

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

**Case No. 03 of 2010**

**Date: 15/03/2010**

**In the matter of Ganga Nebula Co.Op.Hs. Society**

**- Complainant**

**V/S**

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

**- Opponent**

**Quorum**

Chair Person

Mr. A.V.Bhalerao

Member/Secretary,

Mr. L.G.Sagajkar

**ORDER**

- 1) The opponent is directed to produced the meter No. 90/00007797 for testing its accuracy.
- 2) The opponent is also directed to produce the meter changed report showing what was the reading displaced on the meter No. 90/00007797 which was changed on 28/02/2009

Sign:

Mr. L.G.Sagajkar,  
Member/Secretary

Mr.A.V. Bhalerao  
Chair Person

Date: 15/03/2010

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

**Case No. 03 of 2010**

**Date: 05/04/2010**

**In the matter of Ganga Nebula Co.Op.Hs. Society**

**- Complainant**

**V/S**

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

**- Opponent**

**Quorum**

Chair Person

Mr. A.V.Bhalerao

Member/Secretary,

Mr. L.G.Sagajkar

Member

Mr.Suryakant Pathak

**ORDER**

- 1) The Chairman Ganga Nebula Co.Op.Hs. Society, Vimannagar (Complainant for short) is a consumer receiving supply of electricity having consumer No. 160230224908 from Maharashtra State Electricity Distribution Co. Ltd. (Opponent for short). Up to August-2008 the complainant was regularly paying the amount of electricity bill, however in the month of Sept-2008 he received a bill showing that units consumed were 74,337 over a period of 21 months and by the said bill the amount of Rs. 4,31,865.18 was claimed. The complainant raised a dispute with the opponent by making an application dt. 12/12/2008 and contended that instead of raising the bill for 74,333 units over a period of 21 months, according to the calculation made

by him it should have been only for 136 extra units. The complainant also made representation to Dy.Ex.Engineer Nagar road disputing the bill raised in the month of Sept-2008. The Dy.Ex.Engr. on 30/03/09 reduced the bill of Rs. 4,59,852 to Rs. 37,008/- which was immediately paid on 01/04/2009 but no effect was given to it and the bill for the amount of Rs. 5,17,380/- was raised in the month of May-2009. The complainant had also approached the IGRC on 22/07/2009. On going through the record the IGRC found that from Jan-07 to August-2007 the bills were raised on assumed basis of user as 935 units per months without actually reading the meter however, in the month of Sept-2008 when reading displayed on meter was recorded it was found that during above said period the total units consumed were 74,337 units and therefore spreading those units equally over 21 months the bill for the amount of Rs, 4, 31,865/- was correctly raised. It only gave relief to the complainant to pay the amount of Rs. 4, 31,865/- in 21 installments without levying interest and DPC. It also held that tariff LT-I was correctly applied.

- 2) Not being satisfied with the relief given by IGRC the complainant made grievance to this forum contending that instead of 74,337 units the bills should have been raised only for 136 units as that is the only difference between the actual units consumed and the units billed up to August-2008 . It was also contended that the Dy.E.E. had corrected the bill reducing the amount of 4,59,852/- to 37,008 which was immediately paid on 01/04/09 however, effect to it was not given in the subsequent bill. It claimed that wrong billing made by the opponent should be corrected and he be allowed

to pay the regular bill. He also claim that instead of tariff LT-I the proper tariff L.T.5 should be applied to raise the bill for the electricity consumed.

- 3) The opponent filed its say and averred that from Jan-07 to August-2008 for about 20 months the bills were raised on assumed basis holding that the consumption was 935 units per month on various ground such as meter lock, in accessible MT change and MTM is over. In the month of Sept-2008 when actually meter was read it was found that reading displayed on it was after completing full count of one lakh units and therefore the bill for actual units consumed over a period of 21 months amounting to Rs. 4,31,865/- was claimed. The meter No. 7797 was removed on 28/02/09 and new meter No. 61/08278743(78743) was installed and this meter showed during the period of six months the consumption of electricity as 3,000 units per months. It was further averred that the complainant was rightly categorised as LT-I considering the purpose for which he has been using the electricity. It further averred that the concession as ordered by CGRF has been given to the complainant and departmental enquiry has been ordered against erring employees who committed mistake in reading the meter and giving feed back to IT department.
- 4) On behalf of the complainant its Chairman Shri. Sharad kumar and its Secretary Shri.A.A.Sayyad both represented their case and contended that the opponent has not proved that in the month of Sept-2008 reading displayed on meter was 9495 after completing a cycle of one lakh units. It was argued that even taking in to consideration the units consumed from Nov, Dec-2004 up to Dec-2006 the average consumption was 941.8 units

and as calculation shown in the application dt. 12/12/08 the bill for excess units should not be more than 136 units. It was submitted by them that they did not want to press their contention that instead of tariff LT-I, the bill should be raised by applying tariff LT-5.

5) On behalf of the opponent it was argued that taking in to consideration the trend of the user of the electricity as recorded by the new meter 78743 is round about 3,000 units per month and therefore the reading displayed on meter in the month of Sept-2008 was after completing a full count of one lakh units. The opponent was directed to produce photograph of the meter bearing No. 7797 .The opponent produced six photographs of the meter allegedly bearing No. 7797 out of them two are without printed date and remaining four are with printed date post 23/10/2008. The opponent also produced the photographs of new meter bearing No. 278743. The opponent was directed to produce the meter No. 7797 but it expressed inability to produce the same contending that without testing it for accuracy it was sent to scrap department.

6) On rival contention raised and documents brought on record following points arise for consideration.

1- Is the bill raised holding that 74,337/- units were consumed over a period of 21 months in the month of Sept-2008 is correct if not for how many units the bill for the Sept-2008 should have been raised?

2- Is the complainant's prayer for applying tariff LT-5 is proper

The point NO.2 is answered in the negative and point No.1 as per

final order for the reasons given below.

## **REASONS**

- 7)** POINT NO1:- The complainant was getting supply of electricity through a meter bearing No. 6000007797 (7797) the said meter was changed on 28/02/09 and new meter bearing No. 61/08278743 (8743) was installed. The secretary and Chairman of the opponent contended that complainant's case that in the month of Sept-08 reading displayed on the meter as 9495 was after the meter had completed the cycle of 1 lakh units and therefore consumption of the electricity from Jan-07 up to Sept-2008 was 74337 units is not acceptable. The complainant alongwith the complaint has given details as to what was the consumption of the electricity by the complainant from Nov-04 up to Dec-06 from the said total consumption a monthly average of 941.08 was arrived at. During the period from Jan-07 to August-08 the meter was not read the complainant calculated the units consumed during that period at the monthly average consumption 941.8 units and showed the total consumption for Nov-04 up to Aug-08 as 42,381 units (23,545 + 18,836). The total consumption from Nov-04 to August-2008 as per CPL calculated by the complainant is 42,245 units (23,545 + 18,700) The difference as shown by the complainant is of 136 units instead of 74,37 units as claimed by the complainant. It is prayed on behalf of the complainant that opponent at the most can claim extra charges for only 136 units.

**8)** On behalf of the opponent it is contended that from Jan-07 up to Aug-08 the meter was not read and the bills were given on assumed basis 935 units per month however, in the month of Sept-2008 when the meter was read it was found that reading displayed there on was 9495 units. As the said reading was much less than the reading displayed on the meter last in the month of June-07 the reading 9495 displayed on the meter in the month of Sept-2008 was after the meter had completed a cycle of 1 lakh units and therefore actual total units consumed from Jan-07 upto Sept-08 were taken as 74337 units and on giving credit of the amount paid during the said period, the amount of Rs. 4, 31,865.18 and DPC 10,287.13 were claimed. The opponent was directed to produce the photographs of the meter taken from time to time and meter bearing No. 7797. The opponent did not produce a single photograph of the meter 7797 taken during the period from Jan-07 upto May-2008 the photographs produced are from June-08 to Jan-09 except Aug-08 & Sept-08. ON 28/02/09 a new meter bearing No.8743 was installed the photographs of the said meter from March-09 to Sept-09 except July-09, Oct-09 are produced the photographs of the meter allegedly bearing No. 7797 do not show the Sr. No. of the meter originally printed by the company on the screen. The said No. is hidden by pasting a paper slip on it. The opponent has not given any reason why the printed Sr. No. of the meter is hidden by pasting a paper slip, thus therefore it becomes difficult to identify the meter of which the photographs are produced alleging that they are the photographs of meter No. 7797. The complainant was asked to produce the meter bearing No.

7797 for inspection but the said meter was not produced on the ground that without testing, it was sent for scrap. The meter No. 7797 was removed on 28/02/09 before that day the complainant had raised dispute by making an application dt. 12/10/08 which was received by opponent on 18/12/08. It was to the knowledge of the opponent that there was a dispute about the reading displayed on the meter and therefore it should have taken precaution to preserve the said meter and not to send it for destruction. If the meter had shown reading in the month of Sept-2008 as 9495 which was less than a reading shown by the meter in the month of Dec-06 as 35158 there were two possibility that it might have completed a cycle of 1 lakh units and reached figure 9495 or reading might have been reversed, however at this stage nothing can be said as the opponent failed to produce the impugned meter before the forum. After hearing the arguments on 15/03/2010 the case was adjourned for judgment however on behalf of the opponent its L.D.C. Shri. Oval brought the meter in the office of forum on 26/03/2010. He was asked to produce meter along with the description of the condition of the meter which he wanted to produce. The meter which he had brought was in a damage condition. Its glass was broken and window showing figures was damaged. The L.D.C. Shri Oval did not turn-up to produce said damage meter. On the bill dt. 12/03/09 the Dy.E.E. made correction on 30/03/09 and reduced the bill by Rs. 4,59,852.13 and showed the amount due as Rs. 37,008/- The said amount was immediately paid by the complainant on 01/04/2009. The Act of Dy. E.E. of reducing the bill was not approved by the Ex.Engr. and therefore



without giving credit which was given by the Dy. Ex.Engr. the bill was claimed as arrears in the next bill. The conduct of the complainant is not above suspension. As long as it was receiving a bill from Jan-07 till Aug-08 for the units which might be much less than the actual consumption no complaint was raised by it. It raised complaint only after it received a bill of the huge amount. The new meter was installed in the month of Feb-09 there is no dispute about the accuracy of the meter 8743. The electricity consumed as shown by the new meter 8743 over a period of 11 months is at the rate of 2436.73 per month means probably the complainant might have increased the use of electricity than what it was in the past year. If the opponent had produced the photographs of the meter 7797 from June-07 onwards showing how from 35,158 reading was increasing and reached a figure 1,00,000 and after crossing the said figure it started recording units consumed from 1 onward the opponent's case could have been accepted. However there is absolutely no evidence to establish the opponent's case. Under such circumstances the units consumed will have to be calculated on the basis of monthly average as shown by the meter up to the date to which there was no dispute. The complainant has calculated the monthly average on the basis of its user from Nov-04 upto Dec-06 as 941.8 units. The opponent has produced the CPL from Jan-06 onwards. From readings as shown in the CPL from Jan-06 to Dec-06 the monthly average comes to 831.92 we therefore accept the monthly average based on past user calculated by complainant as 941.8 units. Applying that average the electricity used during the period Jan-2007 to August-2008 comes to

18,836 units over the same period the opponent raised the bill holding that the user was 935 units per month which comes to 18,700 the difference is therefore only 136 units. The bill for Sept-08 should be a bill for the units consumed in that month + 136 units. Post Sept-2008 the bills were raised as shown by the meter up to Feb-2009. The opponent showed utter negligence in destroying the meter without testing and therefore nothing can be said about its accuracy. For above said period also the monthly bill will have to be raised at the rate of 941.8 units per month.

- 9) The negligence on the part of the opponent's employees have caused a great loss of revenue to the opponent and therefore it is necessary to make thorough investigation of the case to initiate departmentally enquiry against erring officers to fix upon them the liability.
- 10) **POINT NO. 2** : The complainant obtained the supply of electricity for residential use and therefore the electricity charges are levied applying tariff LT-I the complainant in its complaint averred that it should be billed applying tariff LT-5 which is applicable to industry. The complainant at the time of argument did not press for change of tariff and rightly it did so as it is not even contention of the complainant that it has changed the user of electricity from Residential to Industrial.

### **ORDER**

- 1) The Bill raised in the month of Sept-2008 for units 74337 amounting to Rs. 4,31,865.18 + Rs. 10,227.13 as DPC is quashed the opponent is

directed to raise the bill for Sept-2008 for the units 941.08 + 136 units equal to 1077.08 and for the month of Oct-08 Nov-08 Dec-08 Jan-09 and Feb-09 holding the units consumed as 941.8 units instead of the bills of those months as shown in the CPL.

- 2) The opponent is directed to make thorough investigation in to the case and fix the liability of the loss caused to it on the concerned employees and initiate departmental enquiry against them.
- 3) The opponent is to report compliance to this forum within 2 months from the date of this order.

Sign:

Mr. L.G.Sagajkar,  
Member/Secretary

Mr.Suryakant Pathak  
Member

Mr.A.V. Bhalerao  
Chair Person

Date: 05/04/2010