

CONSUMER GRIEVANCE REDRESSAL FORUM,
AKOLA ZONE, AKOLA.

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

ORDER

Dt: 21.11.2019

Case No. 49 of 2019 Dated 27.09.2019

Grievance pertains to:	Excessive bill dated 13.05.2019 having adjustment of 20973 units.
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Quorum

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

Complainant

Name	Shri. Purna Stone Crusher, Akot.
Address	At Post Gazipur, Akot, Distt. Akola 444101.

Versus

Respondent

Name	Maharashtra State Electricity Distribution Company Limited.
Designation	Executive Engineer.
Division	MSEDCL, O. & M. Division Akot.
Sub-Division	Akot.

Appearances

For Consumer	Shri. Ashish S. Chandarana (Representative).
For Respondent	Shri. A. D. Uikey (Executive Engineer, Akot Division).

A. Consumer Details

Name	MSEDCL Office	Consumer No.	Category	Date of Connection
Prerna Stone Crusher	EE, Akot Division	320339064100	Industrial	12-07-2010

B. IGRC Proceedings

Application Date	Hearing Date	Order Date
The consumer's application to SDO, Akot dated 20.5.2019 forms deemed representation to IGRC as per Regulation 6.2 of MERC Regulation. NO ACTION FROM IGRC IS EVIDENT ON THE COMPLAINT.		

C. CGRF Proceedings

Application Date	Date of Serving Notice by CGRF	Due Date of Reply by NA	Date of actual Reply by NA
27-09-2019	03-10-2019	18-10-2019	19-10-2019
Regulation Reference	6.4 of MERC (CGRF & EO) Regulations 2006.		
Date of Hearing Notice	23-10-2019	Date(s) of Hearing	05-11-2019

1. PRIOR SUBMISSION

A. Gist of Applicant's Grievance

Sr. No.	Description	Reference Regulation/Statute/Record
1	Complainant is industrial consumer of MSEDCL since 12.07.2010 and receives & pays bill regularly.	-
2	NA MSEDCL issued energy bill dated 13.05.2019 wherein metered consumption is 8444 units and adjustment of 20973 units is shown on bill.	-
3	Petitioner in series of communicationS to MSEDCL demanded clarification of assessment units.	-
4	On dated 21.08.2019 , MSEDCL communicated that the assessment for 16751 units for 24.10.18 to 31.03.2019 and assessment for April-18 as 50% of recorded 8444 units i.e 4222 units resulting in adjustment units of 20973 units for 6 months and 7 days.	-
5	Complainant consumer paid Rs. 43500/- which is the average of the last six months energy bill to avoid disconnection.	Sec.56(1) of I.E.Act 2003-

B. Prayer by Applicant

S.N.	Description
1	Direct MSEDCL to set aside the bill dated 13/05/2019 having adjustment units 20973 thereof.
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 Prayer by NA before the Forum

S. N.	Respondent's Defense	Reference Regulation/Statute/Record
1	The C.T. Operated meter bearing number MHD-10414 is installed to consumer shri.Prerana stone crusher (conn.no. 320339064100).	-
2	During inspection it is found that B phase is missing.	-
3	The assessment for the period from 24.10.2018 to 31.3.2019 is charged in energy bill of April-19.	-

2. SUBMISSION DURING HEARING

A. Gist of Applicant's submission

Sr. No.	Description	Reference Regulation/Statute/Record
1	Applicant did not submit any new documents on record at the time of hearing but reiterated the grievance on record and brought to the notice of Forum that MSEDCL have not given information as required and has deficiencies in reply. Having referred Regulation 15.4.1 of MERC (Electricity supply code and other conditions of supply) Regulation, 2005, the consumer agreed for the payment of assessment for three months prior to the date of inspection.	Regulation 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.	-

B. Gist of NA's response

S.N.	Description	Reference Regulation/Statute/Record
1	In written reply dated 19.10.2019, E.E Akot stated that .. A] The consumer Prerana Stone Crusher bearing consumer no.320339064100 is installed with C.T.Operated meter no. MHD-	-

	10414. During inspection, it was found that B-phase was missing. B] Subsequently the assessment for the period from 24.10.18 to 31.03.19 is charged in April-19.	
2	During the hearing, E. E. Akot produced MRI data for 4 months only .	-

3. OPINION OF THE FORUM

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

1. Forum is of the view that NA MSEDCL failed to produce MRI data for the whole period for which assessment was imposed through energy bill. Moreover NA MSEDCL could not answer properly to the query raised by the Forum regarding start date of assessment i.e.24.10.2018 . They couldn't produce spot inspection report, meter test report and in spite of MRI data availability only for four months, it is not understood why the period of 6 months is taken. Significance of the date 24-10-2018 to start assessment could not be established by the NA MSEDCL.
2. Forum is of the view that MERC have laid specific guidelines in the event of defective metering equipment. Regulation 15.4.1 of MERC (Electricity supply code and other conditions of supply) Regulation 2005 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. The petitioner's say that the whole assessment be set aside is impractical as he has utilised the electricity and is underbilled than actual use. At the same time, negligence on account of NA MSEDCL can't be passed on to consumers.

4. Forum is of the view that 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. 49 of 2019 Dated 27-09-2019 is hereby partly allowed.
2. That NA MSEDCL is directed to revise the bill dated 13.05.2019 with waiver of DPC & interest by levying the assessment for the three months namely, Jan-19, Feb-19, March-19 in ensuing bills.
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 and 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 of this order to this Forum within one month of the 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.
Division Akot.

The order passed on **21.11.2019** in the Complaint No. **49 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 Prerna Stone Crusher, Prop. Mahendra J. Tardeja, Gazipura Akot 444101, c/o Shri. Ashish S. Chandarana, Flat no. 302, Satguru Villa Apartment, Sahakar nagar, Gorakshan Road, Akola 444004.