

CONSUMER GRIEVANCE REDRESSAL FORUM,
AKOLA ZONE, AKOLA.

“Vidyut Bhavan” Ratanlal Plot, Akola. Tel No 0724.2434475

O R D E R

Dt:- 20.09.2019

Complaint No :- 39 of 2019 Dated 22.07.2019

In the matter of grievance pertaining to billing complaint testing of meter and bill correction as per test report.

Quorum

Dr.V.N.Bapat- Chairman

Shri.D.M.Deshpande, Member (CPO)

1. Shri. Nitin Babarao Jalamkar :- Complainant
321/13 Jalamkar colony Murtizapur
PIN - 444107.
C/o Shri. Bhavesh H. Somaiya,
Flat no. A-2/405 Rami Heritage
Opposite old RTO office
Murtizapur road Akola 444004.

.....Vrs.....

- Executive Engineer, :- Respondent
MSEDCL, O. & M.
Rural Division Akola.

Appearances

1. Shri. Bhavesh H. Somaiya - Representative for Complainant
2. Shri. G. K. Gadekar - Executive Engineer MSEDCL,
Rural Division Akola.

1) Complainant Shri. Nitin Babarao Jalamkar from Murtizapur approached this Forum under regulation 6.2 of MERC CGRF and OMBUDSMAN Regulation 2006, as his grievance complaint dated 24/08/2018 addressed to Junior Engineer MSEDCL and acknowledged by Sub-Division

MSEDCL Murtizapur which is deemed grievance before IGRC Akola not resolved by MSEDCL or IGRC Akola, for resolving the grievance.

2) Complainant's case in brief is that complainant is a residential consumer of MSEDCL with connected load of 0.37 KW from 03/01/2017. According to complainant on receipt of abnormal energy bill for Aug 2018 for 4994 KWH amounting to Rs. 89,640/- the complaint for meter testing was submitted to office in charge of the section on 24/08/2018 which is acknowledged by NA MSEDCL on 24/08/2018. According to complainant despite giving reminders dated 04/09/2018, 12/09/2018, 11/10/2018, 19/11/2018, 08/02/2019 and 12/03/2019 no action is taken by NA MSEDCL and continued to issue wrong bills. According to complainant NA MSEDCL issued demand note for testing of meter for Rs. 944/- which is paid on 21/11/2018 and meter is replaced for testing in Nov 2018. According to complainant NA MSEDCL have not tested the meter in spite of repeated reminders on record. According to complainant NA MSEDCL shown monopolistic approach and issued disconnection notice under section 56 of 2003 and forcefully compelled to pay Rs. 27,000/- and 60,000/- on two occasions under the threat of disconnection instead of correction of bill as per grievance on record. According to complainant NA MSEDCL recovered excess meter testing charges as per schedule of charges approved by MERC. According to complainant as MSEDCL is charging 12 to 18% interest on arrears of energy bill from consumer Forum is requested to allow interest of 12% on refund amount.

Complainants Prayer

1. Direct MSEDCL to correct the bills as per testing report after making report available to complainant, from April 2018 to Nov 2018 without charging DPC and interest.
2. Allow interest of 12% on refund amount.
3. Direct MSEDCL to refund excess testing charges Rs. 744/- .
4. Direct MSEDCL to pay cost of Rs. 5000/-.

Complainant Annexed complaint dated 24/08/2018, reminder letters dated 04/09/2018, 12/09/2018, 01/10/2018, 11/10/2018, 19/11/2018, 08/02/2018 and 12/03/2019, energy bill for July 2018, Aug 2018 and June 2019, receipt for Rs. 944/-, payment history from Jan 2018 to March 2019 and extract of tariff order 195 of 2017 with the complaint.

3) Reply came to be filed by NA MSEDCL belatedly on 29/08/2019 without giving copy to complainant at the time of scheduled hearing on 29/08/2019. According to NA MSEDCL it is fact on record that Shri. Nitin Jalamkar have submitted complaint on 24/08/2018. According to NA MSEDCL reading bills are issued for April, May and June 2018 for 786 units, 1041 units and 1275 units respectively while average bill for 1034 units is issued for July 2018 which is adjusted in the bill for August 2018 for 4994 units and bill for amount Rs. 89,639.38/- was issued after adjusting Rs. 13,153.05/- against average billing. According to NA MSEDCL energy bill upto May 2018 amounting Rs. 21,880/- was paid by complainant on 18/06/2019. According to NA MSEDCL site was inspected on 16/09/2018 in presence of complainant and load was found to be 5 KW and complainant was explained about correctness of bill for, Aug 2018. According to NA MSEDCL the complainant was not satisfied with the explanation given by NA MSEDCL and meter was tested on 14/03/2019 and found to be correct and copy given to complainant. According to NA MSEDCL complainant has paid Rs. 20,000/- on 19/10/2018 and Rs. 60,000/- on 29/03/2019 towards arrears of energy bills. According to NA MSEDCL complainant has not approached IGRC Akola and charges collected towards meter testing Rs. 944/- are recovered as per MSEDCL circular no. 23862 dated 08/10/2018. According to NA MSEDCL complaint is liable for dismissal as issued bills found to be correct as per meter testing report considering connected load of 5 KW NA MSEDCL. Annexed copy of inspection report dated 16/09/2018, meter testing report dated 14/03/2019, acknowledgement of complainant dated 15/04/2019, copy of circular no. 23862 dated 08/11/2018, CPL from April 2017 to March 2019 alongwith the reply.

4) Scheduled hearing on 29/08/2019 adjourned upto 17/09/2019 as NA MSEDCL did not give copy of reply filed on record to complainant. Forum directed NA MSEDCL on 29/08/2019 to file on record following additional documents with copy to complainant before 17/09/2019.

1. Up to date CPL from date of connection.
2. Meter replacement report for testing purposes.
3. MRI report.

5) Shri. Bhavesh H. Somaiya learned representative for complainant and Shri. G. K. Gadekar, Executive Engineer MSEDCL were present for the rescheduled hearing held on 17/09/2019. Shri. G. K. Gadekar, Executive Engineer MSEDCL filed on record following additional documents.

- i) CPL for March 2018 to March 2019.

- ii) Meter replacement report dated 27/11/2018 and 05/09/2019.
- iii) Copy of letter dated 05/09/2019 to complainant.

Shri. Bhavesh H. Somaiya learned representative for complainant filed written note of argument with copy of commercial circular no. 305 dated 25/05/2018 issued by corporate office of MSEDCL. Shri. Bhavesh H. Somaiya learned representative for complainant re-iterated the grievance on record and urged that NA MSEDCL were required to give copy of test report after testing of meter within two months as per provisions of supply code regulation 2005 but issued payment advice for Rs. 944/- on 22/11/2018 after three months of complaint and though the amount was paid on 22/11/2018 the meter was removed on 27/11/2018 and tested on 14/03/2019 and further brought to the notice of Forum that meter is not tested as per approved method and tested on 'Accucheck' and results are not acceptable as report itself is invalid. Shri. Bhavesh H. Somaiya learned representative further brought to the notice of Forum that even the test results shown for pulse test as interpreted by MSEDCL is contradictory and wrong as according to their test report meter has consumed one units for 50 pulses when constant is 1200 pulses per units showing meter fast as 24 times. Shri. Bhavesh H. Somaiya learned representative urged that NA MSEDCL have violated their own circular no. 305 dated 25/05/2018 and not resolved the complaint within seven days. Shri. Bhavesh H. Somaiya learned representative for complainant further brought to the notice of Forum that NA MSEDCL again replaced the meter which was working accurately after approaching the Forum on 05/09/2019 by same faulty meter when matter is subjudice before CGRF. Shri. Bhavesh H. Somaiya learned representative requested Forum to settle the grievance considering the fact that meter is faulty as per average of last twelve months and requested to direct MSEDCL to again replace the faulty meter installed on 05/09/2019 with refund of meter testing charges amounting Rs. 944/-.

6) Shri. G. K. Gadekar, Executive Engineer and learned representative for MSEDCL urged before Forum about delay in replacement of meter for testing and its actual testing on 14/03/2019 attributed to MSEDCL but pressed on the point of meter testing on 'Accucheck' as correct and requested Forum to resolve the grievance as per results of test report. On being asked by Forum about method of testing as per CEA regulation 2006, Shri. G. K. Gadekar, Executive Engineer MSEDCL remained silent. Shri. G. K. Gadekar, Executive Engineer MSEDCL, however urged Forum to accept the consumption as per new

meter installed from 27/11/2018 to 05/09/2019 though its details such as meter no, initial reading and current reading are not appearing in CPL and submitted meter replacement report dated 27/11/2018 and 05/09/2019 acknowledged by complainant for consumption of 5378 KWH from Nov 2018 to Sept 2019. Shri. G. K. Gadekar, Executive Engineer MSEDCL expressed technical difficulty of online system in accepting the meter no. in the system and hence urged that details are not appearing in CPL filed on record.

7) On concluding the hearing Forum expressed dissatisfaction over the activity of meter replacement by NA MSEDCL when matter was subjudice and directed NA MSEDCL to replace the meter by new tested meter.

8) Having heard the parties and considering the material placed on record Forum is of the view that the grievance complaint is specific about testing of meter on request of consumer dated 24/08/2018 as per provisions of regulation 14.4.2 of supply code 2005 and according to regulation 14.4.3 of supply code 2005 NA MSEDCL were bound to test the meter as per approved method of testing provided in CEA regulation 2006 and provide the test result to complainant within two months. Forum is of the view after considering the facts on record that NA MSEDCL committed several irregularities in dealing with the grievance according to provisions of law and delayed issue of quotation upto 22/11/2018 for payment of charges and further delayed testing of meter upto 14/03/2019 and violated the time limit for testing and conveying the result without bringing justified reasons on record and thus violated the provisions of supply code regulation 2005. On perusal of testing report for testing of meter on 14/03/2019 it is fact that testing is carried out on portable 'Accucheck' on non-standard load of 'Coil' or 'Bulb' as deposed by MSEDCL when 'Accucheck' is for checking and testing at consumer premises on consumer load. . Forum is of the view that said testing report dated 14/03/2019 is invalid as testing has not been carried out by NA MSEDCL as per CEA regulation 2006. Forum also do not accept the contention of complainant on the basis of invalid test report dated 14/03/2019 that meter is fast by 24 times. In the event of failure on the part of NA MSEDCL to implement the provisions of supply code regulation 2005 and CEA regulation 2006, Forum is of the opinion that average consumption for 12 month preceding disputed month from June 2018 should be applied for disputed period from July 2018 to Nov 2018 for resolving the grievance which is 537 KWH per month as per provision for stop and faulty meter. According to NA MSEDCL

details of consumption fed to system and appearing in CPL is wrong as progressive reading of removed meter are appearing in CPL from Dec 2018 to Sept 2019 for which consumption of 10 month for 5378 units is recorded in temporary meter installed during the period for which separate document is filed on record acceptable to complainant. Forum is of the opinion that as average consumption preceding disputed bill and average consumption of temporary meter installed during Nov 2018 to Sept 2019 is nearly identical as 537 KWH per month should be applied for revision of bill (B-80) from July 2018 to Sept 2019 considering payments during intervening period. Forum is of the view that NA MSEDCL should be directed to set aside the energy bills issued to complainant from July 2018 to Sept 2019 and revision (B-80) be carried out as per average consumption of 537 KWH per month by taking into account payments by complainant during the period. Forum is also of the view that NA MSEDCL should refund Rs. 944/- recovered towards meter testing charges as MSEDCL failed in their duty to abide by the provisions of supply code regulation 2005. With these observations, Forum proceeds to pass following unanimous order. The delay in issue of order beyond 60 days is attributed to NA MSEDCL who failed to give copy of reply to complainant within time period.

ORDER

1. That the Complaint No. 39 of 2019 Dated 22/07/2019 is hereby partly allowed.
2. That the NA MSEDCL is directed to set aside the energy bills issued to complainant from July 2018 to September 2019.
3. That the NA MSEDCL is directed to revise the energy bills from July 2018 to September 2019 at average consumption of 537 KWH per month after considering payments by complainant during the period and issue the bill with revision (B-80) to complainant within one month of this order. Surplus payments to be adjusted by MSEDCL in ensuing bill payable by the complainant or complainant to pay within 20 days of receipt of bill if in arrears.
4. That the NA MSEDCL is directed not to charge interest or DPC in bill revision B-80 for July 2018 to Sept 2019.
5. That the NA MSEDCL is directed to refund meter testing charges Rs. 944/- and adjust the amount in ensuing bill payable by the complainant

6. That NA MSEDCL is directed to replace faulty meter installed on 05/09/2019 by New tested meter..
7. That the parties to bear their own cost.
8. That the NA MSEDCL is directed to submit a compliance report with bill revision copy (B-80) 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/207

Dt :- 20.09.2019

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

The order passed on **20/ 09/2019** in the Complaint No. **39 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 Akola.

Copy to :-

Shri. Nitin Babarao Jalamkar, 321/13 Jalamkar colony Murtizapur, C/o Shri. Bhavesh H. Somaiya, Flat no. A-2/405 Rami Heritage Opposite old RTO office, Murtizapur road Akola 444004.