

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

**Case No.22 of 2008**

**Date: 21/12/2008**

**In the matter of Mr. S.K Pawar**

**- Complainant**

**V/S**

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

**- Opponent**

**Corum**

Chair Person

Mr. A.V.Bhalerao

Member/Secretary,

Mr. D.K.Mane,

Member,

Mr. T.D. Pore

- 1 Shri.S.K. Pawar (Complainant for short) is a consumer who gets supply of electricity to his premises for residential use from Maharashtra State Electricity Distribution Co. Ltd. (Opponent for short). His case in brief is that for the month of Nov-1996, Jan, Aug. Dec-1998 Feb, Aug.1999, May, Nov-04 till Oct-08, he received the bills on assumed basis without reading the meter. He received a bill in the month of Feb-08 for the total units consumed 3058 amounting to Rs. 14,420/- Again in the month of May-08 a bill for amount of Rs. 36,716/- was received showing the total units consumed as 3836. The complainant has claimed compensation Rs. 9,200/- for not reading his meter for a total period of 46 months, he also claimed that the amount which he had paid of the assumed units should be refunded to him and recovery of the arrears be restricted only to a period of 2 years.
- 2 The opponent filed its say and contended that the revised bill in the month of Feb-08 has already been given to the complainant adjusting the amounts, which he had paid of the assumed units. It was contended that the complainant is not entitled to compensation for not reading the meter

as a the claim was not made by him within sixty days after the bill was given to him on the basis of reading shown by his meter.

3 On the date of the hearing the complainant and his representative remained present. The complainant disputed the bill amount of the bill issued for the month of Feb-08 and also the amount of the bill Rs. 36,716/- that was issued in the month of May-08. He claimed compensation, as the bills were not issued to him continuously for the period of 46 months based on meter reading. On behalf of the opponent its Dy.E.E. Shri. Kulkarni argued the case contending that the bill based up on the meter reading was given last in the month of Feb-08. If the complainant wanted to claim compensation for not issuing the bill based on meter reading he ought to have claimed it within 60 days from the date when bill was issued based on meter reading. As the complainant first claimed compensation by making grievance to the Internal Grievance Redressal Cell (IGRC) on 16 Sept-2008 which was not within 60 days from the month of Feb-2008 in which the bill based on meter reading was issued, his claim for compensation should be treated as barred by time. Shri. Kulkarni , Dy.E.E. Produced Consumer Personal Ledger (CPL) of the complainant up to June-08. Shri.Kulkarni ,Dy.E.E. was shown as to how mistakes were committed in showing the consumption of the units consumed post Feb-08 . On releasing that in fact mistakes were committed in preparing the bill post Feb-08 he willingly showed readiness to correct the bill. On rival contentions raised following points arise for consideration.

1:- Is complainant entitled to compensation for not reading the meter at least once in two month?

If yes, for how many months and what should be quantum?

2:- Does complainant prove that billing is made for the excess amount? If yes, what is the correct amount due.

3:- The above points are answered as per final order.

### **REASON**

4 POINT NO.1: - The complainant has claimed compensation for not reading his meter as provided in Appendix-"A" Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, period for Giving Supply and Determination of compensation) Regulation 2005 (MERC SOP Reg.2005). From the CPL of the complainant, it is seen that, in the month of Jan-05 removing the old meter, a new meter bearing No. 56827 was installed. From Jan-05, the month in which new meter was installed, bills were issued upto Feb-08 without reading the meter. The complainant did not raise any dispute about the amounts of bills which were issued from time to time though the bills were issued without reading the meter obviously because each time he was getting the bill for less units than actually what he was using. He did never raise the dispute that new meter bearing No. 56827 installed was defective he disputed the bill Feb-08 as it was for huge amount Rs. 14,420/- as compare to his previous bills. It is interesting to note that before Feb-08 for a long period he was receiving the bills for credit amount. The opponent has produced a meter change report, which shows that on 25/02/08 when meter 56827 was replaced the reading recorded by it was 3147. Deducting the initial reading 89 from the last reading 3147 the bill was issued for total consumption of unit 3058, these units for which bill was issued in the month of Feb-08 was for the units consumed right from Jan-05 spread over nearly 38 months. Whatever units were shown on assumed basis during the said period were accounted for and credit of the charges for those units was given while arriving the amount of net bill for the month of Feb-08. The complainant could have claimed compensation for not issuing the bills based on meter reading if not for a period of 38 months at least for 24 months which would have been within time prescribed under Reg. 6.6 of Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations-206 (MERC CGRF Reg-2006) however, IIIrd proviso to Reg. 12.2 of MERC SOP Reg. 2005 lays down a further condition 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”

After the bill based on meter reading was issued in the month of Feb-08, the complainant claimed compensation first by making grievance to IGRC on 16/09/08, which is not within 60 days from the month of Feb-08 in which rectification of deficiency in performance standard was made by issuing a bill based on meter reading. The complainant therefore is not entitled to any compensation for not issuing the bill based on meter reading for any period preceding Feb-08. However, from the CPL of the complainant it is seen that after the meter No.56867 was replaced with other meter No. 11200942, the bills have not been raised up to Oct-08 based on meter readings. Appendix-“A” of the regulation at Sr.No.7 provides that reading of the consumer’s meter should be recorded once in every two months and if the licensee fails to record it the licensee should pay compensation at rate of Rs. 200/- per month or part thereof beyond the first month of the delay. The opponent is now issuing the bill based on meter reading in the month of Dec-08. Since for 9 months the bills were not raised based on meter reading though the standard of performance requires to issue the bills based on meter reading once in every two months the opponent is liable to pay the compensation as provided in the Appendix “A” at Sr.No.7 at the rate of Rs.200/- per month or part thereof beyond the first month of delay. Excluding two months and one month beyond the first months of delay, the opponent is liable to pay the compensation at the rate of Rs. 200/- for a period of six months, which comes to Rs.1200/-

**5 POINT NO.2:** As has already been discussed above the amount of Rs. 14,220 + D.P.C. 295.06 equal to 14,715.29 is correctly claimed and there is no scope to challenge it, the said amount claimed is from Jan-05 onwards. It has been argued by the complainant that part of the amount claimed under the bill Feb-08 is barred by time as the licensee under Sect- 56 (2) of the Elect. Act-2003 has to recover it within 2 years from the date when such sum becomes first due. From Jan-05 to Feb-08 the opponent did not claim the amount of the actual units consumed. All the bills issued in between the period were on assumed basis without recording the units consumed. The amount was first claimed in the month of Feb-08. If at all limitation of 2 years is to start, if it is from Feb-08 and not from Jan-05 in view of a decision in writ petition No.264 of 2006 Brihanmumbai municipal Corporation VS Yatish Sharma decided on 18 Jan-2007 by Hon. Justic Dr.D.Y.Chandrachud in which it is observed " Though the liability of consumer arises or is occasioned by the consumption of electricity, the payment falls due only upon the service of a bill. Thus, for the purposes of sub section (1) and sub section (2) of section 56, a sum can be regarded as due from the consumer only after a bill on account of the electricity charges is served upon him".

**6** After the new meter was installed in the month of March-08 the bills have not been raised based on actual units consumed recorded by the meter till Oct-08 which is clear from entries in the CPL. The units for which charges are claimed from March-08 to Oct-08 are arbitrarily taken. The Dy.E.E. Kulkarni fairly admitted that the No. of units shown in CPL are wrong and he would correct it. Meter No.11200942 which was installed on 25/02/08 was again replaced in the month of July-08 the endorsement to that effect is made in the CPL in the month of July-08, however, meter No. has not been changed in the C.P.L. The meter installed in the month of July-08 bears a No. 6802589. For the month of March-08, April-08, May-08, the units consumed are shown 436,436 and 3836 respectively. During that period the meter No. 11200942 did not record the units consumed. The Dy.E.E. while correcting the bill has taken units consumed as 112 units for

each month instead of 436 & 3836. The units 112 per month is an average taken on the basis of units 3145 consumed over 38 months from Jan-05 to Feb-08 which is 83 units and the average taken on the basis of units 1017 consumed over 6 months from July-08 to Dec-08 which is 170 units. The EX.Engr. taking in to consideration the No. of units which were wrongly charged and amounts which has been paid by the complainant after dFeb-08 prepared the bill which comes Rs. 8,800/- The Dy Ex. Engr. has given the details of the calculations the summery of which is as follows.

Description	Total in Rs.
Bill upto May-08	36,716.29
Excess unit charged 3500*	- 23,782.36
Sub Total	12,933.93
Units from June-08 to Nove-08 1017	+ 4,248.59
Sub Total	17,182.52
Amount paid by consumer from May-08	- 8,380.00
Total	8,802.52
Rounded to	8,800.00

(\*) 3836 ----- units charged wrongly for the month of May-08  
 - 336 ----- units actually consumed at the rate 112 units per  
 months for month of March, April,May-2008  
 -----  
 3500

The complainant is liable to pay the amount of Rs. 8,800/- as the amount of net bill by the end of Nov-2008.

## ORDER

- a. The complainant is directed to pay as the amount of net bill Rs. 8,800/- for the period by the end of Nov-08. The opponent to issue the bill accordingly.
- b. The opponent do pay the amount Rs. 1200/- by way of compensation for not issuing the bill based on meter reading by adjusting the said amount in the next ensuing bill.
- c. The opponent is directed to report the compliance of this order on or before 05/01/2009.

Mr. D.K.Mane,  
Member/Secretary

Mr. T.D.Pore,  
Member

Mr. A.V. Bhalerao  
Chair Person

Date: 29/12/2008