

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

Case No. CGRF(NZ)/17/2018

Applicant : Shri Jasbir Singh Gurumukh Singh Matharu,
H. No. 402, Plot No. 1053,
Budh Nagar, Unit No. 2,
Nagpur-440017.

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

Applicant represented by : 1) Shri. Jasbir Singh Gurumukh Singh Matharu,
Non-applicant represented by: 1) Smt. Manchalwar, L.D.C., MSEDCL.
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 02.05.2018

Shri Jasbirsingh Gurumukhsingh Matharu, the applicant presented this application feeling aggrieved by the order passed by the IGRC – SNDL in case no. 67/2018 on 26-02-2018. According to the applicant the bill given by the SNDL, the respondent for the month July 2017 is improper and excessive.

The applicant was heard on 4-4-2018. He repeated the same facts submitted before the IGRC.

After the hearing was over the case was discussed among the members of the forum. The Chairperson and the Member Secretary were of the opinion that the order of the IGRC is just and proper. However the Member(CPO) disagreed to this. So he was requested to give a dissenting note. It reads as under.

I heard the arguments of both the parties and perused all the papers on record including CPL of consumer.

- (1) It is an admitted fact that applicant is the consumer of non applicant having consumer No. 410018167836 and as per CPL regularly paid the bills till June 2017 on 6-6-2017 and dispute arose on receipt of the bill in the month of July 2017 i.e. for 2162 Units.
- (2) It is an undisputed fact that applicant made various attempts on 7-7-2017, 23-8-2017, 27-10-2017 & 26-02-2018 to appraise the non applicant to redress his grievance of excessive billing. As per applicant bill before July 2017 & afterwards also bills were normal commensurate with the connected load.
- (3) Non applicant stated that the meter was tested on 11-12-2017 and it was OK within permissible limits. Non applicant further said status of meter was Inaccessible in April, May June 2017 and average 256 Units are charged for 4 months and billing of average units amount Rs.4762.13 ps. Was reduced and bill for 19218.42 ps. Was given with arrears of Rs.2173.88 ps.

(4) Non applicant in his reply failed to comment on complaint that applicant deposited Rs.150/- for testing of meter on 24-8-2017 and meter was replaced on 2-9-2017 and no meter testing report is available for our perusal. Original meter No. was 65/1068240 and Sept.2017 changed meter No. is 65/G1057762.

Non applicant is further salient on complaint that he deposited Rs.177/- on 30-10-2017. On perusal of meter Testing report dated 15-12-2017 of meter No. 65/1068240 tested on 11-12-2017, It creates suspicion on working of non applicant that when applicant paid for testing Rs.150/- & Rs.177/- on 24-8-2017 & 30-10-2017 why the meter was tested on 11-12-2017 late by 42 days on 2nd occasion and where is test report of testing on 2-9-2017.

(5) On perusal of CPL for April 2017 to June 2017, meter status is Inaccessible and charged on average units 256 for April to June 2017. This remark is absolutely false, baseless as meter was accessible before April 2017 and after June 2017 and it is in the front of the house.

It is necessary to mention that procedure in the absence of meter reading is given in 15.3 & 15.3.2 of MERC (E.S.Code) Regulations 2005 and non applicant violated the regulations which is unfair trade practice on their part.

(6) The average consumption form Jan 2015 onwards are as under as per CPL.

Jan-15	to	June-2015	-	163 Units
July-	to	Dec-2015	-	175 Units
Jan	to	June-2016	-	205 Units
July	to	Dec-2016	-	252 Units
Jan-17	to	March-17	-	256 Units and April,May,June 2017 average charged 256 Units per month.
Aug-17	to	March-18	-	272 Units

On perusal of consumption from Jan 2015 till Dec 2016 the average consumption is below 256 units and after Aug-2017 to March-2018, average is 272 units. Hence the consumption in July 2017 i.e. 2162 is highly excessive and it is a case of jumping of meter due to jerking of excessive current in the meter in the month of July 2017.

(7) It is necessary to mention that this Forum (Member(CPO) & Technical Member/Member Secretary)” in case No. 47/2016 & Case No. 69/2016 in identical situation was before the forum in which concerned.

“In Case No. 47/2016 & Case No.69/2016 identical situation was before the forum in which concerned engineers agreed with the facts and such type of situation of sudden spurt or rise in current may results in shooting up of reading of meter and this is acceptable technical fault of meter shoot up and subsequently its getting restored. It can happen in any meter but in the present meter also this seems to have happened but it does not get restored. Shortly & repeated instances are noticed.

(6) During the arguments in the forum, the technical query was raised, the non applicant i.e. Mr. Talewar, Executive Engineer as well as Mr. Madane, Dy.Executive Engineer, both of them in reply stated that, such type of situation of sudden spurt or rise in current may results in shootingup of reading of meter and this is acceptable technical fault of meter shoot up and subsequently its getting restored and can not be detected in meter testing of single phase meter excepting in three phase meter by way of MRI data. It can happened in any meter but in the present meter also this seems to have happened but it does not gets restored.

Case No.47/2016 para-(7) decided by Member Secretary & Member(CPO) It is observed by the forum that corum of IGRC seems to have overlooked pertinent facts such as meter getting shoot up, the spot inspection of small puncture repair shop by non-applicant & usage of electricity in this small puncture repairing shop having negligible load of few HP as well as its factual working hours. Hence the observation & findings as well as order of IGRC is deserved to be quashed & set aside.

(8) During the argument and discussion non-applicant accepted the current position of the applicant and also accepted the load stated by them in the reply and the normal consumption of applicant always below 30 units per month.

(9) In view of the above factual position & spot inspection by non-applicant, forum is of firm opinion that sudden rise of unit consumption in meter in the month of Dec-15 is due to meter shoot up and being a technical fault applicant is not responsible for meter shoot up in reading and its payments. Therefore, forum is of the view that non-applicant shall issue revise bill for the period November-2015 onwards on the basis of average last 12 months without DPC and interest and same is consented by non-applicant to revise the bill if it is ordered by the forum.

7) In an identical Case No 69/2016, to the present Case in hand having forum of chairperson, (Mr. Patil), Present Technical Member Secretary & Member (CPO) observed as under,

Case No.69/2016 para-(7) During the arguments in the forum, the technical query was raised by the forum to non-applicants i.e. Mr.Talewar, Executive Engineer as well as Mr.Madane, Dy.Executive Engineer, both of them in reply stated that, such type of situation of sudden spurt or rise in current may results in shooting up of reading of meter and this is acceptable technical fault of meter shoot up and subsequently meter getting restored. It can happened in any meter but in the present meter also this seems to have happened but it does not get restored

(8) It is observed that quorum of IIGRC consists of Technical Engineer seems to have overlooked pertinent facts of such a situation wherein meter reading is shootup due to Jerk in excessive current, get restored subsequently and looking to the average consumption from Jan 2015 to March 2018 Excluding July 2017 in the case of meter shootup and IGRC order is baseless and deserves to quash.

(9) In view of the factual position, I am of the firm opinion that sudden spurt in consumption in meter in July 2017 is due to Jerk in current i.e. meter shoot up and being a technical fault applicant is not responsible for the spurt reading & its payment" both above order of the forum were complied by MSEDCL and now present technical member or non applicant can not take any other stand in identical situation.

I am of the view that consumption for July 2017 shall be assessed on average consumption for August 2017 to March 2018 i.e. 272 without interest & DPC and bill for 2162 units deserves to be quash & set aside.

(10) The application deserves to be allowed.

ORDER

1. Non applicant is directed to cancel the bill for July 2017 for 2162 Units and further Directed to issue revised bill on the basis of average from August 2017 to March 2018 i.e. 272 Units without interest & DPC within 30 days from the date of order.
2. Order of IGRC is quashed & set aside.

Naresh Bansod
Member (CPO)

The note given by the Cd. Member is put on record. In absence of any cogent and reliable evidence we are not inclined to accept the proposal of the Ld. Member.

We have perused the record. It reveals that the meter installed at the residence of the applicant was inaccessible in the month of April 17, May 17 and June 17. So the bills were given on average basis. He was given a bill as per actual meter reading in July 17. The applicant submitted a complaint to the respondent. So the meter installed at his residence was tested. The meter testing report is on record. The meter was found to be O.K. In such situation, we are of the opinion that the order of the IGRC is proper.

So we pass the following order by majority.

ORDER

- 1) Application no. 17/2018 is hereby dismissed.

Sd/-
N.V. Bansod
MEMBER

Sd/-
Mrs.V.N.Parihar
MEMBER SECRETARY

Sd/-
Vishnu S. Bute,
Chairman