



3. It is the case of appellant that he is a consumer bearing consumer No. 450019005190 of the respondents. The appellant had received abnormally high energy bill of Rs.7,72,020/- for the month of July-2018. On enquiring at the O/o The Deputy Executive Engineer,MSEDCL, Warora Sub-Division it was intimated on dated 04/08/2018 that 39126 assessment units are charged in the Energy bill for month of July-2018 as the R-Phase PT Voltage of the metering system was missing for the period 25-02-2018 to 31-07-2018. Again the assessment of 6830 units was charged in the energy bill of August-2018 for period 01-08-2018 to 29-08-2018 as the faulty PT was replaced on 30-08-2018. As the case is of defective meter the appellant desires from the respondent to calculate the assessment as per Ruling 15.4.1 of the MERC Regulations 2005. Lastly the appellant took his grievance before the IGRC, Chandrapur Circle. His complaint was registered as complaint No. 18/2019. The ICRC rejected his complaint and so he has filed this appeal.
4. The respondent appeared before the Forum and filed their say on 17-07-2019. It is their contention that as per the MRI data of meter No. MSE16984 downloaded on dated 03-08-2018 it is seen that the the R-Phase PT was faulty from 18.03 hrs on dated 25-02-2018. Hence the meter was not receiving the R-Phase Voltage and only the consumption of Y and B phase was being recorded at the meter i.e. one third consumption of the consumer was not recorded by the meter since 25-02-2018. So these escaped units that were not recorded by the meter were calculated and charged in the bills of July and August 2018. As there was no tampering in the meter the section 126/135 of Electricity Act 2003 was not applicable to the appellant. Also as the meter was not defective there was no question of assessment as per Ruling 15.4.1 of the MERC Regulations 2005.
5. Heard both sides, perused the record.
6. As per the Tamper Status Report R phase PT Voltage is missing since 25-02-2018 at 18.03 hrs and it was detected on 03-08-2018. Later the faulty PT was replaced on 30-08-2018. Thus the R phase PT was faulty for the period 25-02-2018 to 30-08-2018 i.e. for more than 6 months.
7. It is important to see the definition of "Meter" as given in R. 2.1(q) of MERC (Electricity Supply Code & Other Conditions of Supply) Regulations, 2005. It reads as under:  
*"Meter" means a set of integrating instruments used to measure, and/or record and store the amount of electrical energy supplied or the quantity of electrical energy contained in the supply, in a given time, which include whole current meter and metering equipment, such as current*

*transformer, capacitor voltage transformer or potential or voltage transformer with necessary wiring and accessories and also includes pre-payment meters.”*

In the present case, R phase PT was faulty for the period 25-02-2018 to 30-08-2018. Since potential transformer is included in the definition of meter and in the present case, R phase PT was faulty it is a case of defective metering system. As the metering is incorrect, it can be said to be a defective meter. Ruling 15.4 relates to billing in the event of defective meter. Hence, the case would fall under Ruling 15.4.1 of the Regulations of 2005. R. 15.4 reads as under:

“15.4. *Billing in the Event of Defective Meters.*

15.4.1 *Subject to the provisions of Part XII and Part XIV of the Act, in case of a defective meter, the amount of the consumer’s bill shall be adjusted, for a maximum period of three months prior to the month in which the dispute has arisen in accordance with the results of the test taken subject to furnishing the test report of the meter along with the assessed bill.*

*Provided that, in case of broken or damaged seal, the meter shall be tested for defectiveness or tampering. In case of defective meter, the assessment shall be carried out as per clause 15.4.1 above and, in case of tampering as per section 126 or Section 135 of the Act, depending on the circumstances of each case.*

*Provided further that, in case the meter has stopped recording, the consumer will be billed for the period for which the meter has stopped recording, up to a maximum of three months, based on the average metered consumption for twelve months immediately preceding the three months prior to the month in which the billing is contemplated.”*

8. The Respondent have agreed that the seals of the meter were intact and the meter was not tampered, hence section 126 or section 135 of the Act is not applicable. Also, the meter had not stopped recording the consumption. So, the appellant should be billed in accordance with Ruling 15.4.1 of the Regulations of 2005. The billing cannot be assessed for the period from 25-02-2018 to 30-08-2018 and the appellant will have to be billed up to a maximum period of three months prior to the date of detection of fault in the metering system on the basis adopted by the respondent.
9. In a Similar case M/s Mure Memorial Hospital v/s Superintending Engineer, Nagpur Urban Circle MSEDCL in case No. 18/2012 the Electricity Ombudsman have ordered MSEDCL to bill the consumer as per Ruling 15.4.1 of the Regulations of 2005.

10. In view of this position, the bill served by the respondent on the appellant for July and August 2018 needs to be quashed and also needs to be modified. We, therefore, pass the following order:

**ORDER**

- i) The appeal is allowed.
- ii) The order of IGRC dated 24/01/2019 is set aside.
- iii) The respondents are directed to revise the energy bills for month of July and August-2018 in accordance with Ruling 15.4.1 of the Regulations of 2005 adjust the difference amount in the appellants bill.
- iv) Compliance to be reported within one month.
- v) No order as to costs.

(Mrs. V.P.Jiwode)  
Member Secretary

(Mrs. V.S. Nerkar)  
Member

(Mr.N.J. Bhoyar)  
Chairperson

CONSUMER GRIVENCES REDRESSAL FORUM  
CHANDRAPUR ZONE. CHANDRAPUR  
31<sup>st</sup> day of August 2019

