

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

**Case No. CGRF/AZ/AUC/710/2018/50
Registration No. 2018120055**

Date of Admission : 11.12.2018
Date of Decision : 26.03.2019

Shri Sk Noor Fayaz Md, : COMPLAINANT
Sanjay Nagar, H. No. 4-13-57 P,
Aurangabad.
(Consumer No. 490010705182)

VERSUS

Maharashtra State Electricity Dist. Co. Ltd., : RESPONDENT
through it's Nodal Officer, EE(Admn),
Urban Circle, Aurangabad.

Addl. Executive Engineer,
Kranti Chowk Sub Dn, Aurangabad.

For Consumer : Shri Akhatar Ali Khan,
For Licensee : Smt Bhalerao,
Addl. EE, Kranti Chowk SDn, Aurangabad.

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 Shri Sk Noor Fayaz Md, Sanjay Nagar, H. No. 4-13-57 P, Aurangabad is a consumer of Mahavitaran having Consumer No. 490010705182. The applicant has filed a complaint against the respondent through 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 11.12.2018.

BRIEF HISTORY & FACTS RELATING TO THE GRIEVANCE:

- 2) The complainant has submitted his grievance as under :-
- 1) Shaikh Noor Faiz Mohammad is having residential connection since 27/3/1989, Consumer No. 490010705182, H. No. 4-13-57/P, Sanjay Nagar, Aurangabad.
 - 2) The consumer has approached to Additional Executive Engineer, Kranti Chowk Sub Division, Regarding Abruptly Change of Category from residential to commercial without any notice i.e. violation of commercial circular No. 243 dt. 3/7/2015 and wrong bill issued in the month of August 20 17. But there was no response
 - 3) Then consumer has taken of the matter with IGRC on 8/ 6/2018. But Nodal Officer has not conducted the hearing and not finalized the case till today. i.e. 8/ 12/2018 (a period of six month)
 - 4) The bill of consumer issued up to July 2017 as per actual reading recorded in the meter.

- 5) In the month of August 2017, the abnormal bill is issued for 3542 Units in a month for Rs. 48,020/-. Due to jumping of meter as compared to previous trend of consumption recorded as per actual reading in the meter.
 - 6) Now the meter is changed and a new meter is installed.
 - 7) It is prayed that :-
 - A) The category may be changed from commercial to residential.
 - B) The bill issued for the period after change of category as commercial on commercial rate of Tariff on higher side may be revised as residential category deducting the interest and DPC Charged during this period.
 - C) The Bill for the month of August 2017 issued for 3542 Unit in a Month due to jumping of meter be revised on previous trend of actual consumption, load and trend of consumption of newly installed meter.
- 3) The Respondent has filed say (Page No. 9) dtd 26.12.2018 & 513119 (Page No. 18) as under :-
1. In August 2017 the bill is issued to consumer for 3542 units. That as per application of consumer units for the month of February 2018 was divided in 22 months i.e. p.m. unit. 205, In that period, it was commercial category, so amt of Rs. 9361.57 is deducted.
 2. As per spot inspection used by consumer is residential, therefore the bill from November 2015 to August 2018 issued for commercial purpose is cancelled. Instead the consumer is changed as per residential category as per commercial circular No. 243 dtd.

03.07.2015, therefore difference amount of Rs. 21,511/- is deducted from the bill of November 2018.

3. In photos for March 2017 to July 2017, the display of meter reading is not seen clearly. Spot Inspection on 25.02.2019 was made, meter No. 4116144 was changed on 27.11.2017. Meter No. 40776170 is changed on 24.07.2018. For taking wrong meter reading proposal for wrong reading penalty was sent to Regional Office.
- 4) We have gone through the application, say & all documents placed on record by both the parties. We have heard arguments advanced by both the parties i.e. Complainant's Representative Shri Akhtar Ali Khan and Respondent's Representative Smt. Bhalerao, Addl. EE, Kranti Chowk Sub Division, Aurangabad. Complainant Representative submitted pursis (Page No. 35) dtd. 12.03.2019 regarding his prayer of Point A for change from commercial to residential category, & B for interest & DPC during this period are complied by respondent and now prayer 'C' of bill for month August 2017 issued for 3542 units. Only requires to be considered. Following points arise for our determination & its findings are recorded for the reasons to follow :-

Sr. No.	POINTS	FINDINGS
1)	Whether bill for month of August 2017 issued for 3542 units requires to be revised ?	Yes
2)	What order ?	As per final order

REASONS

5) **Point No. 1** :- Residential connection was released to the petitioner on 27.03.1989 with Consumer No. 490010705182. In the month of August 2017 bill of 3542 units showing current reading 11011 KWH & previous reading 7469 KWH with meter Sr. No. 6504116144 was issued, CPL (Page No. 34) confirms it.

6) Respondent has submitted proposed (-) B80 (Page No. 26) 4506 units are distributed for period November 2015 to August 2017. Reason for bill revision reproduced as –

“As per photo reading not cleared from November 2015 to August 2015 and accumulation bill charged in the month of August 2017, hence bills bifurcate from November 2015 to August 2017 as per AE report on dtd. 10.01.2018”

Assistant Engineer, Ahinsa Nagar submitted spot inspection report dtd 10.01.2018 remark as “*Old meter No. 4116144, Reading – No display.*”

7) We have directed respondent to provide photos of reading and explanation regarding bifurcation of 6505 units in 22 months i.e. from November 2015 to August 2017.

8) Respondent has produced photos of May 2017 to July 2017 but Photos do not show any reading. Remark on photos are as ‘कच्हर खराब’, Photo of August 2017 not produce, which is in dispute.

9) From CPL, it is seen that consumer has issued bill up to October 2017 with meter normal status & with progressive reading with Meter No. 6504116144. (except in month April 2017 & May 2017 with inaccessible status and in month June 2017, bill of 147 units for 31 months, previous 2 months lock credit & Rs. 811/- is given)

10) Hence, reading of meter No. 4116144 in August 2017, which is in dispute is not confirmed by producing photo by the Respondent, Assistant Engineer report dtd 10.01.2018 shows meter Sr. No. 4116144 & reading is not displayed. Hence consumption for August 2017 for 3542 units is not acceptable. Also bifurcation of units without confirming reading photos of meter No. 4116144 for period November 2015 to August 2017 for 22 months is also not logical. The Respondent has not explained as to when meter No. 4116144 was fixed, why readings were not taken properly & why CPL shows normal meter status, so also why disputed meter was not tested & final reading was not confirmed. As the aforesaid points left without any explanation by the Respondent, hence adverse inference requires to be drawn against it, consequently action of bifurcation of units is not found correct. We answer pint No. 1 in affirmative. Bill for the month Aug. 2017 for 3542 units is set aside & quashed.

11) As per condition of supply Regulation 2005, Clause 21.3, correctness of billing in case of faulty meter 22.7.6 , based on the average metered consumption for twelve months, immediately preceding the three months prior to the month in which billing is contemplated, average for May 2016 to April 2017, (May 2016 - 55, June 2016 - 52, July 2016 - 44, August 2016 - 39, September 2016 - 44, October 2016 - 66, November 2016 - 74, December 2016 - 06, January 2017 - 25, February 2017 - 49, March 2017 - 48, April 2017 - 41 Units), It comes 45 units per month, another way consumer demanded for bill to revise as per new Meter Sr. No. 7640776170 can be accepted and highest consumption in Month October 2018 i.e. 189 Units/month can be considered. Hence, consumer bill for month August 2017 is to revise as 189 units/month, if

highest unit of new meter instead of 3542 units. Considering these state of affairs, the claim of complainant deserves to be allowed as follows :-

ORDER

The application is allowed in the following terms :-

- 1) The Bill for the month August 2017 of 3542 units is set aside & quashed.
- 2) Issue revise bill of 189 units for the month of August 2017.
- 3) Take action on meter reading agency & erring billing officer as per MSEDCL Service Regulation.
- 4) Compliance be reported within 30 days from the date of receipt of the order.

Sd/-
Shobha B. Varma
Chairperson

Sd/-
Laxman M. Kakade
Member / Secretary

Sd/
Vilaschandra S.Kabra
Member