

**Maharashtra State Electricity Distribution Co. Ltd.'s
Consumer Grievance Redresses Forum
Nagpur Zone, Nagpur**

Case No. CGRF (NZ)/121/2017

Applicant : Shri Mohd Shafi Ahmmad Miya,
Mohd Ali Sarai Mominpura,
Nagpur

Non-applicant : Nodal Officer,
The Superintending Engineer,
(D/F), NUC MSEDCL.
Nagpur

Applicant: - Shri Qazi Faizuddin

Non- applicant: - 1) Shri Vairagade EE, Nodal Office, Nagpur
2) Shri. Dahasahastra, SNDL, Nagpur

Quorum Present: - 1) Shri Vishnu S. Bute,
Chairman.
2) Shri N.V.Bansod,
Member
3) Mrs. V.N.Parihar,
Member Secretary.

ORDER PASSED ON 15.03.2018.

1. The applicant filed present grievance application before this Forum on 29.12.2017 under the provisions of Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as, said Regulations).
2. Non applicant, denied applicant's case by filing reply dated 22.01.2018.

3. Forum heard arguments of both the sides and perused the record.
4. An Applicant Shri Mohd Shafi Ahmmad Miya, with consumer no. 410010877052 has submitted his grievance application stating that his both the meters Sr. No. G1086942 & Sr. No. 15066216 has been declared faulty in the lab testing. But, his disputed bills have not been revised hence requested this forum for appropriate revision of the bills from Aug-2017 till the date of replacement of the meter.
5. As per IGRC order dt.23.12.2017, Since lab testing reports declared both the meters i.e. Sr. No. G1086942 & Sr. No. 15066216 the disputed bills need to be revised. Now as per the CPL, the previous consumption pattern of previous year i.e. 2016 is not available due to non-use of premises, the disputed bill has to be revised on the basis of new meter consumption which is 170 units per month. hence directed as below,
 1. Revise the bills from Jun-2017 to Dec-2017 considering the monthly average consumption of 170 units and give credit of balance units in the ensuing bill of the applicant.
 2. Any proposed credit note shall be cancelled.
6. Feeling aggrieved by IGRC order, applicant approached this Forum and requested to further consider revision of 170 units considering his connected load.
7. During the hearing, non-applicant files on record a statement saying that during disputed period the said premises was given on rent by applicant. The non-applicant

therefore requested that the grievance application of the applicant deserves to be rejected and prayed the forum to dismiss the grievance application.

8. After the hearing was over the case was discussed among the Members of the Forum. There is a difference of opinion amongst the Chairman, Member Secretary and Member CPO. Therefore Member CPO gave a dissenting note which is as under.

9. Note by Member (CPO) Mr. N. V. Bansod in Case No. 121/2017 dated 16-03-2018.

Applicant filed the grievance on 29-12-2017. Arguments heard on 14-3-2018 and perused all the papers on record.

(1) It is an admitted fact that applicant is the consumer of Non applicant having commercial consumer No. 410010877052 in a tin shed having. 1 Fan, 1 Tubelight, 1 CFL. The grievance of applicant is, there was nominal use or no use and received excessive bills in June 2017 to Dec.2017. The meter No. G1086942 & meter No. 15066216 has been declared faulty in the lab testing and need to be revised.

(2) IGRC in their order dated 23-12-2017 observed that both meters has been declared faulty, the disputed bills need to be revised. As per CPL, the previous consumption pattern of previous year i.e. 2016 is not available due to non use of premises & disputed bill has to be revised on basis of New meter consumption i.e. 170 Units per month. IGRC directed to revise the bill from June 2017 to Dec 2017 considering monthly average of 170 units and give credit of balance units in the ensuing bill and applicant is not agreeable to the order of IGRC.

(3) Non applicant admitted the above facts and stated the bill was revised as per IGRC order and bill is corrected in Jan. 2018 by giving credit of Rs.72297/90.

The applicant requested to reduce the electricity bill further.

(4) Non Applicant did not stated in reply that Applicant's premises was rented till Nov. 2017 (Commercial shop four wheeler A/c. repairing shop) and filed the communication dated 13-3-2018, from some staff to support his say in arguments after 2 months of reply dated 22-1-2018. As per spot inspection dated 24-1-2018, they noted use of 1 Fan, 1 CFL, 1 Tubelight and 1 Cooler but no load is mentioned.

I am of the firm opinion that in the absence of any proof of tenancy or panchnma etc, the contention of Non Applicant that applicant rented till Nov. 2017 (Commercial shop four wheeler A/c. repairing shop) is baseless and deserves to be discarded, as applicant during arguments emphasized that Applicant did not rented the small tin shed at all. As per spot inspection dated 24-1-2018 also does not indicate that any 4 wheeler A/c. repairing instruments or spares or scraped material was found.

So far as the "Cooler" is concerned that also does not support submission because June 2017 to Dec. 2017 is rainy & winter season and its use is out of context.

(5) Non Applicant was directed by forum to provide soft copy of meter reading from Jan.15 to Jan.18 as per order of forum on 14-1-2018 but reading is not visible. Hence it is clear that the meter from Jan.2015 was faulty & not recording consumption which supports the submission of Applicant that the meter was not in use or nominal use.

(6) As per order sheet, soft copy of meter reading since Jan.2015 to Jan.2018 was directed by forum to produce but as per communication of Non Applicant dated 23-1-2018, photo image of the meter reading from March 2017 to Jan. 2018 was asked, this shows deliberate deviation of orders direction of the forum to conceal the facts which is not permissible in quasi Judicial proceeding and supports non use contention of Applicant.

(7) Section 55(1) of the Electricity Act.2003 is as under.

No licensee shall supply electricity, after the expiry of two years from the appointed date, except through installation of a correct meter in accordance with regulations to be made in this behalf by the authority.

Hence Non Applicant totally failed to install correct meters for 2 occasions which is negligence & deficiency in service.

(8) First meter testing date is 7-8-2017 (Meter No. G1086942) & Second meter testing on 15-11-2017 (meter No. 15066216) and both meters were declared faulty and this case comes under MERC (E.S.C. & other conditions of supply). Regulations 2005 i.e. Reg. 15.4.1.

(A) IGRC in their order directed to revise the bill from June 2017 to Dec. 2017 considering monthly average of 170 units on the basis of new meter consumption which is 170 Units per month.

Dispute is regarding bill from June 17 to Dec 2017. In Jan.2018 consumption is Zero and hence unable to understand that from where new consumption 170 Units P.M. is taken by IGRC and revision was directed.

(B) Provisio of Regulation 15.4.1 is as under.

“Provided further that, in case meter has stopped recording, the consumer will be billed for the period for which the meter has stopped recording, upto a maximum period of 3 months based on the average metered consumption for 12 months immediately preceeding the 3 months prior to the month in which billing is contemplated.

(C) Order of IGRC is contrary to the provisio of Reg. 15.4.1 i.e. average of 12 months immediately preceeding 3 months and direction on basis of New meter consumption is not permission under law.

- As per CPL consumption from June 2016 to June 2017 is 7,19,8,9,10,32,33,34,3,13,14,7 = Total Units 211. $(211 \div 13) = 17$ Units
- Average monthly consumption is 17 units and cannot be 170 Units.
- “As per” एक महिण्याचे वीज वापर कोष्टक Published by Non Applicant available in forum.

Fan-48' – 50 Wats - 10 hours - for 25 days - 12.5 Units.

Tube light 40 Wats - 10 hours - for 25 days - 10.00Units.

CFL – 1 7 Wats 1.00 Units.

23.50 Units per month.

The Electricity Ombudsman in representation No. 81/2014 dated 23-12-2014. Mohan Murli Maganlal Amesar V/S S.E. MSEDCL laid the ratio as under.

Connected load mentioned in the electricity bill of the appellant will have to be taken in to consideration. The monthly consumption would come.

The instructions can be given for the spot inspection report should show the connected load and it should be signed by Technical person/Engineer only.

In this case connected load as per spot inspection is 0.097 KW.

$0.097 \text{ KW} \times 10 \text{ hours} \times 25 \text{ days} = 24.25 \text{ Units Per Month (Approximately)}$

2nd & 3rd calculations also correlate to proximity of 17 Units in broader sense as per provisio of above regulation.

(D) It is undisputed fact that Non Applicant has given credit of Rs.72297.90 ps. as per order of IGRC & Applicant paid Rs.7000/- during the period & Non Applicant submitted that Rs.15000/- is balance. In view of the above observations. Non Applicant is deserves to be directed to correct the bill as per above provisio Regulation 15.4.1 and on basis of average of 17 units per month from June 17 to dec.2017 and further give credit to his bills and order of IGRC to that extend deserves to quash & set aside.

Hence the application is deserves to be allowed.

ORDER

- 1) Non Applicant is directed to further revise the bill on the basis of average 17 Units per month from June 2017 to Dec.2017 give credit of balance units in the ensuing bills of the applicant.

- 2) Non Applicant is also directed to appropriate Rs.7000/- paid by Applicant if it is excess than the bill, then refund the balance amount with interest at bank rate as per Section 62 (6) of the Electricity Act.
- 3) The order of IGRC is quashed & set aside.
- 4) The compliance of this order shall be done within 30 days from the date of this order.

Naresh Bansod
Member (CPO)

10. The Member CPO stated that the bills should be revised presuming the average consumption of 17 Units per month for the period from June 2017 to Dec. 2017.

We disagree with the member for two reasons. Firstly the applicant took two meters in the said premises. The applicant did not inform the non applicant any time/anyway that he had stopped the electricity consumption totally. Secondly he did not raise any point raised by the member anyway. Naturally the non applicant has no opportunity to give their say anyway. So passing any order in this regard will cause injustice to the non applicant.

11. We have perused the record. We have heard the arguments of the parties.

The applicant was having two electricity meters in the premises. As is seen from the record both the meters were declared as faulty. As per the IGRC since the consumption pattern of the previous years was not available, the consumption of the subsequent meter was taken as base. It was 170 units per month. The bills of the disputed period were revised on this basis. We think the action of the IGRC is just and proper. So it is hereby confirmed.

12. As per the provisions of Regulation 8.1 of the MERC (CGRF & E.O.) Regulations 2006 the Forum has to take a decision by majority of votes of the members of the Forum. In this case in hand we record our decision by majority of votes.

13. In view of the position discussed above we pass the following order by majority.

ORDER

- i. Application no.121/2018 is hereby dismissed.
- ii. No order as to cost.

Sd/-
(N.V. Bansod)
MEMBER

Sd/-
(Mrs.V.N.Parihar),
MEMBER SECRETARY

Sd/-
Vishnu S. Bute,
Chairman