

2) Complainant's case in brief is that complainant is residential consumer of NA MSEDCL. According to complainant the application against faulty meter was submitted to NA MSEDCL on 11/02/2019 and paid Rs. 236/- towards meter testing charges. According to complainant meter testing report dated 01/03/2019 is not acceptable as not tested on testing bench. According to complainant meter is removed for testing purposes on 26/02/2018 and not installed in spite of repeated oral request to MSEDCL. According to complainant energy bill is paid on 08/03/2019 and on repeated follow up the meter is installed on 03/04/2019. Complaint to IGRC Buldana was registered on 20/03/2019.

Complainant's prayer :

1. Direct MSEDCL to replace faulty meter.
2. Direct MSEDCL to pay SOP Compensation.

3) NA MSEDCL did not file a reply to this Forum and not submitted copy of reply to complainant.

4) Shri. B. U. Jaybhay, Executive Engineer MSEDCL Khamgaon was present for the hearing held on 12/07/2019. The complainant Shri. Daulat Hari Shegaokar from his cell phone no. 8329848529 intimated at the time of hearing on 12/07/2019 about his inability to remain present for hearing due to medical urgency of his relative. Shri. B. U. Jaybhay, Executive Engineer MSEDCL urged before Forum that it is fact on record that complainant has applied for meter testing on 30/01/2019 and demand note for meter testing is issued for Rs. 236/- by MSEDCL on 11/02/2019 which is paid by complainant on 11/02/2019 and meter is tested on 01/03/2019 at MSEDCL laboratory on testing bench and results as filed on record by complainant are found to be within permissible limit and bills issued as per consumption of meter are correct. On being asked by Forum about declaration of 'Flash' make meter, which is installed on complainant's premises and tested by MSEDCL on 01/03/2019, as faulty by their corporate office, Shri. B. U. Jaybhay submitted before Forum to file letter issued by their corporate office on record within three days before 17/07/2019. Shri. B. U. Jaybhay, Executive Engineer however filed on record reply given by Dy. Executive Engineer Shegaon to complainant on 11/06/2019 along with A. E. Shegaon letter no. 80 dated 03/04/2019.

5) On concluding the hearing on 12/07/2019 Forum directed NA MSEDCL to file on record before 17/07/2019 following documents.

1. Consumers CPL from 2015 to June 2019.
2. Corporate office letter declaring 'Flash' make energy meters as faulty.

6) NA MSEDCL filed on record following documents on 17/07/2019.

1. CPL for Consumer no. 297058135227 from December 2014.
2. Meter replacement report dated 12/07/2019.
3. Chief Engineer (MMC) letter no. 778 dated 09/03/2016.

7) Having heard the parties and after considering material placed on record Forum is convinced that grievance of complainant is for meter being fast according to complainant's letter dated 11/02/2019 and its testing and NA MSEDCL should have dealt the complaint as per the provisions of supply code regulation 2005 clause 15.4. From testing report dated 01/03/2019 filed on record by the complainant; it is clear that the 'Flash' make meter which is purported to be tested by MSEDCL on 01/03/2019 is already declared as faulty by corporate office of MSEDCL as per letter Chief Engineer (MMC)/778 dated 09/03/2016 filed on record by NA MSEDCL. Forum is of the view that NA MSEDCL have violated the supply code regulation 2005 and CEA regulation 2006 and tested the meter which is already declared as faulty from 09/03/2016 and not carried out testing as per CEA Regulation 2006 in approved laboratory and testing carried out in absence of complainant without giving any intimation to the complainant and hence Forum not relying on testing report dated 01/03/2019 and of the view that said report needs to be set aside and treatment of faulty meter as per clause '15.4.1 proviso' needs to be invoked for the purpose of billing. From CPL filed on record the average consumption for the last twelve months preceding the month (March 2016) declaring the meter faulty by MSEDCL is 18.5 KWH per month which should be applied for revision of bills for Nov 2018 Dec 2018 and Jan 2019 upto 26/02/2019 and energy bills issued by NA MSEDCL for Nov 18 to Feb 2019 needs to be set aside. As regards the grievance of SOP compensation Forum finds considerable force in submission of complainant that NA MSEDCL have removed meter for testing on 26/02/2019 and installed meter on 03/04/2019 keeping complainant's premises without supply of electricity which amounts to forced disconnection on the part of NA MSEDCL without any cause and liable to compensate complainant at Rs. 50/Hrs from 27/02/2019 to 02/04/2019 for 35 days as per SOP regulation 2014 as claimed by complaint within 60 days. Forum do not find any substance in the defence brought on record through a letter dated 03/04/2019 by Assistant Engineer Shegaon intimating Executive Engineer Khamgaon that complainant did not allow to install

the meter on two occasions as not corroborated by any documentary evidence. Forum is of the view that NA MSEDCL should desist from fabricating such type of evidence as this Forum is supposed to decide the complaint on the basis of facts as per MERC regulation 2006. Forum is of the view that NA MSEDCL should refund the testing charges Rs. 236/- as per provisions of supply code regulation 2005 clause 14.4.4. Forum is of the view that payment of SOP Compensation is revenue loss of MSEDCL and should be recovered from the guilty officers/employees of the MSEDCL after due departmental enquiry as per principle laid down by the Apex court in the matter between M/S Lucknow Development Authority and M. K. Gupta in Civil Appeal No. 6237 of 1990 issued on 5th Nov 1993.

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

ORDER

1. That the Complaint No. 28 of 2019 Dated 27/05/2019 is hereby partly allowed.
2. That the NA MSEDCL is directed to set aside the energy bills from Nov 2018 to Feb 2019 and revise bills should be issued at average of 18.5 KWH per month for the period without charging DPC, interest in revision.
3. That the NA MSEDCL is directed to issue 'Zero' amount of bill for 26/02/2019 to 02/04/2019.
4. That the NA MSEDCL is directed to issue energy bills from 03/04/2019 at average consumption of 18.5 KWH per month till replacement of meter on 12/07/2019.
5. That the NA MSEDCL is directed to refund Rs. 236/- recovered towards meter testing charges to be adjusted in the ensuing bill payable by the complainant.
6. That the NA MSEDCL is directed to compensate complainant at Rs. 1200/- per day from 27/02/2019 to 02/04/2019 for 35 days amounting Rs. 42000/- (Rs. Forty two thousand only) payable by cheque within one month of this order.
7. That the NA MSEDCL is directed to recover the revenue loss payable by way of SOP compensation from guilty officers/employees of NA MSEDCL after due enquiry as per principle laid down by the Apex court in the matter between M/S Lucknow Development Authority and M. K. Gupta in Civil Appeal No. 6234 of 1990 issued on 5th Nov 1993.

8. That the NA MSEDCL is directed to submit a compliance report to this Forum within one month of this order.

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/160

Dt:- 19.07.2019

To,
The Nodal Officer,
Executive Engineer
MSEDCL, O. & M.
Division Khamgaon.

The order passed on **19.07.2019** in the Complaint No. **28 of 2019** is enclosed herewith for further compliance and necessary action.

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

Copy s.w.r. to:-

- 1) Chief Engineer, MSEDCL, Akola Zone, Akola.
- 2) Superintending Engineer MSEDCL, O. & M. Circle, Buldana.

Copy to :-

- 2) Shri. Daulat Hari Shegokar At. KHADWADI Near Farm House Of Mr. Ghatol, Shegaon Dist- Buldana 444203.