

consumption bill was issued by the Utility as compared to regular average consumption units as their monthly consumption was claimed between unit 85 to 130 units and bill amounting to Rs.550 to Rs.850/- but bill of 937 units amounting to Rs.10,850/- and 382 units (average) & its bill amounting to Rs. 3,852/- , & 382 units bill amounting to Rs. 3660 and 3372 unit & its bill amounting to Rs.35,970/- and these bills were received to the consumer on date 16.10.2018, 16.11.2018, 17.12.2018, & 16.01.2019 respectively.

After receiving the bills to the consumer, the complaint was initially lodged to the office of MSEDCL - Addl. Ex. Engineer Deccan Gymkhana Sub/Dn. & hence Shri. Sachin visited site on 24.10.2018 and verified all the load & he noticed that, the excess consumption due to faulty motor in service. He has removed the faulty meter from circuit and noted reading on 24.10.2018. It is stated by the consumer that, the meter testing fee was paid on 24.10.2018 and after 3 to 4 days meter is tested & testing report was received on dated 15.2.2018. It was reported that after removal of faulty motor from the circuit, the meter reading is found OK. But afterwards same excess bill is received to the consumer.

Therefore consumer is disagree with excessive bill and has not accepted the same. According to the consumer he said that, they have not put up extra load in the circuit and stated that, the faulty pump was also removed from the circuit in front of consumer. Even then he was received the excess bill. The consumer further stated that he has paid the complete bill which was demanded by the Utility due to threat of permanent disconnection. The consumer requested to the Utility on 01.02.2019 for complaint regarding excess billing and hence meter was tested in series with other meter & there after again the meter was checking in laboratory as per rules & review & reassess the bill. In the meantime due to nonpayment of bill, the disconnection notice was served by the Utility for payment of arrears bill on dtd. 15.02.2019 alongwith the current bill.

Initially the consumer approached to the IGRC on dated 02.03.2019 and lodged his complaint alongwith copy of the bill, copy of notice dated 15.2.2019 alongwith bill for the month of Jan.-2019 amounting to Rs. 36,420/-

The consumer has also attached the copy of other bill for reference 16th April 2019. After filing the said complaint to IGRC, the IGRC registered the case No.09 of 2019 & hearing scheduled on dated 4.4.2019. The IGRC gave the opportunity of hearing to both the parties and decision order was issued on dated 05.04.2019. The IGRC passed the order against the consumer directing that as per meter testing report, the meter found OK, & errors are within permissible limits. Therefore the bill issued by the Utility is correct and consumer is liable to pay the same.

Being dissatisfied with the order of IGRC on dated 5.4.2019, the consumer was approached to this Forum and filed his grievance in Form No. A on dated 02.05.2019. The consumer was filed the copy of IGRC order, demand notice, demand bill, and gave the details of previous units recorded assessment and comparison of new & old meter recorded readings and requested that the bill is to be revised and reassess after laboratory meter testing report & the bill should be corrected and excess bill should be refunded. After filing the complaint to this Forum, this Forum registered the case vide registration No. 30 of 2019 on 02.05.2019.

Thereafter this office has issued the notice to the Respondent Utility on 4.05.2019 directing to the Utility that, to file the reply on or before 20.5.2019. Thereafter the Utility appeared and filed reply to the complaint of the consumer alongwith copy of CPL, copy of meter testing report, as per the request of the consumer i.e. installed meter is tested in series with other meter & also the meter was tested in the laboratory on 11.03.2019 at Kothrud & TQA laboratory testing report dated 21.6.2019 and the report of the testing of the meter was found OK and its error is within the permissible limit and class of accuracy is one & therefore bill issued to the consumer is proper & correct. The Respondent Utility submitted that the consumer used the consumption of units for the purpose of Nyasa Co-operative society water pump and other connecting load and the actually units assess & recorded by meter is proper & correct & as there is no any fault in the meter and therefore the consumer is liable to pay the said bill.

After perusing rival contention of the consumer and the Respondent Utility following points arose for my consideration to which I have given my findings to the issue alongwith reason given below:-

1. Whether accumulated bill issued to the consumer is legal valid and proper ?
2. Whether the consumer entitled for any refund or adjustment in the bill?
3. Whether consumer is entitled to pay the bill in equal monthly installment ?
4. What Order ?

Reasoning :-

I have given the opportunity to the consumer as well as the Respondent Utility and on dated 12.6.2019, it appears from the dispute that there is defective motor pump which was connected to the load due to which the fluctuating units recorded by the meter is correct & the bill issued in the month of Oct.-2018 to Jan.2019 is correct as per his actual consumption. The consumption of units are recorded as per his connecting load. During the hearing, the Respondent Utility was directed to check the meter in laboratory in presence of consumer at TQA Laboratory. On compliance of the said directions, the meter was tested in the laboratory on 21.06.2019 & the meter found OK. The notice was served to the consumer for attending at TQA Laboratory, Phursungi for testing purpose but the consumer remain absent when the meter was actually tested. The Respondent Utility has filed the meter testing report in detail which is verified minutely by the technical member of this Forum minutely. As per the report filed by the Kothrud Division, the accuracy of the meter is found within the permissible limits and therefore the Forum should held that there is no any fault in the meter. The parameters of the pattern was adopted for testing is also verified as per I.S. & it was verified by me minutely. I come to conclusion that, the consumer safe to establishment any circumstances in which the Forum should held that the error is within permissible limit & it is proper or otherwise. To my view a testing laboratory from TQA Lab- Phursungi Pune to report and analysis and

accuracy report since to be legal valid and proper. Therefore I come to conclusion that meter testing report is found OK & having no any reason to give extra benefit to the consumer as all the consumption units are recorded by the Utility seems to be legal valid and proper.

The question arises of the demanding accumulated unit which was previously under billing & hence the accumulated bill for the units together cannot be set to be proper during that period as his required to be bifurcated in equal months of the period dispute raised by the consumer. And the earlier bill which was deposited and paid by the consumer shall be given set off. In this circumstances the accumulated bill which is assess to the consumer and it is liable to be recovered the said bill in equal monthly installments. Apparently there is no fault of the consumer as well as Respondent Utility due to maximum consumption was recorded due to faulty motor taken into the circuit which is under the dispute. The Respondent Utility said that there is no any responsibility taken by the MSEDCL if any fault occurred beyond the point of supply. And therefore no Interest, DPC and penalty shall be charged against the consumer. Only beside this relief to the consumer is not entitled for revised and reassess the earlier bill demanded and issued to the consumer by Utility is correct and it is legal valid and proper. Therefore I am inclined to allow the consumer complaint partly.

The time limit of 60 days prescribed for disposal of the grievance could not be adhered due to submission of Licensee made during the instructions given at the time of hearing by the Forum.

I proceed to pass the following order:

ORDER

1. The consumer shall be liable to pay the accumulated bill alongwith current bill. It is seen that the consumer was already paid the bills & hence not entitled for refund to the consumer.
2. No interest & DPC & penalty shall be charged against the consumer.

3. The Utility is entitled to recover the meter testing fees and other charges as per rules & or adjusted the demand in future bills. The prayer of the consumer of review only assess the accumulated bill stands rejected in view of meter testing report is found OK and error is within permissible limit. Therefore prayer of the consumer stands rejected.
4. No order as to the cost.
5. The Licensee is directed to report the compliance within one month from the date of this order.

The order is issued under the seal of Consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Pune Urban Zone, Pune on 26th Aug. - 2019.

Note:-

- 1) If Consumer is not satisfied with the decision, he may file representative within 60 days from date of receipt of this order to the Electricity Ombudsman in attached "Form B".

Address of the Ombudsman
The Electricity Ombudsman,
Maharashtra Electricity Regulatory Commission,
606, Keshav Building,
Bandra - Kurla Complex, Bandra (E),
Mumbai - 400 051.

- 2) If utility is not satisfied with order, it may file representation before the Hon. High Court within 60 days from receipt of the order.

I agree / Disagree

Sd/-

ANIL JOSHI
MEMBER
CGRF:PZ:PUNE

Sd/-

A.P.BHAVTHANKAR
CHAIRPERSON
CGRF: PZ:PUNE

I agree / ~~Disagree~~

Sd/-

BEENA SAVANT
MEMBER- SECRETARY
CGRF:PZ:PUNE