

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

**Case No. 38/2017**

**Date of Grievance : 13.04.2017**

**Date of Order : 15.05.2017**

In the matter of exorbitant billing.

Mr.Kisan V.Navalkar, ----- Complainant  
Flat No.C/8, (Herein after referred to as Consumer)  
State Bank Staff Co.Op.Socy,  
S.No.115/2C+3/1,  
Plot No.1, Kothrud,  
Pune- 411038.

**Versus**

The Executive Engineer, ----- **Respondent**  
M.S.E.D.C.L., (Herein after referred to as Licensee)  
Kothrud Division,  
Pune.

**Quorum**

|                         |                        |
|-------------------------|------------------------|
| <b>Chairperson</b>      | <b>Mr. S.N.Shelke</b>  |
| <b>Member Secretary</b> | <b>Mrs. B.S.Savant</b> |
| <b>Member</b>           | <b>Mr. S.S.Pathak</b>  |

**Appearance**

|                       |                                   |
|-----------------------|-----------------------------------|
| <b>For Consumer</b>   | Mr.M.G.Chourikar (Representative) |
| <b>For Respondent</b> | Mr.Lokare, AEE, Kothrud Sub/Dn.   |

- 1) The Consumer has filed present Grievance application under regulation No. 6.4 of the MERC (CGRF & E.O.) Regulations, 2006.
- 2) The present consumer had filed grievance before IGRC, Ganeshkhind Urban Circle on 13.01.2017 for exorbitant bills issued in the month of Sept. & Oct.2015. The IGRC rejected the grievance of the consumer on 13.2.2017 on the ground that the error of energy meter under dispute is within permissible limit & therefore the disputed bills cannot be revised.

- 3) The papers containing the above grievance were sent by the Forum to the The Executive Engineer, M.S.E.D.C.L.,Kothrud Division, Pune vide letter no. EE/CGRF/PZ/Notice/38 of 2017/164 dtd.15.04.2017. Accordingly the Distribution Licensee i.e. MSEDCL filed its reply on 27.04.2017.
- 4) We heard both sides at length and gone through the contentions of the consumer and reply of the respondent and the documents placed on record by the parties.
- 5) Facts giving rise to the grievance may be stated as under :

The consumer namely Kisan B.Nevalkar having consumer No.170018540692, LT Residential, phase with sanctioned load 4.00 KW was connected on 17.9.1997. The consumer received exorbitant bills in the month of Sept.2015 for Rs.4200/- & in the month of Oct.2015 for Rs.5220/-. He submitted the application to the Licensee on 7.10.2015 for testing of the meter to verify whether it was defective. The consumer deposited testing fees of Rs.150/- on 7.10.2015. Thereafter the Licensee on the same day replaced the meter & sent the same for testing on 20.10.2015 to the Executive Engineer, MSEDCL, Kothrud Dn. Accordingly the Licensee tested the said meter on 26.10.2015 & found that the error is within limit, meter found OK. The consumer was not satisfied with the said testing report & submitted application to division office on 12.08.2016 that the meter was faulty & therefore to look into the matter to give justice. Thereafter on 13.8.2016 the consumer submitted application to the Licensee for retesting of the said meter. The Section office of the Licensee replied on 20.8.2016 that the said meter was sent to the store of Parvati Division by taking entry in the scrap register & therefore it cannot be made available for testing. Thereafter on 8.9.2016 consumer made another application regarding information of the status of the meter deposited in the Parvati Division. Thereafter the consumer again applied to the Licensee on 29.9.2016 under RTI about the status of disputed meter.

Then the consumer filed appeal under RTI on 10.11.2016 about giving the status of the disputed meter. The Licensee vide letter dated 3.12.2016 informed the consumer that the disputed meter had been deposited in the Parvati Dn. on 30.4.2016. Thereafter on 18<sup>th</sup>, 19<sup>th</sup> & 23<sup>rd</sup> of Nov. 2016 all the scrapped meters deposited in the Parvati Division were sent to the Phursungi Major Store. Thereafter the consumer approached to IGRC on 13.1.2017 the IGRC rejected the grievance of the consumer vide impugned order dated 13.2.2017.

6. The consumer representative Mr. Chouarikar submitted that he received heavy amount of bills in the month of Sept. & Oct. 2015 due to faulty meter. Thereafter he made complaint to the Licensee for testing of the said faulty meter. He deposited necessary fees. The meter was changed and the disputed meter was sent for testing. However, to his surprise the report given by the testing division is, "the meter found OK, error within limit. He contacted to the concerned Ex. Engineer, but his request for retesting of meter was turned down. Thereafter he made application under RTI for the status of the meter deposited with Parvati Dn. He realised that the section office after testing the meter sent it to Parvati Division on 30.4.2016 & thereafter the Paravti Division Store sent all scrapped meters to Phursungi Major Store. The consumer submits that he received exorbitant bills in the month of Sept. & Oct. 2015 due to faulty meter. The said meter was not tested in his presence. Due to non availability of disputed meters for retesting, the licensee be directed to issue revised bills for the said period on average basis.

7. On the other hand Mr. Lokare, AEE, Kothrud Sub/dn. submitted that after the receipt of complaint from the consumer regarding excessive energy bills, the disputed meter was replaced with new meter & the disputed meter was sent to the testing lab for checking at Kothrud dn. The report received from the Kothrud Dn. dated 26.10.2015 shows that, "The error is within limit & meter found OK". He further submitted that since the meter is OK, the Licensee cannot revise the disputed energy bills. The

consumer again made request for retesting of the said meter after 10 months. However the disputed meter was already credited to Parvati Division Stores on 30.4.2016 & thereafter further credited the scrapped meters to the Phursungi Major Store during 18<sup>th</sup> to 23<sup>rd</sup> Nov.2016. Therefore the grievance be dismissed.

8. From the above mentioned facts & the documents placed on record it is seen that the consumer received excessive bills in the month of Sept. & Oct. 2015 for Rs. 4200/- & Rs.5200/- respectively. The consumer applied for testing of the disputed meter on 7.10.2015. In the said application consumer has specifically mentioned that the said meter be checked in series with another test meter at site so that fault of meter shall be detected. The Licensee clarified that the consumer meter was tested/calibrated with a standard meter in the testing lab at Kothrud Dn. & followed the prescribed procedure. It is further seen that the Kothrud Dn. tested the said meter on 26.10.2015 & found the error is within limit & meter found ok. However it is to be noted that the said meter was not tested in the presence of consumer though he complained of faulty meter. Therefore the Licensee has not followed proper procedure to test the disputed meter. The unsatisfied consumer applied for retesting of the disputed meter. However the Licensee credited the disputed meter to the Parvati Dn. Store on 30.4.2016. The Parvati Dn. Store scrapped the disputed meter & further deposited to the Major Store at Phursungi. Therefore unfortunately the said meter could not be made available for retesting. Consequently the established procedure as laid down under Reg.No.15.4 of MERC supply code 2005 in case of billing in the event of defective meters cannot be followed. Under the circumstances it is required for the Licensee to determine the consumption pattern of the disputed meter before replacement of it i.e. prior to 7.10.2015 & to issue revised bills to the consumer for the disputed period of Sept.& Oct.2015. The grievance is liable to be partly allowed.

Hence we proceed to pass the following order

**ORDER**

1. The grievance of the consumer is partly allowed with cost.
2. The Licensee to determine consumption pattern of the disputed meter for the disputed period of Sept. & Oct. 2015 & to issue revised bills to the consumer for the said period excluding DPC & Interest but giving slab benefit.
3. The Licensee to report compliance within one month from the receipt of this order.

Delivered on: - 15.05.2017

**Sd/-**  
**S.S.Pathak**  
Member  
CGRF:PZ: PUNE

**Sd/-**  
**B.S.Savant**  
Member/Secretary  
CGRF:PZ: PUNE

**Sd/-**  
**S.N.Shelke**  
Chairperson  
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.