

CONSUMER GRIEVANCE REDRESSAL FORUM,
AKOLA ZONE, AKOLA.

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

ORDER

Dt: 21.11.2019

Case No. 48 of 2019 Dated 27.09.2019

Grievance pertains to:	Excessive bill dated 03.08.2019 having debit of Rs 421916.65/-.
-------------------------------	---

Quorum

Dr. Vishram Nilkanth Bapat (Chairman)
Shri. Ajit K. Patil (Member Secretary)

Complainant

Name	M/S D. Thakkar Construction Pvt. Ltd.
Address	At Post Dhamna, Distt. Akola 444006.

Versus

Respondent

Name	Maharashtra State Electricity Distribution Company Limited.
Designation	Executive Engineer.
Division	MSEDCL, O. & M. Division Akola Rural.
Sub-Division	Akola (R)

Appearances

For Consumer	Shri. Kishor Devlal Mankar (Representative)
For Respondent	Shri. G. K. Gadekar (Exe. Engineer, Akola Rural Division)

A. Consumer Details

Name	MSEDCL Office	Consumer No.	Category	Date of Connection
M/S D. Thakkar Construction Pvt. Ltd.	EE, Akola (R) Division	312780000823	Commercial	09-02-2012

B. IGRC Proceedings

Application Date	Hearing Date	Order Date

C. CGRF Proceedings

The consumer approached CGRF on 27.09.2019 to seek interim order not to disconnect supply because of nonpayment of energy bill which is disputed as he is empowered to do so by regulation 6.5 of MERC . Interim order was passed on date 10.10.2019 as per the details given below.

Interim order details.

Application Date	Date of Serving Notice by CGRF	Due Date of Reply by NA	Date of actual Reply by NA
27-09-2019	10-10-2019	06-11-2019	06-11-2019
Regulation Reference	6.4 of MERC (CGRF & EO) Regulations 2006.		

Date of Hearing Notice	10-10-2019	Date(s) of Hearing	06-11-2019
-------------------------------	------------	---------------------------	------------

1. PRIOR SUBMISSION

A. Gist of Applicant's Grievance

Sr. No.	Description	Reference Regulation/Statute/Record
1	Complainant is commercial consumer of MSEDCL since 09.02.2012 and receives & pays bill regularly.	-
2	NA MSEDCL issued energy bill dated 03.08.2019 wherein debit bill adjustment of Rs.421916.55 was made totalling bill amount to Rs. 520970/-.	-
3	The consumer was unable to pay the bill owing to its abnormality.	-
4	Upon receipt of notice of disconnection, consumer approached CGRF for interim order for continuation of supply till the issue of disputed bill gets resolved.	-

B. Prayer by Applicant

S.N.	Description
1	Direct MSEDCL to set aside the bill of Rs.508111.30/- alongwith interest and DPC thereon of subsequent bills with directives to issue fresh bill for three months as per supply code regulation 15.4.
2	Direct MSEDCL to waive off interest and DPC till date.
2.	Direct MSEDCL to recover the revenue loss as per the principle laid down by Hon. Supreme court in the matter of Lucknow development authority Vs. M.K.Gupta from guilty officer after due departmental enquiry.
3	Any other relief in favor of consumer including cost Rs.5000/-.

C. Gist of point-wise Reply filed by N.A. MSEDCL.

D. Prayer by NA before the Forum

S. N.	Respondent's Defense	Reference Regulation/Statute/Record
1	The respondent was directed by interim order to attend hearing on 6.11.2019 & submit the pointwise reply at the time of hearing. During the hearing, NA MSEDCL presented record concerning the complainant consumer which is discussed at a later stage in this order.	-

2. SUBMISSION DURING HEARING

A. Gist of Applicant's submission

Sr. No.	Description	Reference Regulation/Statute/Record
1	Applicant having been referred regulation 15.4.1, agreed for the payment of assessment for three months prior to the date of inspection.	Reg.15.4.1 of MERC (Electricity supply code and other conditions of supply) Regulation, 2005.
2	The petitioner insisted for recovery of assessment for balance period from guilty officers of MSEDCL.	Supreme court order no. 6237 of 1990 dated 05th Nov 1993 in the matter of Lucknow development authority Vs. M.K.Gupta.

B. Gist of NA's response

S.N.	Description	Reference Regulation/Statute/Record
1	In written reply dated 06.11.2019, E.E Akola(R) stated that ... The consumer M/s D. Thakkar Construction Pvt. Ltd. bearing consumer no.312780000823 is installed with C.T. Operated meter no. MHD-10490.	-
2	During the hearing, E. E Akola produced MRI data, load survey reports, tampered reports and assessment sheet of Flying Squad which inspected the site of the complainant on 06.07.2019 .	-

3	The EE Akola(R) has shown through records that “Y” phase voltage is missing since June-18. Hence assessment is charged since then i.e for 12 months.	-
4	He further explained the delegation of powers for bill adjustments(B80). And how the bill revision was effected in two bills.	-
5	EE Akola (R) & AEE FS said that the Regulation 15.4.1 of MERC (Electricity supply code and other conditions of supply) Regulation 2005 is not applicable in this case as the event of meter fault isn’t occurred and the meter, CT & PTs are functioning properly. It is the loose connection of “Y” phase PT that caused less recording of consumption. MRI data and MDAS shows that the consumer has got benefit of underbilling. Due to auto approval and system lacune, the event isn’t pointed out immediately.	-
6	As the consumer has been explained the situation during his visits and he has consumed that much electricity which has been charged, he should not get undue benefit.	-

3. OPINION OF THE FORUM

Having heard the parties and considering material placed on record, Forum is of the view that.....

1. Although NA MSEDCL produced MRI data & documentary evidence of “Y” phase missing for 12 months, it shows negligence of MSEDCL or failure of system to restrict revenue loss well in time. Before generation of energy bills, it should have been noticed by concerned supervising authorities.
2. MERC have laid specific guidelines in the event of defective metering equipment. Regulation 15.4.1 (billing in the event of defective meters) is applicable in this situation which states “Subject to the provisions of Part XII and PART XIV of the act, in case of defective meter, the amount of 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 result of the test taken subject to furnishing the test report of the meter along with the assessed bill”.
3. NA MSEDCL's stand that the regulation 15.4.1 isn't applicable as the meter, CTs and PTs are in working condition and the case is not that of defective metering cannot be entertained. MERC (Supply Code) regulation defines meter as “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 prepayment meters”.
4. NA MSEDCL put forth all documents and evidence in support of period for which less recording of consumption is happened. Forum asked petitioner whether he is ready to pay the charged assessment as he has actually consumed the claimed assessment by licensee. He denied and stuck to his stand that he has already paid the monthly energy bills as received and now ready to pay the assessment for three months as per the said MERC Regulation.
5. The consumer has to pay the assessment of three months prior to the month in which the defect is found. Being public money, the balance amount should be recovered from guilty officers/employees.

Considering the above observations, the Forum passes the following unanimous order.

ORDER

1. That the application in case no. 48 of 2019 Dated 27-09-2019 is hereby partly allowed.
2. That NA MSEDCL is directed to revise the bill dated 03.08.2019 with waiver of DPC & interest by levying the assessment for the three months prior to the month in which the metering defect was detected by Flying Squad.
3. That the NA MSEDCL is directed to recover the revenue loss for the balance period occurred due to defective metering from the guilty officers of MSEDCL after due enquiry as per the principle laid down by the Apex court in the matter between M/S Lucknow Development Authority Vs M.K.Gupta in Appeal no. 6237 of 1990 issued on 5th Nov 1993.
4. The parties to bear their own cost.
5. That the NA MSEDCL is directed to submit a compliance report to this Forum within one month of this order.

Sd/-
Member Secretary

Sd/-
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, Shrikripa, Vijai Nagar, Chhaoni,
Nagpur- 440013.

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

The order passed on **21.11.2019** in the Complaint No. **48 of 2019** is enclosed herewith for further compliance and necessary action.

Secretary
Consumer Grievance Redressal Forum,
MSEDCL, Akola Zone Akola.

Copy f.w.rs.to:-

1. The Chief Engineer, MSEDCL, Akola Zone, Akola.
2. The Superintending Engineer, MSEDCL, O. & M. Circle Akola.

Copy to:-

- 1) M/S D. Thakkar Construction Pvt. Ltd., at village Dhamna, distt. Akola 444006, C/O Shri. Kishor Devlal Mankar, at 1630 Gokul Colony Jawahar Nagar, Akola 444001.