

**BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM  
AURANGABAD ZONE, AURANGABAD.**

**Case No. CGRF/AZ/AUC/680/2018/20  
Registration No. 2018050113**

Date of Admission : 29.05.2018

Date of Decision : 14.08.2018

Smt. Archana Devidasrao Lathkar, : COMPLAINANT  
**Bill in the name of** : Late Shri D. G. Latkar,  
1-15-98-9, Beh. Kotla Colony,  
Near Shani Mandir,  
Aurangabad 431001.  
(Consumer No. 490010195320 )

**VERSUS**

The Executive Engineer (Admn) : RESPONDENT  
Nodal Officer, MSEDCL, Urban Circle,  
Aurangabad.

Complainant : Smt. Archana Devidasrao Lathkar,  
Respondent : Shri M. V. Yeotikar,  
Addl. EE, Kranti Chowk SDn

**CORAM**

Smt. Shobha B. Varma, Chairperson  
Shri Laxman M. Kakade, Tech. Member/Secretary  
Shri Vilaschandra S. Kabra Member.

**CONSUMER GRIEVANCE REDRESSAL DECISION**

1) The applicant Smt. Archana Devidasrao Lathkar, **Bill in the name of** : Late Shri D. G. Latkar, 1-15-98-9, Beh. Kotla Colony, Near Shani Mandir, Aurangabad is a consumer of Mahavitaran having Consumer No. 490010195320. The applicant has filed a complaint against the respondent, the Executive Engineer i.e. Nodal Officer, MSEDCL, Urban Circle, Aurangabad under Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulation 2006 in Annexure (A) on 29.05.2018.

**BRIEF HISTORY & FACTS RELATING TO THE GRIEVANCE:**

2) The applicant has filed the complaint raising following contentions:-

That, the applicant made complaint to the MSEDCL, Kranti Chowk Unit 4396 Aurangabad on 23-12-2015 about excess billing of electric meter and demand made for quick inspection / testing of electricity meter and installation of new electricity meter in place of old electricity meter, testing meter was installed in our premises on 26.02.2016 almost after of 2 months and more and after reminder dated 23.02.2016.

3) It is submitted that after installation of testing meter from 26.02.2016 to 08.03.2016 they have taken readings of old electricity meter as well new electricity meter on various dates and the reading was reported on 08.03.2016 to the Asstt. Engineer, MSEDCL. Through the said report request to install new electric meter in the place of old one was made and fault in the meter was also reported. There were material variations in the consumption of electricity shown by the said meters. The old meter was running very fast and it was not as per the actual consumption of electricity from the said meter. Thereafter the complainant has paid meter testing charges is Rs. 150/-.

That, notice was served to the complainant on 30.03.2016 to remain present for testing of the meter in the office of MSEDCL on 31.03.2016.

4) However, till today there is no testing report received so far. Representative was sent for inspection / testing of the report is 30.03.2016. Neither the meter is duly tested nor any report received so far.

It is stated that keeping in view material variation in the readings of units of electricity indicated by the old and new electricity meter, as well considering our past consumption for the last two three years and even more Asstt. Engineer / Additional Executive Engineer MSEDCL should have issued average bills. On the contrary three provisional bills were issued to the consumer i.e. one for Rs. 3000/- on 26.02.2016 another for Rs. 4000/- and last one for Rs.2000/- on 24.08.2016. The said bills are paid.

5) It is pleased that after the payment of provisional bills made by the undersigned and the prima facie fault in the said meter, and payment of meter testing charges. Asstt. Executive Engineer has send his employees for disconnection of meter and it was communicated that, this meter will be disconnected at any moment. It has caused unnecessary harassment.

6) It is stated that, consumer is not bound to pay the bills of electricity which are not as per actual consumption of electricity and of faulty electricity meter. Consumer has not used any electric / electronic equipment consuming much electricity. Solar System is there in the premises for hot water. That, the temperature recorded in the Aurangabad city during 10.10.2015 to 09.11.2015 and thereafter may be considered.

7) That, from the date of installation of new electricity meter in their premises i.e. from 10.03.2016 till this date they have consumed 674 units. They are ready to pay the charges for the said consumption.

Energy bills 3 in numbers i.e. till installation of new electric meter are based upon the faulty meter and they have not consumed that much units of electricity shown in the bills

8) It is stated that, the consumer has been put to harassment & inconvenience by the MSEDCL from December 2015 till this date for no fault on the part of consumer. Therefore, MSEDCL may be directed to pay damage of Rs. 25,000/- to the consumer.

9) That, the grievance in this regard was made by the father of the applicant to the Internal Grievance Redressal Cell, Aurangabad on 18.01.2017 and necessary documents were produced before the Cell.

Interim Orders were passed by the Cell on 20.02.2017 whereby detail report of series / Testing Meter. Installed in the Feb-2016 was called from Kranti Chowk, Sub-Division. Kranti Chowk Sub-division was also directed to send the electricity Meter to its manufacturer. Consumer was directed to deposit Rs. 2,000/-. However, somehow these orders were not complied by the Kranti Chowk Sub-division, therefore grievance of the consumer came to be decided finally by an order dated 06.03.2018. Final order has been communicated to the consumer the Cell by an ordinary post on 05.04.2018.

By the said order Kranti Chowk Sub-division has been directed to issue Bill of 100 units per month from April 15 to April 16.

That, the Cell should have given direction to issue Bills for the disputed period only. Cell should have arrived at 70 to 80 units of average.

10) That, father of the applicant / complainant Mr. Devidas Gangadharrao Lathkar has passed away on 19.05.2011. Therefore, applicant being one of his legal heirs represent his estate and making grievance.

- 11) It is prayed that,
- A) Energy bill dated 041.012.2015 and all subsequent bills based upon the reading of faulty meter and showing recovery along with interest shall be cancelled.
  - B) Considering consumption of electricity for the past 2 -3 years and more, average consumption may be considered 60 to 80 units per month and average bill may be issued from 10.10.2015 till installation of new electricity Meter i.e. 10.03.2016.
  - C) Rs.9,000/- paid by the consumer towards provisional bills and Rs. 2,000/- deposited by the consumer as per order of IGRC may be refunded to the consumer after deducting average bills for the disputed period considering average of 60 to 80 units for a month.
  - D) Orders may be passed to regularize new Meter No. 5804287100 installed in our premises on 10.03.2016.
  - E) Necessary directions may be issued to the employees /Officers Of the MSEDCL not to disconnect electricity meter/ supply of Electricity and or to do the needful & pay damages Rs. 25,000/- to the consumer.
  - F) Direction may be issued to the concern to issue energy bills as per reading of consumption of new electricity meter henceforth.
- 12) The Respondent has filed say (Page No. 42 & 65) & submitted that, they have complied order of IGRC & issued bills as pr average 100 units & taken note of deducting Rs. 38,403.92 arrears & interest of Rs. 10,387.00 However it is not accepted by consumer.
- 13) We have pursued pleadings & the documents on record filed by the applicant and respondent. We have heard Complainant Smt. Archana Devidasrao Lathkar & Respondent Representative, Shri M. V. Yeotikar, Addl. EE, Kranti

Chowk Sub Division. Following points arise for our determination & its findings are recorded for the reasons to follow:-

Sr. No.	POINTS	FINDINGS
1)	Whether energy bill from dtd. 10.10.2015 till 10.03.2016 (i.e. till installation of new electrical meter) requires to be charged on average basis ?	Yes
2)	Whether such bill dtd. 04.12.2015 & subsequent bills requires to be cancelled?	Bill dtd. 04.12.2015 subsequent bills be corrected
3)	Whether the complainants deposited amount of Rs. 11,000/- requires to be refunded. ?	On checking adjusted, if any.
4)	Whether the complainant is entitled for compensation of Rs. 25,000/- ?	No
5)	What order?	As per final order

### REASONS

14) **Point No. 1 to 3 :-** Present complainant has filed the grievance in capacity of daughter i.e. legal heir of deceased Devidas Latkar in whose name the bills are issued. The disputed electrical connection is residential.

15) The grievance is for the period 10.10.2015 till 10.03.2016 (till installation of new meter) for correction bills & also from 04.12.2015 onwards. The old electrical meter bears No. 7600931916.

16) From the electric bills (Page No. 10) Old meter No. 7600931916 & CPL following units are found consumed.

Page No.	Period of bill	Units
28	11.08.2015 to 10.09.2015	108
71	10.09.2015 to 10.10.2015	73
10	10.10.2015 to 09.11.2015	501
19	09.11.2015 to 09.12.2015	307
13	09.12.2015 to 11.01.2016	950
20	11.01.2016 to 10.02.2016	1067
	<b>26.02.2016 - New meter for Testing installed (Meter No. 5804287100)</b>	
22	10.02.2016 to 11.03.2016	586
23	11.03.2016 to 11.04.2016	87
24	10.04.2016 to 11.05.2016	93
25	10.06.2016 to 09.07.2016	62
26	09.07.2016 to 08.08.2016	70
58	20.05.2017 to 12.06.2017	117
57	12.06.2017 to 10.07.2017	57
59	09.09.2017 to 10.10.2017	30
60	09.02.2018 to 06.04.2018	31
30	10.03.2017 to 06.04.2018	24

17) Considering the excess reading (as above) recorded on meter No. 7600931916, complaint was made on 23.12.2015 (Page No. 8) & on 23.02.2016 (Page No. 11) by the complainant for testing the old meter & to substitute new meter in its place & to charge for average units. On such request, new meter No. 04287100 was installed in the premises of complainant alongwith old meter. The complainant therefore has checked the units recorded on old & for testing meter

given & reported the difference to the Respondent by letter (Page No. 54) dtd. 08.03.2016, showing following particulars :

<b>Date</b>	<b>Reading of Old meter</b>	<b>Reading of testing meter</b>
26.02.2016	754	8880
28.02.2016	759	8958
29.02.2016	761	9001
02.03.2016	766	9096
07.03.2016	779	9325
08.03.2016	782	9357

18) On comparing the recorded unit of old meter with testing meter, it is clear that, there is much variation & old meter is running fast. So, the complainant by this letter again requested for installation of new meter. The Respondent has not denied this recorded consumption. Testing charges were deposited by her on 26.02.2016 (Receipt Page No. 16) and meter was tested in here presence but the report dtd. 31.03.2016 (Page No. 63) shows that meter was found ok. ( In report meter No. 931961 is shown as). Thereafter meter was taken away by the Respondent & new meter was already installed. Ultimately, complainant had filed complaint with IGRC. Though IGRC has passed an order for testing of old meter from the manufacturer & report, however, it appears that said direction was left uncomplied by MSEDCL. It is submitted by Respondent Representative Additional Executive Engineer, Shri Yeotikar that the said old meter was sent in scrap. Comparing the recorded units of old & new meter as above, it is clear that old meter was faulty & running fast. As such, from 10.10.2015 to 10.03.2016, average consumption of units requires to be calculated.



19) For that purpose CPL for the period August 11 to July 18 (Page No. 59 to 79) requires to be considered. Taking in to account R. 21.7.6 of conditions of supply based on the MERC (Elec. Supply code & other conditions of supply) Regulation 2005, which speaks that :

“In case the meter has stopped recording the consumer will be billed for the period for which the meter has stopped recording up to a maximum period of three months based on an average metered consumption for twelve months immediately preceding the three months prior to the month in which the billing is contemplated.” Alongwith this considering spot inspection dtd. 31.01.2018 (Page No 68) of meter No. 4287100, connected load is TV-1, AC-2, Fan-4, Tube-4, CFL-1, we feel that bill issued for disputed 10.10.2015 to 10.03.2016 needs to be correct by calculating following one year average units.

Sr. No.	Month	Units
1)	Aug. 14	91
2)	Sept 14	36
3)	Oct. 14	47
4)	Nov. 14	107
5)	Dec. 14	65
6)	Jan. 15	63

Sr. No.	Month	Units
7)	Feb. 15	94
8)	Mar. 15	104
9)	Apr. 15	77
10)	May. 15	105
11)	June 15	64
12	July 15	72

20) Total Units 925 / 12 = 77 Units per month is said to be correct average units & requires to be charged for the disputed period on subsequent bills are issued as per new meter reading but interest amount of arrears of disputed bills are also shown in it, which requires to be corrected. The total amount of Rs. 11000/- deposited by the complainant as shown in purshis (Page No. 80) be checked & if any adjusted in subsequent bills, we answer point Nos. 1 to 3 in the affirmative.

21) **Point No. 4 :-** The complainant has claimed Rs. 25,000/- by way of compensation. It is found that, on application of complainant, testing meter was installed by the Respondent. There was no disconnection of supply. As per final order, passed by IGRC bill is adjusted. We do not feel it just & proper to grant compensation. We hold point No. 4 in the negative. We proceed to pass the following order in reply to point No. 5.

**ORDER**

The petition is hereby allowed in the following terms & conditions :

- 1) Order dated 06.03.2018 passed by IGRC is hereby set aside & in its place following order is substituted :
- 2) The bills for the period 10.10.2015 to 10.03.2016 are hereby set aside and cancelled.
- 3) The respondent is hereby directed to issue revise bills to the complainant by charging average consumption of 77 units per month for the period 10.10.2015 to 10.03.2016. Accordingly to the energy bills of the aforesaid period be corrected.
- 4) In respect of bills subsequent to 04.12.2015, interest & arrears amount (based on disputed bills) be deducted & corrected.
- 5) The amount of Rs. 11,000/- paid from time to time by the complainant be checked & adjusted if any in subsequent bills.
- 6) Prayer of the damages stands rejected.
- 7) Parties to bear their own costs.
- 8) Compliance to be send within 30 days.

Sd/-  
Shobha B. Varma  
Chairperson

Sd/-  
Laxman M. Kakade  
Member / Secretary

Sd/  
Vilaschandra S.Kabra  
Member