

**Maharashtra State Electricity Distribution Co. Ltd.'s  
Consumer Grievances Redressal Forum  
Nagpur Zone, Nagpur**

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**Case No. CGRF(NZ)/66/2019**

Applicant : Shri Rajukumar Bdhalmal Kewalramani,  
House No.955/A, Jaripatka,  
Nagpur-4440014

V/s

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

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Applicant represented by : Shri Kamal Kewalramani,  
Non-applicant represented by: 1) Shri S.S. Ishwarkar, Dy.Exe.Engr.,  
MSEDCL, NUC, Nagpur.  
2) Shri Dahasahatra, SNDL, Nagpur

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

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**ORDER PASSED ON 16.08.2019**

1. The applicant approached this Forum under clause 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievances Redressal Forum & Electricity Ombudsman) Regulations 2006, since dissatisfied with the order dated 22.07.2019 passed by the Internal Grievance Redressal Cell (IGRC), SNDL, Nagpur, thereby granting credit of Rs.8583/- only on revision of bills since the meter was found to be defective.

2) It is revealed during the course of hearing and on interrogation with the applicant Shri Kamal Kewalramani that he happened to be the son of the deceased consumer Shri Rajkumar Kewalramani in whose name the electric meter still exists with Consumer No.410017743957. It may be mentioned that the fact of death of recorded consumer was not brought to the notice of the Commercial Manager or IGRC. Since, there is no reference in this behalf in the order passed by those authorities. However, this being the vital issue, this forum has considered this aspect, since in view of the provisions of section 2(15) of The Electricity Act 2003 and various Notifications / Circulars / Regulations issued by MERC / MSEDCL, recorded consumer alone has a locus to seek redressal of grievance. It is clear that even if the recorded consumer is no more, he can be substituted by any of his legal representatives, who enjoy the facility of electricity. Unfortunately, in this case this has not been done so far, although the applicant stated that when he tried to move the application for substitution of his name, in place of the deceased consumer, he was called upon by the SNDL authorities to wait till December 2019. It is stated that this was for the reason that on previous occasion the instance of theft of electricity from the said meter was detected. The matter was however settled before Lok Adalat and installments were granted to the consumer to clear off the dues with penalty, the last installment being payable in December 2019.

3) In the background of the aforesaid factual position, since the recorded consumer is not before this forum nor his legal representative is substituted, we may not entertain the present grievance application being untenable in law, in view of the definition of the term consumer in section 2(15) of the Electricity Act 2003. However, since as stated earlier both the authorities below did not consider this aspect and proceeded to decide the grievance on merit, this forum feels it appropriate to consider it, and issue appropriated directions in this behalf in the operative order.

4) The applicant's grievance is that he received excessive bills for the month of March 2019, April 2019 & May 2019 to the extent of Rs.22730/-. He applied for testing of the meter sometime in May 2019. The same was accordingly tested in Meter Testing Laboratory of SNDL, Nagpur, and was found to be faulty, since display was not showing the parameter on meter and meter body was found internally damaged & the meter display was also damaged as per the Testing Report dated 22.05.2019.

5) In view of the fact the meter was found faulty credit of Rs.8583/- has been given to the applicant, based on the current average reading after substitution of the faulty meter. This was also for the reason that previous 12 months consumption was not available and the meter display was also damaged. The action taken by the Commercial Manager was approved by IGRC, which declined to revise the credit amount beside the one granted to the applicant, In view of the provisions of para 15.4.1 of MERC's Supply Code Regulation 2005.

6) On notice the Non-applicant by a reply dated 10.07.2019 justified the action of granting credit of Rs.8583/- only and stated that the electric supply was provided to the premises of the applicant on 12.10.2013 for residential use. Since the meter was found faulty on testing, credit of subsequent three months average consumption of 459 units per month to the extent of Rs.8583/- was given. The spot inspection of the premises is also held on 14.06.2019 which revealed the connected load of 2-Fans, 11-LED lights, 1-LED Tubelight, 1-TV, 1-Setup Box, 1-Fridge, 1-Electric Motor, 1-Mixer, 1-AC, 1-Gyaser, 1-Washing Machine, 1-Kitchen Exhaust Fan, 1-Iron and 1-Inverter.

7) By additional reply dated 03.08.2019, the fact regarding visit of Flying Squad to the applicant's premises on 25.08.2018 is disclosed, which resulted in detection of theft of electricity by the applicant, since, last 5 months. Hence considering the connected load, average 1048 units consumption was considered and the matter was amicably settled in Lok Adalat. The applicant was granted monthly installments which he is paying and the credit of 459 units per month has been correctly granted for the month of March 2019 to May 2019 and revised bill was issued accordingly, deducting amount of Rs.8583/-. Since the meter was found faulty after its replacement and on detection of theft, the applicant is not entitled to any further relief.

8) On 16.07.2019 and 13.08.2019 we have heard the applicant Shri Kamal Kewalramani and reply arguments of Shri Ishwarkar, Dy.Executive Engineer, MSEDCL, Nagpur assisted by Shri Dahasahastra of SNDL, Nagpur.

9) We have carefully gone through the entire case record and have given thoughtful consideration to the submissions made before us by both the parties. We have also discussed the issue involved in the matter including the legal aspect.

10) The only point arises for our consideration is whether the applicant is entitled to more credit in the bills of March 2019, April 2019 & May 2019, beside the one granted by the Non-applicant? We record our findings in the negative for the reasons that for :-

### **Reasons**

11) It is obvious from record that initially the applicant was involved in theft of electricity and accordingly the matter was settled in Lok Adalat and the applicant is making payment of monthly installments, as stated by the Non-applicant. The replaced meter after detection of theft was also found to be faulty within few months there from. It is obvious from the Meter Testing Report that there was tampering of Meter display and considering this aspect and the fact that previous 12 months reading was not available for considering average consumption for grant of credit, there was no option for the Non-applicant but to consider the subsequent meter reading of 3 months on installation. Considering the connected load

as per the spot inspection, it can safely be said that 459 units per month must have been the average consumption for the last 3 months and its credit is accordingly given. It is not possible to grant further credit to the applicant and to revise the bill issued on 22.05.2019 to the extent of Rs.22,730/- Deducting credit of Rs.8583/-, Rs.14,147/- is still in balance. It appears that the applicant has credited Rs.5000/- and hence he is still in arrears of Rs.9,147/- as per the endorsement made on the said bill. The applicant is therefore, liable to pay the aforesaid amount of Rs.9,147/- and interest thereon as per rules, if not paid earlier.

10) In the result we do not find any force in the contention of the applicant that credit of Rs.8583/- has been incorrectly granted, and he is entitled to more credit on revision of bills for the 3 tainted months. The action of the Non-applicant is found to be correct, legal and proper, so also the order passed by IGRC, which needs no interference except slight modification as under.

#### **Order**

- a) The grievance application is hereby dismissed.
- b) However, the applicant is directed to submit application for substitution of his name in place of deceased consumer Shri Rajkumar Kewalramani his father, to the concerned authority of MSEDCL within a period of 2 weeks from the date of receipt of the copy of this order.

- c) On receipt of the application as above the same, shall be processed expeditiously as per rules, without waiting for payment of last installment of December 2019 in compliance of the order passed by Lok Adalat.
- d) The applicant is directed to ensure that all the remaining installments settled by the Lok Adalat are paid by him regularly, to exonerate him from any liability.
- e) Office to forward certified copy of this orders to both the parties at the earliest for taking appropriate steps in the matter as directed.
- f) In the facts and circumstances of the case, the parties are directed to bear the irrespective costs of this proceeding.

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

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

Sd/-  
**(Arvind J. Rohee)**  
CHAIRPERSON