the initial reading of the new meter was 14 and reading recorded in the month of Dec-07 was 16,093. In the CPL the last reading recorded by the old meter for the purpose of billing is 13,771 , the old meter was replaced on 04/04/07 at the time when old meter was replaced the reading recorded by it was 14,880 . The reading recorded by the new meter in the month of March-08 is undisputedly 23,574. The total units consumed over the period from April-07 till March-08 shown by the opponent in its report dt. 14/03/07 is as shown below which is correct. The charges for the units consumed shown therein are also as per relevant tariffs.

<b>Period</b>	<b>Units</b>	<b>Charges</b>
March-07 till old meter was removed	1109	5,292.22
April-07 to Nov-07	16,079	68,122.98
Dec-07 to March-08	7,481	30,846.57
Sub Total-		1,04,301.77
DPC & Int.(-)		-1 ,180.54
Amt. already paid(-)		-69,630.00
<b>Total</b>		<b>33,491.23</b>

7) The figure of the arrears arrived at Rs. 33,491.23 is found to be correct on close scrutiny of the report dt. 24/03/08. It was explained to the complainant as to how the figure of the amount due from him Rs. 33,491.23 is correct. The complainant was also satisfied and even agreed to make an instant part payment of Rs. 25,000/-

8) From the CPL it is apparent from April-07 till Dec-07 the bills were raised without taking meter reading. Reg. 14.3 of MERC ESC Reg. 2005 requires the distribution licensee to take meter reading at least once in every two months except in the case of Agricultural consumer. Appendix-"A" SR.No.7 to

MERC (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulation-2005 (MERC SOP Reg. 2005) prescribes compensation at the rate of Rs. 200/- per month or part thereof beyond the first month of delay. In the instant case for 9 months, the opponent failed to take reading of the complainant's meter and therefore excluding the regular period of two months and one months beyond it the opponent is liable to pay the compensation for six months at the rate of Rs. 200/- per month to the complaint.

- 9) The complainant in his complaint/grievance did not make a specific prayer to claim compensation for not taking meter reading, as provided in 14.3 of MERC ESC Reg. 2005. However he made a complaint that consecutively for 8 months the bills were given to him on estimated basis. The complainant thus pleaded the cause of action but because of his ignorance of the provisions contained in MERC SOP Reg 2005, he did not make a specific prayer. For want of technical defect, the consumer cannot be deprived of his right which is available under MERC SOP Reg 2005

#### **ORDER**

- 1- The complainant is liable to pay the amount Rs. 33,491.23 (Rs. Thirty three thousand four hundred ninety one and Paise Twenty three only) as his electricity bill for upto current reading 23,574 recorded by his meter till 02/03/08 and the units 1109 recorded by his old mete from March-07 till it was replaced on 04/04/07. Out of the above said amount the complainant shall pay Rs. 25,000/- on or before 31/03/08 and the remaining amount as the arrears in the bill for April-08 failing which complainant shall be liable to pay interest and DPC as per tariff, in addition to the consequences as provided under Sec. 56 of Elect. Act-2003.

2- The opponent shall pay to the complainant by way of compensation Rs. 1200/- for not reading the meter for period of 9 months , the said amount is to be adjusted in the bill for April-08

Sign:

Mrs. N.D.Joshi,  
Member/Secretary

Mr. T.D.Pore,  
Member

Mr. A.V. Bhalerao  
Chair Person

Date: **26/03/2008**