

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

Case No. CGRF(NZ)/15/2019

Applicant : Smt. Jassbeer Gour Paramjitsingh Saini,
Plot No.507, Baba Budhaji Nagar,
Teka Naka ,
Nagpur.

Non-applicant : Nodal Officer,
The Superintending Engineer,
(D/F), NUC, M.S.E.D.C.L.,
Nagpur.

Applicant represented by : Shri Paramjit Singh Saini,

Non-applicant represented by: 1) Shri V.R. Sonkusle, Exe.Engr.,
MSEDCL,

2) Shri Dahasahastra, SNDL, Nagpur

Quorum Present : 1) Shri Arvind Jayram Rohee,
Chairperson.
2) Mrs. V.N.Parihar,
Member Secretary
3) Mrs. Asmita Avinash Prabhune,
Member(CPO)

ORDER PASSED ON-06-03-2019

1) The applicant filed the present grievance application before this forum on 13.02.2019 under the provisions of clause 6.4 the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations 2006.

2) Applicant's case in brief is that her faulty meter was replaced but her disputed bills were not revised appropriately. She therefore approached IGRC. Being aggrieved by the order passed by IGRC she then approached this Forum.

3) The Non-applicant denied applicant's case by filing reply dt.02.03.2019. It is submitted that Meter No. 76/00068603, was tested in MTL on 10.01.2019, and found faulty. As per order passed by IGRC bills were already revised on the basis of assessed consumption as per the connected load and amount of Rs.12036.90/- and Rs.15143.41/- was credited in January 2019 and February 2019 respectively. Hence grievance application deserves to be dismissed.

4) Forum heard arguments of both the sides on 06.03.2019 & carefully perused the case record.

5) Applicant argued that nobody was staying at the premises since last 2 years, hence there was very less consumption. But it is important to note that Applicant did not produce any evidence to substantiate her claim of less consumption. On the contrary, CPL (Jan 2017 to Feb 2019) placed before forum clearly indicates otherwise. The following facts & gross irregularities are noted in the present matter.

a) Meter No 76/000068603 –Normal, Consumer Status –Live.

Jan 2017- Consumption indicated as 221 Units

Previous reading was 17033 Units, Current Reading was 17254

It is noticed that since Jan 2017 regular consumption is noted in subsequent bills along with corresponding advancement in the meter reading. No dispute was raised by the Applicant during above period.

b) Dec 2018- Consumption indicated as 193 Units

Previous reading was 25395 Units, Current Reading was 25588

It is clear from above that 8555 Units were consumed during Jan 2017 to Dec 2018 (25588 Units – 17033 Units).

It is noticed from the documents placed on records that Meter was removed on 10/01/2019 when reading was 25670 Units. Applicant had signed the report without any protest. New meter No 76/16819104 was fitted at Applicant's premises.

c) NA has charged 82 Units consumption in the month of Jan 2019 for Old meter reading (25670 Units – 25688 Units) & 36 Units consumption for New Meter. (Previous 1 Unit, Current 37 Unit). Total bill of 118 Units was issued for the month of Jan 2019.

d) It was noted that net bill for Jan 2017 was for Rs 69485.32/- including arrears of Rs 60388.17 of previous bills. Net bill for Dec 2018 was Rs 179135.78/- including arrears of Rs 175511/-. Thereafter, Applicant paid Rs 40000/- on 28/12/2018.

e) It is further noted that Applicant had not paid any bill after dt 10/11/2015. (Last receipt date) upto dt 28/12/2018.

f) It is also noted that despite such huge arrears, SD amount of only Rs 253.66/- was collected from Applicant.

g) Old meter removed from Applicant's premises was tested in meter testing lab on 10th Jan 2019 & was reported to be faulty.

h) Applicant lodged complaint before IGRC on 01/02/2019. IGRC passed an order dt 02/02/2019 & directed N.A. to revise bills from Jan 2017 to Dec 2018 considering the monthly average of 260 Units & to provide credit of balance units along with credit on interest arrears. IGRC order was based on the assessed consumption as per connected load.

6) It is pertinent to note that Applicant is conspicuously silent about the pending arrears against said electricity connection. It is evident from CPL that bills in every month (Jan 2017 to Dec 2018) were raised by N.A. as per meter reading. It is not the case of Applicant that she has not received bills during Jan 2017 to Dec 2018. Moreover, it was duty of the Applicant to lodge complaint in case of any dispute about bills or non receipt of bills during above period. It is the matter of record that Applicant had not raised any grievance or communication in the matter during Jan 2017 to Dec 2018, therefore. As such applicant is not entitled to claim or get any relief for the above period by simply alleging dispute at this stage after 2 years without providing any acceptable or justified evidence. It is matter of record that Applicant had consumed Electricity during above period, Therefore, Applicant cannot be permitted to claim any excuse from paying bills. It is also noticed from the documents placed on record that Meter was removed on 10/01/2019 when Meter reading was 25670 Units. Applicant had signed the report without any protest, therefore, Applicant is liable to pay bills for the electricity consumed during above period as per Meter reading available on record.

7) It is matter of record that Applicant had raised her grievance for the first time before IGRC, the appropriate authority on 01/02/2019. Therefore, Applicant is entitled to get relief only as per provisions of The

Electricity Act 2003, MERC CGRF & E.O Regulations 2006, MERC Supply Code 2005, MERC Standard Of Performance 2014. It is evident that meter installed at Applicant's premises was declared faulty on 10th Jan 2019. Therefore, Applicant is entitled to get her bills revised as per the provisions of MERC (Electricity Supply Code and other conditions of Supply)Regulation,2005 (Section 15 Billing-15.4 Billing in the Event of Defective Meters.). It is specified further in Section 15 'Billing' as under :-

15.4 Billing in the Event of Defective Meters

15.4.1 Subject to the provisions of Part XII and Part XIV of the Act, in case of a defective meter, the amount of the consumer's bill shall be adjusted, for a maximum period of three months prior to the month 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.:

Provided that, in case of broken or damaged meter seal, the meter shall be tested for defectiveness or tampering. In case of defective meter, the assessment shall be carried out as per clause 15.4.1 above and, in case of tampering as per Section 126 or Section 135 of the Act, depending on the circumstances of each case.

Provided further 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 the average metered consumption for twelve months immediately preceding the three months prior to the month in which the billing is contemplated.

In view of the above legal provisions & since the meter was declared faulty on 10th Jan 2019, N.A is required to revise bills to a maximum period of three months prior to Jan 2019, based on the average metered consumption for twelve months immediately preceding the three months prior to the month in which the billing is contemplated.

8) It is pertinent to note that N.A was under legal obligation to collect bill payments regularly from the Applicant during above period. It was thus obligatory upon N.A to take appropriate measures for recovery of arrears by invoking provisions of Section 56(1) of the Electricity Act 2003. However, it appears that N.A remained in deep slumber during above period of 2 years & arrears were piled up to Rs 179135.78/- in Dec 2018 from Rs 60388 in Jan 2017. It is pertinent to note that N.A remained suspiciously silent about the pending arrears against said electricity connection in the reply filed before Forum. It is matter of investigation what prevented officials of N.A. from taking available legal recourse in the matter for collection of arrears. The conduct of the N.A officials in the present matter is not only unfortunate but also highly objectionable. It is total failure of monitoring mechanism existing at N.A office. It has allowed the applicant to enjoy electricity without paying arrears. Both parties have not placed any document on record to demonstrate actual payment of meter testing charges by Applicant. Moreover, possibility of the connivance of the employees of N.A. with applicant cannot be ruled out in the present case. We, therefore, direct N.A to conduct departmental enquiry in the present matter to fix responsibility for dereliction in duties by the concerned staff & recover losses caused to N.A from the concerned officials.

9) It is settled position that IGRC is required to pass orders as per available legal provisions under The Electricity Act. 2003 & subsequent regulations provided by Hon MERC. However, appears that IGRC lost sight of the available provisions, facts & circumstances of the present matter. IGRC has erred in issuing directions to revise bills from Jan 2017 to Dec 2018 considering the monthly average of 260 Units & to provide credit of balance units along with credit on interest arrears. It is strange & surprising to note from 'X' form submitted before IGRC on 01.02.2019 that Applicant had raised her grievance in one sentence without giving any evidence/submissions to justify her claim & without mentioning period of grievance, but still IGRC decided matter on the very next day. i.e on 02.02.2019 by giving relief to Applicant. It is settled position of law that assessment of the consumption based on connected load is permissible only in case of matter related to Section 126 or 135 of the Electricity Act 2003. It is also permissible as per MERC (Electricity supply code and other conditions of Supply) Regulations, 2005 (Section 15 Billing-15.3 Billing in the absence of Meter reading) & that too for one/two billing cycles only. N.A is under obligation to take measures as per 15.3.2 to issue bills as per Meter reading. It is clearly evident that none of the above situation is applicable in present case, on the contrary, bills with proper meter reading were available & issued to Applicant, therefore, IGRC had no reason to issue directions to revise bills for two years based on assessment as per connected load. In view of the facts & legal provisions, the order of IGRC is totally unsustainable & required to be set aside.

10) We pass the following orders:-

1. The IGRC Order is set aside.

2. The Grievance application is dismissed.

3. N.A is directed to revise bills as per observations recorded in & strictly in accordance with MERC Supply Code 2005, Section 15.4.1 specified for defective meter.

4. Non applicant is further directed to conduct departmental enquiry for the loss of revenue from January 2017 to Dec 2018 & to recover it from the erring employees for dereliction in duties causing loss to the licensee.

5. Non applicant is further directed to complete above exercise within three months & compliance report be submitted to the forum.

6. Copy of the order be sent to Chief Engineer, MSEDCL Nagpur Zone to take appropriate measures to avoid such lapses in future to avoid probable loss to distribution Licensee.

7. No order to costs.

Sd/-
(Mrs. Asmita A. Prabhune)
MEMBER(CPO)

Sd/-
(Mrs. V.N.Parihar)
MEMBER SECRETARY

Sd/-
(Arvind J. Rohee)
CHAIRPERSON