

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

---

**Case No. CGRF(NZ)/08/2018**

Applicant : Shri Mohd. Akbar Abdul Rehman Akbani,  
35/28, Maa Umiya,  
Industrial State, Kapsi (BZ),  
Pin – 441104.

Non-applicant : Nodal Officer,  
The Superintending Engineer  
N.R.C., MSEDCL,  
Nagpur.

---

Applicant represented by : 1) Shri S. P. Banait,

Non-applicant represented by: 1) Shri Gotmare, Exe.Engineer, MSEDCL.  
2) Shri Praful Vaidya, Dy.Ex.Engr, MSEDCL.

---

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

---

**ORDER PASSED ON 07-05-2018**

1) The applicant filed this grievance application feeling aggrieved by the order passed by the IGRC, Nagpur Rural Circle in Case No. 49 of 2017-18 on 24-01-2018. It is the contention of the applicant that the order of IGRC is without appreciation of facts, tariff classification, provisions of E.S. Code. So he approached this Forum under the provisions of Regulation 6.4 of the MERC (CGRF & EO) Regulations 2006.

2) A notice was given to the respondent / Non applicant on 16-2-2018 with direction to file reply on or before 5-3-2018. The reply was filed on 18-4-2018 and same was handed over to applicant on 19-4-2018. The case was heard on 5-5-2018.

3) Applicant is the consumer of MSEDCL as industrial Unit having connected load of 70 HP, however one 50 HP motor is used once in a week and average consumption is about 1000 to 1100 Units p.m. Applicant noticed that display of the meter disappeared for 2-3 days in August 2017. Same was intimated to MSEDCL (Mouda) on 8-9-2017.

4) Applicant stated that in August 2017 the meter reading is shown as 571150. In earlier month it was 202722. Thus recorded consumption of 368428 Units which is 340 times of his Average consumption.

The bill for Sept. 2017 was issued for 5087 Units even though consumption shown as per reading was 3477 Units. Applicant requested on 17-11-2017 permitting to pay current bill of Rs.46439/- till the dispute of abnormal bill of August 2017 is resolved, but there was no result. On 17-11-2017 he informed about voltage fluctuation in factory and meter was running fast but no action was taken by MSEDCL.

5) Applicant filed grievance application to IGRC on 19-12-2017 with specific request to MSEDCL, not to disconnect. But Non applicant served disconnection notice on 6-12-2017 in spite of request to allow payment of the current bill. IGRC on 24-1-2018, failed to provide remedy but directed to initiate action against defaulter agency & handed over the meter testing report to applicant. Non applicant has not taken any action against the Agency and also failed to provide meter testing report of old meter & MRI report ignoring instructions of SE. The applicant also requested for

NRC & CPL for March 2016 to Dec. 2017 vide application 29-1-2018, 6-2-2018 as well as Xerox of meter reading. Applicant's supply was disconnected & factory has no power since 23-12-2017.

6) Applicant said in Para 2 of IGRC order clearly indicate, the fact, that as per test report of secure lab, the display component of meter was faulty and final reading of meter was 754295 kwh. Bill for August is issued for 368428 Units which is 340 times of Average consumption of 1000 to 1100 Unit p.m. The meter jumped from 202722 to 571150. The non applicant did not give meter testing report. Again in month of Sept. 2017, meter Jumped from 571150 to 754295 recording the consumption of 183145 Units which is abnormal in two consecutive months. This clearly indicate that the meter was faulty. Secure company's test report also confirms that meter reading display counter was faulty, means meter was faulty. As per applicant it is case of defective meter, covered under Regulation 15.4 of MERC (ESC) Regulation 2005 i.e. Billing in the event of defective meter.

7) Applicant prayed for compensation for loss of production & harassment to the applicant @ Rs.5000/- per day for entire period of wrongful disconnection. He also requested to reconnect supply after payment of current bills for Sept. to Dec.2017. He also requested refund cost of meter since meter was faulty and cost cannot be recovered after replacement of faulty meter.

8) Non applicant's submission is more or less same as it was before IGRC.

9) We heard the arguments of both the parties and perused all the papers on record on 5-5-2018.

10) Applicant by written notes of arguments stated that since July 2010 to August 2017, meters were changed as per CPL, as detailed below,

- (1) July 2010 to Oct. 2010 - MSP07099.
- (2) August 2011 - 53/04295511
- (3) July 2013 - 65/06259751
- (4) Nov. 2013 - 55/MSA 21679
- (5) Aug. 2017 - MSD 06228
- (6) 28-Sept. 2017 - 5803875 – Meter No.21679 replaced on 28.9.2017.

On perusal of Annexure 4 of Non applicant, it is clear that Meter No. 55/MSA 21679 was replaced on 28-9-2017. Meter at Sr. No.(5) – MSD 06228 was not shown as changed in CPL. Non applicant failed to give necessary explanation. Annexure '4' of Non applicant, clearly speaks that meter No. 21679 was replaced on 28-9-2017 for "meter not shown any reading. Meter faulty".

11) Non applicant during hearing put more stress on filing of Police complaint dated 19-01-2018 against Manager of, "Eklate agency and Kedos Computers, Nagpur as well as letter sent to agency on 13-10-2017, 9-11-2017 alleging as under, बरेच ग्राहकांचे रीडिंग घेण्यात येत नाही. मिटर फौलटी असून त्याचे रीडिंग आपल्या मर्जीने टाकण्यात येते व घाईने रीडिंग सुध्दा घेण्यात येते.

गेल्या तीन वर्षांपासून मीटरमध्ये असलेली रीडिंग न घेता आपल्या मनानी रीडिंग पंचीग करत गेले व आपल्या कंपनीच्या नियमानुसार दंडात्मक कार्यवाही व आपली एजन्सी बंद का करण्यात येवू नये याचा खुलासा ७ दिवसांच्या आत देण्यात यावा.

It appears that Non applicant has issued the letters to agency on 13-10-2017 and 9-11-2017 with specific allegations. But neither the acknowledgement of above letters nor any explanation of Agency or document of any action by Non applicant against agency is before us. Secondly non applicant failed to reply whether Police Station, Kalmana has registered FIR against agency for wrong noting of meter reading resulted in cheating.

12) Applicant vide letter dated 8-9-2017 (Annexure B) informed non applicant, that meter No. MSA 21679 is not showing reading for last 15 days, also requested for change of meter but non applicant failed to reply and no action was not taken.

13) Applicant vide letter dated 17-11-2017 (Annexure 'E') informed non applicant that meter was running extremely fast as well as voltage fluctuation was there resulting in losses and requested for setting of voltage. Non applicant in reply stated that 17-11-2017 च्या अर्जांनुसार Dy.E.E. & Asst.Engineer, Kapsi inspected the spot on 20-11-2017 but no voltage fluctuation was found on testing. Meter No. 5803875 of "genus co", "Meter is Running fast" is not proper..

Annexure 'E' is application dated 17-11-2017. It was acknowledged by non applicant by Receipt No. 2837 dated 24-11-2017. when Application itself was received on 24-11-2017 the statement of the non applicant that the spot inspection was done on 20.11.17 is not proper. The submission of non applicant, in reply, to para 5 and testing of meter No. 0503875 on 5-4-2018 behind the back of applicant is not reliable.

14) Applicant alleged in Para 3 that the bill for Sept. 2017 (Bill dated 12-10-2017 Annexure 'C') is issued for 5087 Units, although consumption was 3477. There was no satisfactory explanation from the non applicant.

15) Applicant requested Non applicant to provide meter testing report as per order of IGRC dated 24-1-2018, (Annexure 'I'). By an application dated 29-1-2018 he requested for testing report of old meter, his CPL till 2017, as well as copy of reading sheet of August 2017 (Annexure 'J'). The S.E. directed to give MRI report. Non applicant totally failed to submit specific reasons for non providing vital documents concerning Applicant's meter. Those were handed over to the applicant on 19-4-2018 at the time of hearing of the case on 19-4-2018 i.e. after 5 to 6 months of removal of meter.

15a) In the written notes of arguments at page 2

Annexure No. 20 page No. 3 –

File creation time – 24-11-2017 - 14.14.

Meter reading time – 11-10-2017 - 10.48.11

On the query of the applicant & the Forum, as to why file was created on 24-11-2017 and meter reading time is 11-10-2017, there was no explanation from the non applicant.

15b) When meter is faulty, MRI data of faulty meter cannot be relied upon.

Non applicant in reply as well as during hearing emphasized that it is a case of accumulated consumption of 368428 Units in Aug-2017 ( $571150 - 202722 = 368428$ ) and in Sept 2017 for 183145 Units ( $754295 - 571150 = 183145$ ).

If it is presumed that 368428 Units in the month of August 2017 were accumulated units than how again in Sept. 2017 itself consumption was recorded as 183145 which is beyond the stretch of imagination. It is ample clear that in August 17 and Sept. 17 the meter recorded false reading as it was a faulty meter.

15c) Non applicant stated in reply and at the time of hearing that it is a case of accumulated consumption for last 4 years i.e. Dec. 2013 to July 2017. The applicant objected this statement saying that the statement is against the provisions of Section 56(2) of the I.E. Act 2003.

On specific query of the Forum regarding recovery of the electricity bill of 44 months as accumulated units, the non applicant could not explain the legal provisions of the electricity Act 2003 or the Regulations. Applicant said the recovery of accumulated units is not legal as per The Elect. Act 2003.

It is admitted by the applicant that Bills till July 2017 were issued as per ESC Regulations 15 & 15.1

15 - Billing

15.1 – Intervals for billing and presentation of Bill.

15.1.1 – Except where the consumer receives supply through prepayment meter, the distribution licensee shall issue bills to the consumer at intervals of at least once in every two months in respect of consumers in town & cities and at least every 3 months in respect of all other consumers, otherwise specifically approved by the commission for consumer or class of consumer.

Firstly applicant admitted that as per correct meter reading bills were raised as per Reg. 15, till July 2017. And so called accumulated billing units in Aug. 2017 & Sept. 2017 are due to Jumping of faulty meter. Those are not as per Regulations or the provisions of The Electricity Act 2003.

This forum in Case No. 106/2017 between “The general Manager, B.S.N.L. Nagpur V/s SE. NUC, MSEDCL, Nagpur” discussed about the faulty meter and the provisions of Section 56 and 56(2). The provisions are as under,

(B) Section 56 is regarding disconnection of supply in default of payment.

Section 56(2) :- is in 3 parts. – Notwithstanding anything contained in any other law for the time being in force,

**(1) No sum due from any consumer under this section shall be recoverable after the period of two years from the date when such sum became due.**

**Note - In this case sum becomes first due on 16-9-2017. So it is not recoverable.**

**(2) Unless such sum has been shown continuously as recoverable as arrears of charges for electricity supplied. Note - Sum becomes 1<sup>st</sup> due on 16-9-2017 and not shown continuously from 12-5-2016, hence cannot be said to be recoverable on 16-9-2017.**

**(3) And the licensee shall not cut off the supply of Electricity.**

**Note - Immediately on receipt of bill of Oct 2017, the amount of Rs.1159599.68 was shown as arrears. The applicant challenged the bill. So the action of non applicant to initiate the action of disconnection is not proper.**

Applicant has made out a specific case of faulty meter or defective meter resulting shoot up or Jumping of meter.

16) The further points for our consideration are –

(A) Whether applicant's disputed meter No. 55/MSA 21679 replaced on 28-9-2017 can be classified as faulty & provisions of Reg. 15.4 (Billing in the event of defective meters) can be made applicable? Yes

Ans - Applicant informed on (Annexure 'B') 8-9-2017 that there was no display of meter reading for last 15 days and requested for change of meter. He also informed on 17-11-2017 that meter is running very fast, set the voltage fluctuation properly (Annexure 'E').

Report of Meter Reader for Aug. 2017 (Annexure 'L') for locked & faulty list BU 10359 DC – Mahalgaon.

Consumer \_\_\_\_\_ Meter No. 21679 \_\_\_\_\_ DTC861 \_\_\_\_\_ Remark  
\_\_\_\_\_ Faulty

Annexure 1 of non applicant – is the sport inspection report dated 9-10-2017 which was prepared behind the back of the Applicant by the Addl. Exe.Eng. Mouda & Dy.EE(O) A.B.Suryawanshi. It say, "Voltage at 'B' phase found 'O'".



Annexure – 4 of non applicant – Meter replacement Report dated 28-9-2017 for “Meter not shown any Reading – Meter Faulty” with remark – Meter Replace due to reading not shown by meter, “It is confirmed that replacement of was done in the absence of the applicant.

Annexure – 6 – New Replaced meter No. 5803875 – of “Gennis”Co. Spot Inspection Report dated 20-11-2017.

Remarks –

- (1) R. Phase & Y Phase Voltage show ‘0” Voltage.
- (2) The screw of RYB phase tighten then, the voltage shown 242,443,243..
- (3) 1/3 rd consumption only recorded by the meter.

The spot inspection report was signed by E.E. Mouda, A.E. Kapsi DC, A.E. Mouda, Technician. It is also said by non applicant that report is signed by the applicant. The applicant stated that he had not put his signature on any such report.

From the above observations, it is proved that meter was faulty, but non applicant failed to take immediate action about faulty meter vide Annexure B dated 8-9-2017.

Annexure 17 is the copy of letter dated 3-10-2017, addressed to the Exe.Engineer N.R. Testing Division with specific query “to check/test the meter whether its reading got Jumped or otherwise”.

The report say – “while testing in presence of O&M representative on 21-11-2017, after giving voltage to meter, no display is found on meter. Hence further testing could not be carried out.

Only complaint meters received from IGRC/CGRF shall be tested by Testing Division.

Applicant was not informed about testing. He was not present at the time of meter testing.

Annexure 19 – The non applicant vide letter dated 6-12-2017 informed secure meters Co. Mumbai and raised following querries.

- (1) Is the meter turned faulty due to non visibility of reading.
- (2) Complete information from meter memory (viz. Reading, Load data, MD reset etc.).
- (3) Whether reading displayed in meter before turned faulty, were abnormal or not & is reading jumped.?

Annexure – 20 – Investigation report of secure make energy meter,

<p><u>MSEDCL Observation.</u> No Display – for Data Retrieval and Hardware Analysis.</p>	<p><u>Our observations.</u> During meter Analysis at our end, Internal Power supply component found failure – No external Tamper Symptoms found. Meter data retrieve successfully.</p>
--	--

Our Analysis. –

As per section 55 – use, etc, of meter – (1) No licensee shall supply electricity, after the expiry of two years from appointed date, except through installation of a Correct Meter in accordance with the regulations to be made in this behalf of the Authority.

It is the duty of D.L. to supply through, “Correct Meter” and same is done by non applicant till July 2017 (reading of Jan, Feb, March, April, May, June, July 2017 are 2112, 2526, 2022, 1889, 1094, 879, 1089. Applicant complained on 8-9-2017 but non applicant did not act on request of applicant immediately.

Further more since the date of replacement of meter on 28-9-2017 till 1-1-2018, entire movement of meter from place of applicant(Nagpur), Mouda, Nagpur Testing lab of Mouda, then to “Secure Meter lab” Mumbai and Udaipur, the applicant was not aware of the way. Non applicant has handled the meter in his absence The

Meter was not sealed at the time of replacement on 28-9-2017. The company did not give any observation on the query of the non applicant as to whether the meter recorded excess reading.

Reg. 14.4 – Testing & Maintenance of meter –

14.4.1 – “The Distribution Licensee shall be responsible for periodic testing and maintenance of all consumer meters”. It can be inferred that non applicant violated the Regulations above and they cannot shift responsibility on others.

Non applicant submitted that the consumers meter reading recording started through MRI and Reading of meter MSDO 6228 was 571150 and accordingly bill of Rs.2595570 was issued for 368428 Units in Aug.2017. But during hearing of the case on submission of non applicant regarding meter MSD 06228, specific query as to when meter no. MSDO 6228 was installed, the non applicant could not give any satisfactory reply. In fact disputed Meter No. 55/MSA 21679 was installed in Nov. 2013 and it was replaced after applicant’s complaint dated 8-9-2017 and 28-9-2017. New Meter of ‘genus’ 5803875 was installed. Hence the introduction of Meter No. MSD 06228, is baseless and deserves to be discarded. As well as billing of Rs.2595570/- for readings 368428 Units needs to be discarded which was proved by non applicant itself as per para 2 of reply. Applicant alleged that meter jumped in Aug. 2017 & Sept. 2017. But the MRI of No display meter was 754353, which proves the unreliable story of non applicant i.e.  $754353 - 571150 = 183203$  Units also stands false as it pertains to fictitious meter No. MSDO 6228. Hence second bill also deserves to be discarded.

(1) As per ESC. 2005 – “Meter” is defined in Reg. 2(1)(q) as under.

“Meter” means a set of integrating instruments used to measure, and or record and store, the amount of electrical energy supplied or the quantity of electrical energy contained in the supply in a given time,

which include whole current meter and metering equipment, such as current transformer, capacitor voltage transformer or potential or voltage transformer with necessary wiring and accessories and includes prepayment meters”.

As metering equipment is set of integrating instrument and any type of fault in it, is defect in the meter, from the above observations, this is a clear cut case of defective meter as well as Jumping of Meter in Aug. and Sept 2017 and hence provisions of section 15.4 are attracted and billing in the event of defective meter requires to be done as per the said regulation.

Non applicant's total reliance is on MRI data. On query whether MRI data is recognized by MERC (ESCode Regulations 2006), the non applicant submitted the 'Draft' supply code which is only a 'Draft'. Hence non applicant's submission is futile and does not carry eventual value.

Applicant relied on orders of Forum in Case No. 47/2016, 106/2017 (Nagpur Forum), Case No. 7/2017, 6/2016 of Pune Zone, Rep. No. 65/2017, Rep. No. 18/2012, 140/2014, High Court of Patna order dated 12-8-2008, 15/2012 (Ratnagiri Forum), H.C. Nagpur CAW 2571,2572/2009, 69/2016 (Nagpur Zone).

All above cited orders or Judgements are regarding defect in meters with variety of reasons of failure and all the cases, were decided in favour of the consumers.

In view of the above observations the bills of August 2017 & Sept. 2017 deserves to quash & set aside and non applicant shall issue revised bills for unbilled period as per the provisions of Regulations 15.4.1 of MERC (E.S.C. & other conditions of supply) Regulations 2005.

(B) Whether applicant is entitle for compensation of loss of production & harassment @ Rs.5000/- per day for the entire period of wrongfull disconnection till reconnect ? No.

In absence of any cogent and reliable evidence on record we are not inclined to accept the request of the applicant..

17. The IGRC order is without appreciation of facts and provisions of the Act. & Regulations, deserves to quashed & setaside.

18. After the hearing of the case was over the case was discussed among the members of the Forum. The Chairperson and the Member (CPO) were of the opinion that the bills for the month Aug. 17 and Sept. 17 needs to be set aside. However the Member Secretary gave a dissenting note. It reads as under,

I have gone through the above reasoning and my opinion in this matter differ as below:

1. The applicant, Shri. Mohd. Akbar Abdul Rehman Akbani,at 35/28, Maa Umiya, Industrial estate, Kapsi (BZ), Pin – 441104., is a LT IP Consumer of the MSEDCL bearing consumer no. 410650003369 with connected load of 70 HP, since 18.7.2010. The applicant received energy bill in the month of Aug-2017, the amount involved in the bill is Rs. 25, 58,720/- which in opinion of Applicant is too high as compared to his normal per month consumption. Hence requested forum to withdraw the abnormal bill issued on the basis of faulty meter status and reconnection of his supply immediately.

2. During hearing as per his written say, during the period 1) from July 2010 to Oct-2010 his consumption was recorded by meter bearing no. MSP07699., 2)from Aug 2011 to June-2013, his consumption was recorded by meter bearing no. 53/04295511, 3)from July 2013 to Oct-2013, his consumption was recorded by meter bearing no. 65/625975, 4)from Nov- 2013 to July-2017, his consumption was recorded by meter bearing no. 55/MSA 21679 , 5) in Aug 2017 his consumption was recorded by meter bearing no. MSD 06228, 6)From Sept onward till Dec2017 meter bearing no. 5803875. Reason for replacement of meter for Sr. no. 1 to 3 and 5 is not known to them, however meter at Sr. no 4 is replaced due to “No Display “hence faulty. The Meter no. MSA 2169 has been replaced by AE mouda on dt 28/09/2017. As per applicant’s opinion, as per remark given by AE Mouda subdivision on Meter Replacement Report is “Meter not shown any reading, meter is faulty” ,hence meter is faulty at the time of replacement.

3. The said meter was sent to Testing Dn. on 03.10.2017 vide letter no. 1676 dt. 03.10.2017. Testing Dn. has given report on 21.11.2017 after 1.5 month that meter cannot be tested since there is no display. Then the meter was sent to M/s. secure meters at Santa Cruze Mumbai on 06.12.2017, the meter was then sent to Udiapur. The report of testing at Udiapur dt. 01.01.2018 indicates:-

1. Internal power supply component found failure.
2. No External Tamper symptoms found.
3. Meter Data retrieve successfully.

The MRI Data indicate following dates & timings.

File creation time - 24.11.2017 - 14:14

Meter reading time - 11.10.2017 - 10:48:11

Where the said MRI was taken & by whom the MRI was taken is not clear.

- (a) The meter was not sealed when it was removed from consumer premises.
- (b) Testing of meter at testing division Nagpur was not done in presence of consumer.
- (c) MRI was not taken in presence of consumer.
- (d) The transportation of meter from Nagpur to Mumbai, Mumbai to Udiapur was done without knowledge of consumer before transportation of meter it was not sealed properly in presence of consumer.

The meter reading date of MRI is 11.10.2017. This faulty meter was replaced on 28.09.2017 as per replacement report of Asstt. Engineer Mouda, which clearly indicates that the MRI was taken when the meter was in faulty condition. Therefore when meter's internal power component is not in working condition, the MRI taken of such meter cannot be relied upon. Therefore the meter reading of August 2017 and September 2017 recorded on the basis of such MRI cannot be relied and therefore these two readings and all other readings on the basis of MRI are defective. They further submitted that, in none of the regulations of MERC the readings of MRI are authenticated in law. Thus applicant does not agree with the accumulated consumption charged to them, for which they rely on section 56(2) of Electricity Act 2003. which says that, such claim, whose period being 4 years i.e. Dec, 2013 to July, 2017 is not legal.

Further they submitted that, as per Irregularities/Illegality on the part of MSEDCL officials at Mouda.

- (1) The power supply to the Industry was disconnection 23.12.17 when the case was in process at IGRC 19.12.17.
- (2) The permanent disconnection was done without proper notice of permanent disconnection.

(3) The installation was inspected by MSEDCL officials on 09.10.2017 & 20.11.2017 by different authorities.

1. On 09.10.2017:- It was observed that voltage at B phase found 'o'. The matter informed to DyEE Mouda & AE Qc Mouda.

2. On 20.11.2017:- It was observed that the voltage at R phase & y phase shown 'o'the screws of RYB phase tighten then voltage shown 242, 243, 253.

These reports of two inspections clearly indicate the negligence on the part of MSEDCL staff & officers. Subsequently they blame the consumer for their own negligence.

4. The MSEDCL authorities have lodged police complaint of meter reader of Agency stating that the reader was taking erroneous readings of the meter at the installation of Shri. Mohammad Abdul Rehman Akbani from Dec.2013 to July.2017 i.e. for apporx. 4 years. Therefore they contended as to what was the MSEDCL officials were doing for all this period.

Therefore in their opinion, it is crystal clear that this is a fabricated case designed by Non-applicant just to shows their over efficiency & over smartness; with so many lacunas.

Applicant further submitted that, as per documents of Non-applicant, the meter no.MSP21679 secure make has gone faulty in the month of August 2017 & started recording very abnormal reading by jumping the reading counter it has jumped twice once in the month of August 2017 & then in the month of Sept. 2017. Therefore it is a crystal clear that this is a case of faulty meter & therefore as per clause 15.4.1. MERC "supply code & other condition of supply regulations, the billing should be done for last 3 months on the basis of average metered consumption for twelve months immediately preceding the three months prior to the month in which the



billing is contemplated. For this applicant relied on judgment of the Hon forum (CGRF),NZ given in cases such as, 47/2016,58/2017,/69/2016,wherein , the Hon'ble Forum has passed the orders considering previous consumption of the meter and given relief to the consumers. Also they relied on Ombudsman and Hon. High Court's decision who has given judgment in the matter/ the cases as per section 15.4.1 of MERC supply code & condition of supply such as

1. Bharat Sanchar Nigam Limited v/s MSEDCL.
2. MSEDCL v/s CGRF.
3. Kailash Parbat Hotel, Pune v/s Superintendent Engineer MSEDCL, Pune.
4. Prema Plastic Allied Industries Pune v/s Executive Engineer MSEDCL Pune.
5. Principal LAD College Nagpur v/s Executive Engineer Congress Nagar Division, Nagpur.
6. Mure Memorial Hospital Nagpur v/s MSEDCL Nagpur.
7. Dev Kanoriya Sudarshan Motors Nagpur v/s MSEDCL Nagpur.
8. Shakti Cold Storage v/s Bihar State Electricity Board, Decision of Hon. High Court, Patna.
9. Shri Makshud Kaji Sakhari Tal. Rajapur, Dist. Ratnagiri v/s MSEDCL Ratnagiri
10. M/s. Pooja Packwell & Radha Sarveshwar v/s MSEDCL, Decision of Hon. High Court, Nagpur.

Hence, in the present case the non-applicant contended that, the reading is recorded by a faulty meter and thereby incorrect consumption is charged to them on the basis of MRI of a faulty meter declared by MSEDCL & also by secure company. Hence pray to the forum as follows:

Prayer:- 1. Requested compensation of loss of production & harassment to the applicant @ Rs.5000/- day for entire period of wrongful disconnection till reconnection.

2. Squash & set aside the bills of August 2017 & Sept. 2017 & issue fresh revised bills for unbilled period as per section 15.4.1 of MERC supply code & condition of supply.

3. Refund the cost of meter wrongfully collected from consumer.

2. As per contention of Non-applicant in their written submission and during hearing, there was drive to take meter readings through MRI in the Mouda Division in the month of Aug-2017. During the drive meter reader did mistake of taking meter reading. **He took meter reading through MRI of another consumer by name SDO The Telephone Exchange kapsi ,bearing no.411380009561 meter no.055-MSD06228 with applicable tariff :52 LT** instead of applicant's actual meter bearing no.MSP21679 and submitted the same for the applicant 's billing .The reading was erroneously taken as 571150 and accordingly Energy Bill for 3,68,428 units amounting to Rs.25,95,570 /-was issued to applicant . Considering the fact that the connected load of applicant as 70 HP and Average consumption of the applicant less than 3000 units since the date of connection, this substantial difference in the Energy bill of Aug -2017bill and bills issued for earlier months created doubt about the accuracy of meter reading, Also, per the application dt. 09.09.2017 of the applicant their Meter's display was not proper, hence disputed Meter bearing no. MSP21679 was replaced on dt.28.09.2017 by CT meter bearing no.5803875.

In order to get final reading of the meter, in absence of display, when MRI Data of the meter bearing no. MSP21679 was downloaded, Meter reading on dt.28.09.2017 as per MRI cumulative Tamper Status report, was 754295 KWH and meter reading

at the end of July-2017 was 202722. Hence the difference in consumption was found to be 5,51,573 units. Owing to this abnormal difference, Non-applicant sends the disputed meter to Testing Laboratory of MSEDCL. As the meter display was not proper, Testing Lab of MSEDCL was unable to Test the meter. Subsequently the said meter was sent to secure company, Mumbai, the manufacturing company of the said Make of the Meter i.e Secure vide their letter no.2035 dt 6.12.2017 to verify the following facts:-

1. Is meter turned faulty due to Non-visibility of Reading?
2. Complete information from meter memory (Viz. Reading, Load-data, MD reset etc.)
3. Whether reading displayed in meter before turned faulty were abnormal or not?
4. Is reading Jumped?

As per Secure Company's report only display component is faulty, but the reading retrieved as per MRI is correct. Exact content of report from company reads as "During meter Analysis at our end, Internal Power supply component found failure – No external Tamper Symptoms found. Meter data retrieve successfully."

3). When it was declared by secure company that meter is not faulty, Non-applicant rely on MRI data of disputed meter. On the basis of MRI record the data of past readings is retrieved and comparative statement is prepared. The comparative statement reveals difference in MRI reading and reading recorded by Meter reader for Meter no. MSP 21679, Make: Secure as follows:-

DATE	READING AS PER MRI DATA		READING AS PER BILLING/CPL DATA		TOTAL MONTHS OF DURATION	DIFFERENCE IN UNITS
	READING	DIFFERENCE (CONSUMPTION DETAILS)	READING	DIFFERENCE (CONSUMPTION DETAILS)		
		<b>A</b>		<b>B</b>		<b>A-B</b>
30.11.2013	113200		113199			
30.12.2013	127618	14418	115892	2693	1 MONTH	<b>11725</b>
31.01.2014	139913	12295	118435	2543	1 MONTH	<b>9752</b>
01.04.2014	159590	19677	123955	5520	3 MONTHS	<b>14157</b>
26.04.2014	174202	14612	126677	2722	1 MONTH	<b>11890</b>
03.08.2014	266779	52577	135641	8964	4 MONTHS	<b>43613</b>
30.11.2015	508376	281597	167295	31654	15 MONTHS	<b>249943</b>
06.09.2017	741976	233600	202722	35427	21 MONTHS	<b>198173</b>
<b>TOTAL UNITS.</b>		<b>628776</b>		<b>89523</b>		<b>539253</b>

Non-applicant during hearing contended that they have already taken stringent action against meter reading Agency who seems to have manipulated the reading. Non applicant submitted that the consumer was supposed to pay for 5,51,631 units as per MRI data, out of which 3,68,428 Units amounting Rs. Rs.29,47,509.43 was already Charged to applicant in the bill issued in the month of Aug-2017,therebyDebit Bill adjustment towards Balance units amounting Rs.16,11,022 was charged to applicant in the energy bill of Dec-2017. , Hence they are justified in charging the applicant in Aug-2017, for the accumulated consumption.

3. It is seen form Asstt. Engineer as per replacement report wherein he has stated that meter is faulty, and forum accepted this remark and treated that meter is faulty. Careful observation of said report reveals that Assit.Engineer has stated in his report that as meter was not showing any reading hence meter is faulty. In my opinion, it is totally baseless. Any meter unless and cannot be declared as faulty by field Engineer unilaterally, only Testing lab. report is authentic. Non-applicant is therefore justified in procuring testing report of manufacturer, when in absence of display their internal Testing lab expressed inability to test the meter.

4. So far as legitimacy of MRI readings is concern,the MRI readings are being taken in MSEDCL for all HT consumers and LT consumers on regular basis and it is most realistic method of meter reading .The possibility of manipulation in MRI reading is remote and out of question.

5. Forum decides to rely on Section 56(2) of EA Act2003 which reads as follows. – *Notwithstanding anything contained in any other law for the time being in force, No sum due from any consumer under this section shall be recoverable after the period of two years from the date when such sum became due. Note - In this case sum becomes first due on 16-9-2017 & not recoverable.* But I differ with the opinion as in

this case, I rely on case of M/s.Rotomex Polyester &V/s.Administrator Department of Dadra &Nagar Haveli (UT) Electricity Department of Silvassa 7 ,2010(\$)BCR 456,cited supra Hon'ble High Court Bombay held that when consumer is under billed due to clerical mistake of calculation, bar of limitation imposed vide Section 56(2) of EA Act2003 cannot be raised. In the instant matter, it is very clear that meter reader agency has deliberately committed error in meter reading, which was found to be guilty for not taking meter reading properly; thereby action as per rule is already taken by Non-applicant against the said agency. Hence, this being deliberate mistake done by meter reader with ulterior motive, with the same analogy, bar of limitation cannot be raised in the instant matter.

6. It is also clarified by Non-applicant during the hearing, when officials of MSEDCL used to visit the metering installation of said applicant, the access to meter was denied by Applicant. It is true that periodic checking of meter reading has to be carried out by Non-applicant, but it is also the responsibility of the consumer to ensure that proper access is always available for such surprise visit. The applicant ought to have provided such access readily available which he has failed miserably. Hence The Non-applicant cannot be charged of negligence.

8. As per New meter installed after replacement of disputed meter, it is seen from the data of consumption recorded by New meter units recorded for Sept-2017, Oct2017, Nov-2017, Dec-2017 are 5087, 5090 8832 , 8824 resp. Whereas from CPL it is observed that,since date of supply till July2017 applicant's consumption is less than 3000 units which is self explanatory and substantiates the fact that meter reading was not being taken correctly.

9. So far as alleged disconnection of supply by the Non-applicant after case was registered with IGRC is concern, it is clarified by applicant that for non-payment of arrears Temporary Disconnection notice was served by them on dt.06.12.2017, applicant approached IGRC on dt.19.12.2017, the notice from IGRC for submission of reply was received by applicant on dt.22.01.2018, whereas temporary disconnection was already done on 23.12.2017. Similarly IGRC dismissed the case vide the order dt.24.01.2018 and therefore due to non-payment of outstanding bill, till 24.01.2018 applicant's supply was permanently disconnected on dt 14.02.2018 as per applicant's notice dt.25.01.2018. In the whole process the applicant has not violated any MERC's regulations while temporarily and permanently disconnecting the supply as accepted by forum.

10. So far as the contention of Forum is concerned that reading is jumped, it is clarified by manufacturer of meter that meter is recording correctly and therefore whatever consumption is recorded is applicant's regular Consumption,

11. From above analysis, as the present matter is clear cut case of meter reading mistake caused by meter reading agency and no Jumping of Meter has occurred in Aug. and Sept 2017, provisions of section 15.4.1 of MERC supply code regulation is not attracted in the instant matter and hence billing in the event of defective meter cannot be done as per said regulation.

12. Hence the propose recovery by the Non-applicant is justified and it is to be recovered from the applicant, as he has consumed this much electricity. However, the liberal installments for payment of additional bill can be given as per MSEDCL Rules and Regulation without interest and DPC. In the result case deserved to be dismissed.

Mrs. V.N. Parihar  
Member/Secretary  
CGRF:NZ:Nagpur

19. We have perused the note. We disagree with the Member Secretary for the reasons discussed in the above paras.

20. Hence the following order, by majority.

**ORDER**

1. The order of the IGRC passed in case no. 49/2017-18 on 24.01.2018 is hereby set aside.
2. The disputed bills for August 2017, September 2017 are hereby quashed and set aside.
3. Non applicant is directed to issue revised bill for unbilled period as per the provisions of Regulation 15.4.1, without interest & DPC.

Sd/-  
**N.V. Bansod**  
MEMBER

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

Sd/-  
**Vishnu S. Bute,**  
Chairman