

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

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**Case No. CGRF(NZ)/62/2018**

Applicant : Shri Rajkumar Laxmansing Thakur,  
Plot No. 31, Prerna Colony,  
Hajari Pahad, Katol Road,  
Nagpur – 440013.

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

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Applicant represented by : 1) Shri. Rajkumar L.Thakur,

Non-applicant represented by: 1) Shri S. Darwade, Dy.Manager, MSEDCL.

2) Shri Dahasahastra, SNDL, Nagpur

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Quorum Present : 1) Shri Vishnu S. Bute,  
Chairman.

2) Shri N.V.Bansod,  
Member

3) Mrs. V.N.Parihar,  
Member Secretary

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**ORDER PASSED ON 21.06.2018**

The applicant presented this grievance application feeling aggrieved by the order passed by the IGRC SNDL Nagpur in case no. 114/2018 on 25.04.2018.

The applicant stated that the meter installed at his residence was recording abnormal units. The non applicant tested the meter and it was found to be OK. However the applicant was not ready to accept the subsequent reading indicated by the meter. The applicant again requested

the non applicant to check the meter. When the meter was tested for the second time, it was found faulty. The applicant requested to revise the bills. He approached the IGRC SNDL Nagpur. Being not satisfied by the order passed by the IGRC the applicant presented this application under the provisions of Regulation 6.4 of the MERC (CGRF & EO) Regulation 2006.

The non applicant submitted written reply. The case was fixed for personal hearing on 12.06.2018. Both the parties were present. They were heard.

The applicant argued that the meter installed at his residence was changed in March 2013. New meter No. SND 41591 was installed. Even though there was no change in his routine consumption he got the bills of excessive amount. This was due to the fact that the meter was faulty. He made complaints to the non applicant. The meter was tested however it was found to be OK. The applicant was having a limited use of the electricity. His family members were living out side. Even then the electricity bill was not reduced. So he kept on pursuing that the meter was faulty. The non applicant tested the meter for the second time on 5.4.2018. The meter was found to be faulty. Not only that the laboratory informed that the meter was registering the energy on no load abnormally. So it is clear that the non applicant gave the bills of wrong and excessive reading since October 2013. The applicant requested that the bills from October 2013 to March 2018 may be revised.

In reply the non applicant stated that a domestic connection was given to the applicant on 31.10.2001. The applicant made a complaint about

excessive billing. So his meter bearing no. SND 41591 was tested on 13.09.2013. The meter was found to be OK. So the applicant was not entitled for any relief.

The applicant again made a complaint about the meter on 10.03.2018. So again the meter no. SND 41591 was tested on 5.4.2018. As per laboratory report the meter was defective. So the bills of the applicant from April 16 to March 2017 were revised presuming his consumption @ 300 units per month.

The applicant requested for revision of bills since 2013. However as per testing dt. 13.09.2013 his meter was OK. So it is not proper to revise the bills since 2013.

The applicant approached the IGRC. The IGRC observed that as per the connected load his monthly consumption comes to 270 units. The IGRC ordered that the bills for the period from April 2016 to March 2018 be revised presuming his monthly consumption @ 270 units per month. So the non applicant gave a credit of Rs.39000/- to the applicant. In view of the above facts the application may be dismissed.

After the hearing was over the case was discussed among the members of the Forum. The Chairperson and the Member (CPO) were of the opinion that the applicant is entitled for relief since 10/2013. However the Member Secretary expressed different opinion. The dissenting note of the Member secretary reads as under,

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

a) The applicant stated in the instant grievance application that the meter installed at his residence was recording abnormal units since April 2013. When it was tested on dt.05.04.2018, it was found faulty. Even though his disputed meter is declared faulty in the Meter testing laboratory, the SNDL has revised his bills for the period of only one year, whereas he demanded revision since the date of installation i.e. April 2013. Aggrieved by this action of SNDL, he approached the IGRC of SNDL Nagpur and registered his grievance application with IGRC vide case no. 114/2018 on 23.04.2018 and IGRC passed order to revise the bills from April-2016 to March-2018 considering average units of 270 units and to give credit of the same with interest to the applicant. Aggrieved by this order, the applicant filed the instant grievance.

b) It would be seen from the CPL filed by Non-applicant that meter bearing no.SND41591 is installed at his residence since April-13. Same was tested at Meter testing laboratory of MSEDCL on dt.13.09.2013 and was found as Ok. It is seen from the papers files on record, during the period from 13.09.2013 to 05.04.2018 there was not a single application about excessive consumption and demand for testing by applicant. After that the instant applicant again applied for Meter Testing of meter bearing no.SND41591 on dt.10.03.2018 which was tested in Meter testing laboratory of SNDL on dt.05.04.2018 but same was found faulty. Hence I rely on section 15.4.1 of MERC's supply code regulation 2005 for the revision of bill which is as under

**Billing in the Event of Defective meters**

**“15.4.1 subject to the provisions of part XII and XIV of the Act, in case of defective meter ,the amount of the consumer’s bill shall be adjusted, for a maximum period of three months prior to the months in which the dispute has arisen ,in accordance with the results of the test taken subject to furnishing the test report of the meter along with the assessed bill.”**

As per this section, applicant’s request that his Energy bills from October 2013 to March 2018 may be revised cannot be considered and therefore I disagree with the opinion that the applicant is entitled for revision of bills since October 2013 @ 270 units per month.

Secondly,I rely on Hon’ble Supreme court of India, civil appeal no.5151-5152 of 2008,(Arising out of SLP [C] Nos.3820-3821 of 2008).Union of India & Ors. ... Appellants Vs.Tarsem Singh ... Respondent wherein verdict is given as under  
*“In so far as the consequential relief of recovery of arrears for a past period, the principles relating to recurring/successive wrongs will apply. As a consequence, High Courts will restrict the consequential relief relating to arrears normally to a period of three years prior to the date of filing of the writ petition.*

*6. In this case, the delay of 16 years would affect the consequential claim for arrears. The High Court was not justified in directing payment of arrears relating to 16 years, and that too with interest. It ought to have restricted the relief relating to arrears to only three years before the date of writ petition, or from the date of demand to date of writ petition, whichever was lesser. It ought not to have granted interest on arrears in such circumstances.”*

Hence in my opinion, either revision would be most appropriate if it is done as per proviso of section 15.4.1 of MERC's supply code regulation 2005 if not, according to Hon'ble Supreme court order stated as above it ought to have restricted only for three years before the date of Grievance application. i.e.10.03.2018, i.e. from 10.3.2015 till the dt. of replacement.

Mrs. V.N.Parihar  
MEMBER SECRETARY  
CGRF,Nagpur

We have perused the note. We disagree with the Member Secretary for the reasons discussed below,

The non applicant placed a CPL of the applicant on record. It is for the period from Jan. 2013 to May 2018.

As per CPL meter no. 90/00066844 was at the residence of the applicant for the period from Jan. 13 to March 13. The meter status is recorded as "NORMAL". Monthly consumption recorded is as under,

Jan. 13	-	122 Units
Feb. 13	-	57 Units.
Mar. 13	-	96 Units.

The meter was changed. In April 13 reading was taken as per meter no. 55/SND 41591. The consumption recorded is as under,

April 13	-	467
May 13	-	751
June 13	-	796
July 13	-	521
August 13	-	448

And so on .....

So it is seen that as soon as meter no. SND 41591 was installed there was huge difference in the power consumption recorded.

The applicant placed an electricity bill of Jan. 2013 on record. The figures of monthly consumption are given on the bill. Those are as under,

Feb. 12	-	85
Mar. 12	-	66
Apr. 12	-	141
May. 12	-	101
Jun. 12	-	132
Jul. 12	-	70
Aug. 12	-	173
Sept. 12	-	142
Oct. 12	-	82
Nov. 12	-	88
Dec. 12	-	82

There is no convincing explanation from the non applicant as to why there was abnormal rise in the meter reading as soon as new meter no. 55/SND 41591 was installed.

Meter no. 55/SND 41591 was tested on 05.04.2018. The remark of the lab. is as under,

Faulty – The energy meter referred to this lab for testing and tested on meter testing bench and the same is found to be registering energy on no load abnormally. Also date and time found disturbed.

So it is clear that the meter was recording the abnormal energy consumption.

Now the point for consideration before us is since when the meter was showing the wrong reading. After due consideration of the fact it reveal that the meter was tested for the first time in 13.09.2013. So we are of the opinion that the applicant is entitled for revision of bills since October 2013.

The list of electrical appliances available in the house of the applicant is placed on record. The IGRC assessed the monthly consumption of the applicant, on the basis of the connected load @ 270 units per month. We think it is just and proper.

In view of the facts and circumstances discussed above, we are of the considered opinion the electricity bills of the applicant needs to be revise for the period from October 2013 to March 2018 presuming his consumption @ 270 units per month.

Hence the following order, by majority.

### **ORDER**

1. Application no. 62/2018 is partly allowed. The electricity bills of the applicant shall be revised for the period from October 2013 to March 2018 presuming his monthly consumption @ 270 units per month.

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

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

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