



1) On being aggrieved by the fact of non-communication of IGRC Akola decision against complaint dated 23/07/2018 issued vide IGRC/Akola/3871 dated 05/10/2018 the complainant Shri.R.V. Jawlekar of Ramdaspath Akola approached this forum, under clause 6.4 of MERC CGRF Regulation 2006 for resolving the grievance.

2) Complainant's case in brief is that complainant is residential consumer of N.A. MSEDCL and submitted complaint to Additional Executive Engineer Subdivision 3 of Urban division about replacement of faulty Flash make meters dated 31/05/2018, which is acknowledged by N.A MSEDCL on 01/06/18. The complainant by his letters dated 30/06/18 disputed the energy bill for Rs 20240/- issued for the month of May- 2018 for connection No.31007057891 and for Rs. 30750 issued for the month of May- 2018 for connection No 310070517875 and requested N.A.MSEDCL to replace the faulty meters and correct the bills as per average consumption as per Supply Code Regulation- 2005, clause 15.4. According to complainant as N.A.MSEDCL failed in their obligation to replace the meters and correct the bills from April 2018 within specified time of Sop Regulation 2014, they are entitled for SOP compensation. According to complainant N.A. MSEDCL vide their letter No. SP/Rolox-Fbsh/X/778 dated 09/03/2016 have already declared Flash make meters as faulty and intimated to their field offices to replace these meters, which has not been implemented resulting in the grievance. According to complainant, claim for SOP is lodged first time on 23/07/2018 while registering complaint with IGRC Akola. Complainant prays for correction of energy bills from April 2018 till replacement of meters and SOP compensation for delay in correction of bills and testing of meters. Complainant annexed energy bills for April 18 to June 18 for both the connections, MSEDCL circular No 778 dated 09/03/2016, and copy of complaint to IGRC Akola and copy of letter AEE/Akola/1746 dated 30/08/18 along with the complaint.

3) Reply came to be filed by N.A. MSEDCL on 06/11/2018. According to NA. MSEDCL the Flash make energy meters for both connections under complaint are replaced on 13/07/2018 and on testing of meters at laboratory found to be in order as per testing report No 216 dated 27/08/2018 filed on record and intimated to complainant vide letter No. 1746 dated 30/08/2018. According to NA.MSEDCL the complainant lodged complaint to IGRC Akola on 23/07/2018 and IGRC Akola vide their order No. 3871 dated

05/10/2018 rightly disposed off the complaint as no correction in the bills were required as per testing report and requested Forum to dismiss the complaint. N.A. MSEDCL Annexed copy of IGRC order dated 05/10/2018 and testing report dated 27/08/18 alongwith the reply.

4) Shri. D. B. Tade representative for complainant and shri. P.R. Dani Executive Engineer, MSEDCL along with shri A.J. Dinore AEE, MSEDCL were present for the hearing held on 27/11/2018. Shri.D.B.Tade Complainant's representative reiterated the grievance on record and urged that despite instructions from higher authorities of MSEDCL as per letter 778 dated 09/03/2016 not to use 'Flash' make meters after 09/03/2016, N.A. MSEDCL continued the billing as per faulty meter till it is replaced on 13/07/2018. Shri.D.B.Tade representative brought to the notice of Forum that N.A. MSEDCL have not given copy of testing report but only intimated about correctness of meter and correctness of disputed energy bills on the basis of said report. Shri.D.B.Tade representative urged Forum to set aside the bills from April 18 to June 18 and correct the bills as per the provisions of Supply Code Regulation 2005 clause 15.4 giving faulty treatment as per N.A.MSEDCL circular filed on record. Shri.D.B.Tade representative further urged Forum to accept the claim for Sop compensation for delay in correcting the bills as per Sop Regulation 2014.

5) Shri. P.R. Dani Executive Engineer MSEDCL referred meter testing report filed on record dated 27/08/2018 and urged Forum that consumption recorded by meter for disputed bills is correct as per meter testing report as results in testing found to be within permissible limits and requested Forum to dismiss the complaint. On enquiry from forum shri P.R. Dani Executive Engineer confirmed that testing of meter has been carried out on 'Accucheck' meter at MSEDCL laboratory using external load of 'Bulb' as single phase testing bench is not available with MSEDCL. Shri. P. R. Dani Executive Engineer MSEDCL brought to the notice of Forum the shortages of meter as the reason for delay in replacing the faulty meters after 09/03/2016.

6) Having heard the parties and after considering the material placed on record Forum is of the view that IGRC Akola erred in deciding the consumption recorded by 'Flash' make meters installed at the residence of complainant as correct on the basis of meter testing report dated 27/08/2018 filed on record, when corporate office of MSEDCL have, vide their letter and

directives to field officers of MSEDCL including N.A MSEDCL issued vide SP/Rolex-Flash/X/778 Dated 09/03/2016 declared 'Flash' make meters as faulty and restricted its use after 09/03/2016. Forum is of the view that corporate office of MSEDCL is not relying on the measurement of energy by Flash make single phase meters and hence directed to withdraw Flash make meters from the system by giving directives to field staff including respondent N.A. MSEDCL by letter No 778 dated 09/03/2016 filed on record. Forum have gone through the test report of the meter tested on 27/08/2018 and found that testing of meter has not been carried out as per provisions of C.E.A. Regulation 2006 as deposed by Shri P.R. Dani, Executive Engineer MSEDCL that said testing is carried out at MSEDCL laboratory on 'Accucheck' using external load, such as coil or bulb as Test-bench for single phase testing of meter is not available with MSEDCL. Forum expressed deep displeasure that even after 10 to 12 years of enactment of regulations proper testing facility is not provided by N.A. MSEDCL. Forum could not understand the reason for not checking the meter before replacement at consumer premises using the consumer load on 'Accucheck' when C.E.A.regulation 2006 provides for such testing by 'Accucheck' every 5 years at consumer premises. N.A.MSEDCL even did not file on record replacement report signed by consumer which is requirement as per supply code regulation 2005, before testing at laboratory, in case of consumer complaint and thus violated the provisions of supply code regulation 2005. Forum is of the view that testing results on the basis of testing not as per provisions of law is liable for rejection and further treatment for billing during disputed period from April 18 to June 18 should be given as per clause 15.4 of supply code regulation 2005, considering the Flash make meter as faulty as declared by corporate office of MSEDCL. Forum is of the view that N.A.MSEDCL should set aside the energy bills for the month of April 18 to June 2018 and bill be corrected as per average of last 12 months consumption preceding the month in which billing is contemplated that is, in April 2018. The period of April 2017 to March 2018 should be considered for arriving at average consumption to be applicable for billing from April 18 to June 18. Forum is of the view that complainant is entitled for SOP compensation for correction of bill from 01/08/2018 till corrected bill is issued as per this order at Rs. 100 per week for delay in correction of bill beyond billing cycle as per complainant's application for correction dated 30/06/2018 filed on record. Forum is of the view that meter is replaced on 13/07/2018 within permissible limit and hence complainant is not entitled for compensation on this count. Forum is of the view that parties to bear their own cost. Forum is of the view that exorbitant

compensation of Rs 5.0 lacs claimed towards loss of reputation and mental harassment be rejected as that does not fall within the purview of this Forum.

With these observations, Forum proceeds to pass following unanimous order.

**ORDER**

1. That the Complaint No. 49 of 2018 is hereby partly allowed.
2. That NA MSEDCL is directed to set aside the energy bills issued to complainant from April 2018 to June 2018 in respect of connection No. 310070517875 and 310070517891.
3. That NA MSEDCL is directed to issue revise bill for April 2018 to June 2018 as per average consumption of 12 month calculated from April 2017 to March 2018 after adjusting already paid amount, within 15 days from the date of this order for connection No. 310070517875 and 310070517891.
4. That NA MSEDCL is directed to compensate complainant by Sop compensation at Rs 100 per week for delay in correcting the bill from 01/08/2018 till revision as per this order for both the connections separately and adjust the amount in ensuing bill.
5. The parties to bear their own cost.
6. That N.A. MSEDCL is directed to submit compliance report to this Forum within one month.

S/d/-  
Member Secretary

S/d/-  
Member (CPO)

S/d/-  
Chairman

Contact details of Electricity Ombudsman appointed by MERC (CGRF & EO) Regulations 2006 under Regulation 10:

THE ELECTRICITY OMBUDSMAN,  
Office of Electricity Ombudsman (Nagpur)  
Plot No.12, Shrikrupa, Vijaynagar, Chhaoni,  
Nagpur-440 013.Phone:- 0712-2596670

No. CGRF/AKZ/Akola/392

Dt: 11.12.2018

To,  
The Nodal Officers  
Executive Engineer Urban  
MSEDCL O&M,  
Urban Division, Akola.

The order passed on **11.12.2018** in the Complaint No. **49/2018** is enclosed herewith for further compliance and necessary action.

Secretary,  
Consumer Grievance Redressal Forum,  
MSEDCL, Akola Zone, Akola.

Copy to :- 1) Superintending Engineer, MSEDCL, O&M Circle, Akola.  
2) Shri R.V. Jawlekar, Nearpanpaliya Residency, Ramdaspath  
Akola.