

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

Case No.17 of 2008

Date: 26/11/2008

In the matter of Shri. S.K.Dharane

- Complainant

V/S

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

- Opponent

Corum

Chair Person

Mr. A.V.Bhalerao

Member/Secretary,

Mr. D.K.Mane,

- 1 Shri.Dharane** (Complainant for short) obtained supply of electricity to his residential flat under Con.No. 160240187423/6. The bills for the month of June-05/August-05/Oct-05/Dec-05 were raised without reading the units recorded by the meter only on estimate. The bill for the month of Feb-05 was raised on the basis of reading recorded by the meter but without adjusting the amount paid of the bills raised on estimated basis. Again from Jan-07 till July 08 the bills were raised on the estimated basis without reading the meter. He was given a bill based on meter reading without explaining whether the amount paid by him of the estimated bills were adjusted or not. The complainant made a grievance to the Internal Grievance Redressal Cell (IGRC). and claimed compensation for 28 months for not raising bills on the basis

of meter reading. The IGRC did not give relief of adjustment of the amount paid by the complainant of the bill June-05/August-05/Oct-05/Dec-05 on the ground that during the period meter was defective and the bills raised on the estimated basis were for the units much below the average. The IGRC also refused to pay compensation claimed by the complainant for raising the bills for in all 28 months without reading the meter on the ground that when the bills were raised without reading the meter, the complainant ought to have raised objection, however such objection was never raised by him. Not being satisfied with the relief given by IGRC the complainant has made a grievance to this forum on 25/09/08 and claimed compensation for 28 month Rs. 5,600/-

- 2** After the grievance was registered a notice was served upon Maharashtra State Electricity Distribution Co. Ltd. (Opponent for short) The opponent filed its written statement contending that the old meter was replaced by meter No. 85238 on 14/12/05 as the old meter was faulty again in Jan-07 the meter No. 85238 was replaced with meter No. 11878 under the policy adopted by the opponent. It was further contended that whenever the bills were raised on the basis of meter reading, the amount paid of the electricity charges for the units claimed on assumed basis were adjusted. The supply of the electricity to the complainant's premises was never cut off and he was not put to

any inconvenience and therefore he was not entitled to any compensation. On rival contentions, raised by parties to the grievance, following points arise for consideration.

1- Is complainant entitled to adjust the amount paid by him of the estimated bill for the month of June-05/August-05/Oct-05/Dec-05?

2- Is complainant entitled to claim compensation for not issuing the bills on the basis of actual meter reading?

If yes for how many months and for what quantum?

Point No.1 is answered in the negative and point No.2 as per final order for the reasons given below.

REASONS

3 Point No.1- The opponent has produced Consumer's Personal Ledger (CPL) of the complainant. From the said CPL it is seen that for June-05/August-05/Oct-05/Dec-05 by-monthly bills were raised on estimated basis holding 32 units per bill. The old meter was replaced with a new meter bearing No. 85238 in the month of Dec-05. The by-monthly bills June-05/August-05/Oct-05/Dec-05 were raised on estimated basis not because meter was not accessible but those bills were raised according to the opponent as the meter was defective. Which appears to be true as in the month of Dec-05 the

old meter was replaced with new meter bearing No.85328. When the bill was raised for the month of Feb-06 on the basis of reading recorded by new meter it did not include the units consumed during the period June-05/August-05/Oct-05/Dec-05 and therefore there was no question of adjustment of the amount paid for the estimated units. The question of adjustment would have arisen if while raising the bill for the month of Feb-06 the units consumed during June-05 to Dec-05 had been included but the bill for the month of Feb-06 was raised only for the units consumed during the months of Jan-06 & Feb-06 by the new replace meter.

- 4** In case of defective meter either opponent or complainant had right to adjust the bill for the maximum period of 3 months prior to the months in which the dispute arose in accordance to the results of the test taken subject to furnishing the test report of the meter alongwith the assessment bill under Reg.15.4.1 of Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Other Conditions of Supply) Regulations-2005(MERC ESC Reg.2005). The opponent in this case after replacing the old defective meter did not make any adjustment. The complainant also did not claim the relief of adjustment of the bills for a period of 3 months prior to the month in which the defective meter was replaced. What ever may be reason if the complainant wanted the

adjustment of the amount he had paid of the bills June-05/August-05/Oct-05/Dec-05 he had a cause of action in the month of Feb-06 when the bill was given to him without making adjustment of the charges of the estimated units shown in the bills which were raised from June-05 to Dec-05. The grievance made by the complainant on 25/09/08 is not within 2 years from Feb-06 in which month the complainant had cause of action to claim adjustment the said relief is thus barred by time under Reg.6.6 of Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations,2005 (MERC CGRF Reg.2006)

- 5 Point No.2** From the complainant's CPL, it is clear that from Jan-07 to June-08 the bills have been raised without reading the consumer's meter on estimated basis. Under Reg.12 of Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees , period for Giving Supply and Determination of compensation) Regulation 2005 (MERC SOP Reg.2005) The opponent is duty bound to pay compensation determined by the commission in Appendix "A" to this regulation if it fails to meet the standard of performance specified in these regulations. At Sr.No.7 in Appendix "A". the opponent is required to issue the bill once in every two months on reading the consumer's meter. If it fails in discharging this duty it is liable to pay the

compensation at the rate of Rs. 200/- PM. or part thereof beyond the first months of delay. The opponent cannot avoid to pay such compensation to the complainant on the ground that he did not make any representation for not getting the bills on the basis of meter reading during the period for which the bills were raised on the estimated basis without reading his meter. If the meter is not accessible then opponent can raise estimated bills and adjust their amount after reading is taken during the subsequent billing period. Under Reg. 15.3.1 of Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Other Conditions of Supply) Regulation 2005 (MERC ESC Reg.2005) If the meter remains inaccessible after two consecutive efforts to effect a meter reading the consumer has to be served with a notice of not less than 7 clear working days to keep open the premises for taking the meter reading on the days stated in the notice. In the instant case the opponent has not given any reason for raising the bills from Jan-07 to June-08 without reading the complainants meter . It is also not the case of the opponent that it had given any notice to the complainant to keep his premises open to read his meter. The opponent failed to meet the standard of performance specified under MERC SOP Reg.2005 of reading the consumer's meter once in every two months during the period from Jan-07 to June-08

which period is of in all 18 months. The complainant's CPL shows that when bill was raised in the month of July-08 after reading the complainant's meter credit of Rs. 15,311.57 was given for the electricity charges of the units shown on estimated basis during the period from Jan-07 to June-08, however, the compensation as prescribed under Appendix "A" MERC SOP Reg.2005 was not paid As provided at Sr.No.7 of the said Appendix "A". The complainant is entitled to the compensation for 15 months at the rate of Rs. 200/- per months which comes to Rs. 3,000/- In all for 18 months the bills were raised without reading the complainant's meter the opponent is required to read the meter once in two months and compensation is to be paid beyond the first months of delay and therefore 15 months are taken for assessing the compensation .

The complainant can not claim compensation for not raising the bill for the period June-05 to Dec-05 on the basis of actual meter reading because he did not claim it within 60 days from Feb-06 when the bill was given to him on the basis of the units recorded by the meter as provided in the IIIrd proviso to Reg.12.2 of MERC SOP Reg.2005 which reads as follows.

" Provided also that no claim for compensation shall be entertained if the same is filed later than a period of sixty days

from the date of rectification of the deficiency in performance standard" .Hence the order.

ORDER

The opponent to pay the amount of Rs. Three thousand (Rs. 3,000/-) to the complainant as compensation by adjusting it in the complainant's bill issued subsequently to the date of this order.

The opponent to report the compliance of this order to the forum on or before 30 Dec-2008.

Sign:

Mr.D.K.Mane,
Member/Secretary

Mr. A.V. Bhalerao
Chair Person

Date: 26/11/2008