

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

**Case No. CGRF/AZ/AUC/721/2019/01  
Registration No. 2019010107**

Date of Admission : 29.01.2019

Date of Decision : 30.04.2019

Shri M.K.Kulkarni, : COMPLAINANT  
N-4, A-25 CIDCO  
Aurangabad  
(Consumer No. 490010883706 )

**VERSUS**

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

The Addl. Executive Engineer,  
Chikalthana, Sub Division, Aurangabad

For Consumer : Shri A.P.Joshi,  
For Licensee : Shri. C.N. Mohadikar  
Addl. EE, Chikalthana Sub-Dn.

**CORAM**

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

**CONSUMER GRIEVANCE REDRESSAL DECISION**

The applicant Shri M.K.Kulkarni N-4, A-25 CIDCO Aurangabad is a consumer of Mahavitaran having Consumer No. 490010883706. 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 29.01.2019.

**The brief facts of the dispute are as under:-**

- 1) That , the complaint is consumer of the MSEDCL, bearing consumer No.490010883706, it is residential connection.
- 2) That, the premises is rented to officer of M/s. Bombay Forging Co. However, the amount of electric bill is deducted from the rent received & paid by the complainant.
- 3) It is stated that in 2016, the trend of consumption is as follows:

Month of 2016	Units consumed
February	63
March	51
April	63
August	57
September	55
November	150

- 4) It is submitted that, in July 2017 the consumer has received bill of 7241 units for the amount of Rs.98820/- payable upto dt.28.08.2017. It being wrong bill, the complainant was surprised & immediately lodged his

- grievance with MSEDCL, but it went without any response . The complainant knocked the doors of IGRC by filing application, it was decided on dt.30.08.2018. Dissatisfied with the said decision, present complaint is filed.
- 5) It is stated that the meter installed in the premises of the complainant is of Rolex Co., electric meters of that manufacturer Co. are already black listed by MSEDCL.
  - 6) That it is residential connection & used only for that purpose. The compliant lodged to MSEDCL went without any response. That Average reading was not considered. Why the faulty meter was installed at the premises went unexplained.
  - 7) Only the amount of Rs. 33467, DPC Rs. 3461 & interest Rs. 2076 were deducted from the bill of October 2017. In fact the bill would not be more than Rs.1000, however, it is issued for more than One Lack Rupees.
  - 8) It is submitted that on the basis of consumption of 2014, 2015, 2016 average reading require to be considered. Photos of meter are not forthcoming. There is no reference in the order of IGRC about letter issued by MSEDCL, there by black -listing meter of Rolex Co.
  - 9) That the order passed by IGRC is not legal & correct.

**It is prayed that :-**

- 1) The order passed by IGRC dt.30.08.2018 be set aside.
- 2) The electric bill of July 2017 & thereafter bills issued in the later months be set aside & they be revised as per average units.

- 3) Compensation of Rs.10000/- & cost of litigation Rs. 10000/- may be awarded.
- 10) **The Respondent has submitted say (P.No.45) as under:-**
- 1) It is admitted that the complainant is consumer of MSEDCL with residential connection, which was released on dt.21.06.1991, at A-25, CIDCO, Aurangabad.
  - 2) It is contended that electric meter of complainant was replaced in the month of December 2015. That, in the month of July 2017 the meter of consumer has displayed reading 8069, therefore in July 2017 electric bill of 7241 units was issued to the consumer.
  - 3) That, on dt.16.08.2017, the consumer has submitted his grievance against the bill of July 2017, by filing application to Chikalhana Sub-division. Accordingly 8076 units were equally divided in twenty months, vide revision No.7077341 for Rs.33467.27 paise & it bill amount was thus reduced in the bill of October 2017. DPC of Rs. 3640 & interest Rs. 2876.00 was also reduced vide revision No.8325022 & 8358030 respectively.
  - 4) It is submitted that since, the bill of July 2017 was corrected, hence, complaint may be dismissed.
- 11) **Rejoinder is submitted by the petitioner at (P.No.59) raising following contentions :-**
- 1) It is stated that the consumer has not submitted any application as stated in the say. It is submitted that meter was replaced in December 2015. However, average billing is required to be calculated. The replaced meter was of Rolex Co. & was not

working properly is seen from the latter of MSEDCL dt. 21.08.2017.

- 2) On considering the trend of consumption from January 2016 to June 2017, it is seen that the consumption was only of 828 units. Average is calculated to 46 units. Then, there is no basis of explaining 7246 units calculation. It goes to show that the replaced meter was faulty. That the consumer has not used 7246 units. It is wrong to say that as per testing meter was Ok. Average billing may be considered.
- 12) We have gone through the application, say and all documents placed on record by both the parties. We have heard arguments advanced by both the parties i.e. complaint representative Shri. A.P.Joshi and Respondent's representative Shri. Mohadikar, Additional Executive Engineer, Chikalthana Subdivision.
- 13) Following points arise for our determination & its findings are recorded for the reasons to follow.

<b>Sr. No.</b>	<b>POINTS</b>	<b>FINDINGS</b>
1)	Whether bill issued in the month of July-2017 of 7241 units for amount of Rs.98,819 & further average bills from August-2017 to November 2017 of 2414 units requires to be set aside ?.	Yes
2)	Whether order passed by IGRC is just, legal & proper?	No.
3)	Whether compensation be granted & if yes what is the amount?	Rs.1000/-
4)	What Order	As per final order

**REASONS**14) **Point No. 1 :-**

LT Residential connection has been released to the consumer Shri. M.K.Kulkarni on Dt.21.06.1991. The bill of 7241 units and amount Rs.98,819/- in the month July-2017 showing previous reading 828 KWH and current reading 8069 hence Total consumption 7241 units for 2 months i.e. June 2017 & July 2017 with meter No.04470136 was issued to the complainant. The consumer has (page No.20) filed complaint on dtd. 18.10.2017 to the officer Additional Executive Engineer Chikalhana and requested that though respondent has tested above meter Sr.No.4470136 and report reference No.1183 Dt. 28.08.2017, he would like to retest the said meter at TQA laboratory as per discussion on 18.10.2017. Also requested to give payment chalen /quotation, so that he can deposit the testing charges & not to issue the new bill on average units and to install new meter immediately.

15) The consumer again filed complaint on Dt.13.11.2017 (Page No.22) and said that old meter Sr.No.4470136 after paying testing fees of Rs. 177 on 23.08.2017 got Testing Report reference No. 1183 Dt.28.08.2017 which shows meter found Ok". As the report is not acceptable to consumer and as directed by respondent, complainant received quotation on Dt.31.10.2017 for retesting of meter through TQA lab. The consumer has paid Rs.2369/- vide receipt No.2234392 Dt. 09.11.2017 and requested to retest meter at TQA lab in his presence. Also requested to install new meter immediately and not to issue further monthly bill arbitrators.

- 16) Consumer again filed complaint on Dt.27.11.2017 (Page No.29) and said that there is no action for
- 1) Rechecking of meter at TQA lab in consumer's presence.
  - 2) Installing of new meter in place of old meter is removed and lying in respondents custody.
  - 3) Not to issue bill on average basis.
- 17) Consumer again filed complaint on Dt.07.02.2018 (Page No.27) and said that consumer has received exorbitant bill for residential meter for July 2017 to November 2017. Consumer is following up for correction of all the bills but action for the same is not taken. Old meter carried for testing on Dt.23.08.2017 which is not yet received duly tested. New meter is installed on Dt.06.12.2017 but billing & consumption pattern of new meter is not considered on actual reading basis. There is no camera photo on the bill showing actual reading, and requested henceforth for correction of all old bills.
- 18) Consumer had approached to IGRC Urban Circle on Dt. 16.07.2018. IGRC Urban Circle passed order on Dt.05.10.2018 as "Consumer meter is Ok as per testing report . Consumer bill be revised for December 2015 to July 2017 by bifurcating units in 20 months. Interest & DPC be waived off".
- 19) Aggrieved by this IGRC order consumer filed complaint before forum on Dt. 29.01.2019. Considering the facts , consumers has issued bill with meter Sr.No.04470136 in the month July 2017 of 7241 units amount Rs. 98,819/- showing previous reading 828 KWH and current reading 8069 hence total consumption of 7241 units for June 2017 & July 2017 months. From CPL (Page No. 50 to 56) it is seen that meter

- Sr.No.04470136 is replaced in the month Jan 2016. From month Jan 2016 to Feb.2017 bills are issued with meter status Normal and progressive reading. In the month Feb.2017 bill is issued for 83 units with previous reading 745 unit & current reading as 828 units. Bill issued in March 2017 & April 2017 are with meter status faulty and in month May 2017 bill issued with normal status but shown same reading as previous & current reading in Month June 2017 reading is not taken and in July 2017 bill issued for 7241 units. After that from August 2017 to November 2017 bills are issued with meter missing status Meter Sr. No. 40782371 is replaced in months December 2017.
- 20) Meter Sr.No.04470136 tested at respondents testing unit on Dt.23.08.2017 and report shows “ Meter found Ok” complainant not accepted this report and demanded testing of said meter in TQA lab in his presence. Consumer has paid testing fee for TQA lab Rs. 2369/- on Dt.09.11.2017, but further Respondent has not tested said meter in TQA lab. Respondent’s relying on unit testing report Dt.23.08.2017 is not sufficient because CPL shows meter status is already faulty from March 2017. It is against testing report 28.08.2017 also, further meter requires to be tested in TQA lab, though consumer has paid testing charges.
- 21) Also, consumer produced Chief Engineer letter No. SP/L-81/T-007/111/900 Dt.21.03.2017. It is produced regarding Black listing of firm M/s Rolex meter Pvt.Ltd. as over a period of time (6 to 12 months) meter starts deteriorating from its performance and behaves erratically.
- 22) This fact also to be considered for the reason that said meter is of Rolex Co. also said meter is not further tested at TQA or manufactures site, hence meter Sr.No.4470136 consumption in July 2017 of 7241 units is



not found correct and not acceptable. Hence, disputed bill requires to be revised for month of July 2017 & from August 2017 to November 2017.

As per condition of supply 21.7 correctness of meter & billing in faulty meter, Metered consumption of twelve months immediately preceding the three months prior to the month in which bill is contemplated i.e. December 2015 to November 2016.

$$63+63+63+51+63+0+12+0+57+55+23+150 = \frac{600}{12} = 50 \text{ units/month.}$$

Meter Sr.No. 40782371 is replaced in December 2017 and correct reading taken in May 2018 is 370 units for six months its average consumption comes  $\frac{370}{6} = 61 \text{ units /month.}$

Hence bills from July 2017 to November 17 be revised as per new meter consumption trend i.e. 61 units /month, also same is accepted to consumer hence we answer point 1 in the affirmative.

- 23) **Point No. 2 :-** The order passed by IGRC is found without considering meter testing at TQA lab the black listing of Rolex meter & average trend of consumption. It is found that the said order is not just, legal & proper & requires to be set aside. Hence, we answer point No.2 in the negative.
- 24) **Point No. 3 :-** Considering that since the time of receiving the bill the consumer was pursuing his grievance by letter dt. 18.10.2017 (P.No.20), 13.11.2017 (P.No.22), 07.02.2018 (P.NO.27), 27.11.2017 (P.No.29), 13.11.2017 (P.No.30). Thereafter on 16.07.2018 submitted complaint to IGRC. Considering consumption of time & mental agonies caused to the complainant, we do feel it just & proper to grant compensation of Rs.

1000/- against MSEDCL. We accordingly answer point No.3 in the affirmative.

- 25) Considering the aforesaid discussion, we proceed to pass following order in reply to point No.4.

**ORDER**

The application is allowed in the following terms :

- 1) The order passed by IGRC in case No. अअ/ओशमं/अतात्रिक/१८-१९/३७ दि.३०.०८.२०१८ is hereby set aside & quashed & in its place following order is substituted.
- 2) The disputed bill of July 2017 to November 2017 of the complainant be revised & now it be issued as per average reading of new meter Sr.No.40782371 i.e.61 units/month.
- 3) The Respondent is also directed to pay to the complainant compensation of Rs. 1000/- (One thousand Rs.).
- 4) No order as to cost, report compliance 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