

2) The Complainant's case in brief is that complainant is LTXBII consumer of NA MSEDCL from 15/04/2017. According to complainant the connected load from date of connection is 40 KW and applied for reduction in load to 20 KW for which grievance is pending before IGRC Washim. According to complainant NA MSEDCL issued bill dated 07/05/2019 amounting Rs. 2,18,790/- for 21076 units wherein 587 units are shown as consumption recorded by meter and 20489 units are added as adjustment units. The said bill is disputed by complainant and referred to NA MSEDCL by letter dated 21/05/2019 after payment of current bill as per provisions of section 56 of E. A. 2003 for rectification. According to complainant NA MSEDCL instead of rectifying bill added arrears of Rs. 2,10,387.84/- in the energy bill for May 2019 which is in dispute. According to complainant NA MSEDCL issued disconnection notice through SMS as permitted mode of issuing notice as per MERC case no. 195 of 2017. According to complainant for making representation before this Forum complainant had to take expert advice for which Rs. 5000/- in addition to travelling charges and cost of representation Rs. 2000/- is incurred by complainant.

Prayer Of Complainant

1. Direct NA MSEDCL by Interim order not to disconnect the electric supply pending disposal of grievance.
2. Direct NA MSEDCL to quash and set aside energy bill dated 07/05/2019 showing adjustment unit of 21076 KWH.
3. Direct NA MSEDCL to issue correct reading bill as per metered consumption.
4. Impose cost of Rs. 7000/- on NA MSEDCL payable to complainant.
5. Any other relief Hon'ble CGRF may deem fit.

3) Considering the urgency Forum heard complainant's authorised representative Mrs Sheetal Ondhiya on 25/06/2019 who made out a case; and passed Interim order vide Sec/CGRF/AKL/135 dated 25/06/2019 directing NA MSEDCL Washim not to disconnect the electric supply pending disposal of grievance, under the provisions of section 8.3 of MERC CGRF and OMBUDSMAN Regulation 2006.

4) NA MSEDCL filed reply on 11/07/2019 at the time of hearing with following additional documents.

1. Provisional Assessment by Additional Executive Engineer dated 20/04/2019 for 19146KWH from 29/04/2017 to 16/04/2019 with Inspection report dated 16/04/2019.
2. CPL from May 2017 to May 2019.
3. Consumer and meter information report .(Reading source as MRI) for March 2019, May 2019 and June 2019.

According to NA MSEDCL the recourse of section 56(1) b is not applicable to complainant as assessment is pointed out by Flying squad. According to NA MSEDCL grievance does not fall within the purview of section 6.5 of MERC CGRF Regulations 2006 as grievance is filed before two month of filing complaint with IGRC and requested Forum to reject grievance. According to NA MSEDCL it is fact that adjustment units are added correctly in the bill issued on 07/05/2019 as during Inspection of Flying squad dated 16/04/2019 the meter is found to be slow because of B phase voltage on meter display found missing. According to NA MSEDCL assessment of 2076 KWH units as per report filed on record is correct. According to NA MSEDCL assessment is correct as inspection is carried out in presence of complainant's representative. According to NA MSEDCL as complainant paid part bill for Rs 11000/- for April 2019 the arrears of Rs 2,18,790/- are added in the bill for May 2019 and is correct. According to NA MSEDCL system generated message of disconnection notice does not amount to threat.

NA MSEDCL Prayer

1. As complainant did not approach Forum with clean hands the assessment unit added in the bill should be paid by complainant.
2. The complainant should not be allowed the cost or bill revision.
3. The complainant be directed to pay the energy bill for May 2019 as issued by MSEDCL.

5) Miss Sheetal Harish Ondhiya complainant and Shri. R. G. Tayade Executive Engineer, MSEDCL Washim were present for the hearing held on 11/07/2019. Learned complainant brought to the notice of Forum that copy of Inspection report dated 16/04/2019 or copy of assessment dated 20/04/2019 was never issued to complainant before 11/07/2019 though the Inspection report dated 16/04/2019 is signed by mother of complainant for having carried out Inspection in their presence. Learned complainant brought to the notice of Forum that no fault on consumers side is recorded in the Inspection report dated

16/04/2019 and urged before Forum that as per supply code regulation 2005 the revision of bill as per inspection report dated 16/04/2019 will be acceptable and will be paid as per the directions of Hon'ble Forum.

6) Shri R. G. Tayade Executive Engineer Washim brought to the notice of Forum that during the inspection of Flying squad on 16/04/2019 at complainant's premises the 'B' Phase cable fitting to meter was found to be loose resulting in voltage on energy meter display as 'Zero' thereby recording 30.41% consumption by meter which is less by 69.59% and meter though not faulty was slow by 69.59% due to faulty installation connections and hence assessment was made applicable for 24 months from the date of connection. On being asked by Forum Shri R. G. Tayade Executive Engineer brought on record that energy billing is done as per MRI after checking all parameters by quality control Engineer of MSEDCL and all previous energy bills are issued as per MRI source. On being asked by Forum about tenability of assessment on the basis of faulty meter for defective connections on the part of MSEDCL in view of provisions of supply code regulation 2005, the learned representative Mr R. G. Tayade by written submission on record admitted to charge assessment for 3 month prior to detection by Flying squad.

7) Having heard the parties and after considering the material placed on record Forum have noted the fact brought on record that billing in respect of complainant is carried out on the basis of MRI. NA MSEDCL have filed on record the MRI copies for the month of March to June 2019 on the basis of which energy bill is generated. From the meter status of MRI for March 2019 it is noticed that phase voltage for 'BR' and 'BN' is missing and meter was faulty for actual consumption as 'B' phase voltage on energy meter display was Zero. Despite billing as per MRI by NA MSEDCL the status shown in CPL for the month of March 2019 as 'Normal'. NA MSEDCL have not filed on record 'tamper' data and load flow chart data of MRI. CPL showing normal status of meter from May 2017 to May 2019 while assessment is carried out considering meter as slow by 69.59%, from May 2017 to April 2019 which according to Forum is a contradiction and needs to be set aside being a case of meter becoming faulty temporarily because of defective electrical connections. Forum is relying on inspection report dated 16/04/2019 according to which meter was recording less consumption due to defective electrical connections by NA MSEDCL and of the view that provisions of supply code regulation 2005 clause 15.4.1 for defective meter should be invoked and the amount of the consumer bill shall be adjusted

for a maximum period of three months prior to the month in which the dispute has risen in accordance with the inspection report of 69.59% slow and NA MSEDCL needs to be directed to revise the energy bill for the month of Jan 2019 to March 2019 with directions to set aside assessment dated 20/04/2019 for 19176 KWH for 24 month and 20489 KWH added against adjustment units for April 2019. Forum is also of the view that NA MSEDCL should conduct departmental enquiry as to the defective connection leading to faulty meter on the basis of tampered data and billing from May 2017 to March 2019 as per MRI but ignoring the tampered report resulting in less billing and loss to MSEDCL and should recover the revenue loss from guilty officers/employees of MSEDCL as per Apex court direction in the matter of dispute between M. K. Gupta and Lucknow Development Authority in civil Appeal No. 6237 of 1990 issued on 5th Nov 1990. Forum is of the view that NA MSEDCL have violated clause 14.4.1 of supply code regulation 2005 and not carried out periodic testing and maintenance of consumer meter, from May 2017 and also violated clause 15.2.2 of supply code Regulation 2005 by not explaining the detailed basis of computation of complainant's bill despite request in writing dated 07/05/2019 filed on record.

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

ORDER

1. That the Complaint No. 33 of 2019 Dated 25/06/2019 is partly allowed.
2. That the NA MSEDCL is directed to set aside assessment dated 20/04/2019 and 20489 units added as adjustment units in energy bill for April 2019 dated 07/05/2019 and directed to revise bill for April 2019 as per actual consumption of 586.64 KWH to be issued to complainant which should be paid within stipulated period after revision.. Current bill paid by complainant for April 2019 should be adjusted in revision.
3. That the NA MSEDCL is directed to revise energy bills for Jan 2019 to March 2019 as per inspection report dated 16/04/2019 of Flying squad considering 69.59% meter slow and complainant to pay revised bill on receipt.
4. That the NA MSEDCL is directed to issue all future energy bills from May 2019 as per actual meter reading.
5. That the NA MSEDCL is directed to recover the revenue loss if any from guilty officers/employees of NA MSEDCL after due enquiry as per principle Laid down by the Apex Court in the matter of dispute between M/s

Lucknow Development Authority and M. K. Gupta in civil appeal No 6237 of 1990 issued on 5th Nov 1993.

6. 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/176

Dt :- 14.08.2019

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

The order passed on **14.08.2019** in the Complaint No. **33 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 Washim.

Copy to :-

- 1) M/s Maniprabha Health Plus, B- Wing BFF 1 to 6 and 49 Aditya Anagha
M. S. Co Operative credit society Ltd. Tulsi Infra Prop. Washim 444505.