



BEFORE THE OMBUDSMAN

(Appointed by the Maharashtra Electricity Regulatory Commission under Section 42(6) of the Electricity Act, 2003)

606, 'KESHAVA', Bandra Kurla Complex, Bandra (East), Mumbai 400 051
Tel. / Telefax: 022-2659 2965

REPRESENTATION NO. 03 OF 2006

In the matter of Incorrect Meter Readings

Shri Ashish Karale..... Appellant
V/s.
Maharashtra State Electricity Distribution Co. Ltd., Nagpur..... Respondent

Present:

1. Shri W.G. Gorde, Ombudsman
2. Shri S. N. Yadwad, Secretary

On behalf of the Appellant:

None

On behalf of the Respondent:

1. Shri P.G. Saraf, Dy. Ex. Engineer, MSEDCL, Nagpur

Date: 17th February, 2006

ORDER

Shri Ashish B. Karale residing at 131 (B), Pandey Layout, Khamla Road, Nagpur has filed the representation on 18th January, 2006 against the order passed by the Consumer Grievance Redressal Forum, Nagpur Urban Zone on 9th December, 2005. The Forum, in the above order concluded that the bill has been corrected upto a final reading of 13065 units and slab benefit is given to the Appellant. The Appellant, in turn, has paid the bills on 27th May, 2005 and thus, the complaint regarding the bill amount is already settled. The Forum further observed that avoidable harassment was caused to Appellant due to deliberate and wrong doing of the meter reader. Having taken a cognizance of this lapse on the part of the Respondent, the Forum awarded Rs. 500/- as cost to the Appellant to be recovered from the concerned meter reader. The Representation is registered at Serial No. 3 of 2006. Shri Karale (hereinafter referred to as the Appellant) has stated his case as under:

2. The Appellant resides on the above address in his house, part of which was given on rent to some tenant. The tenant used to pay the bills for energy units consumed by him in the portion of the house he occupied. Maharashtra State Electricity Distribution Co. Ltd.'s (hereinafter referred to as the Respondent) officials did not take the proper meter readings after 4th March, 2005 till 18th of August, 2005. Consumption of energy during 4th March, 2005 and 4th May, 2005 is shown as 414 units which is on average basis. Consumption during 4th May, 2005 and 4th July, 2005 is under recorded and shown as only 272 units. This resulted in issuance of the bill on 28th August, 2005 for consumption of 1065 units in a single billing cycle between 4th July, 2005 and 18th August, 2005. The Appellant says that in the meantime, the tenant had already vacated the premises and therefore, it is not now possible to recover from him the charges for

electricity. Now the bill issued by the Respondent, is apparently in excess of the actual consumption recorded for the billing cycle between 4th July, 2005 to 18th August, 2005. He states that his average consumption has been much lower than 1065 units. The meter reader has not recorded / taken proper readings during the period of four months between March and August, 2005 and therefore he had to pay the bills for 1065 units in August, 2005. It is alleged that the meter reader is responsible for not taking proper readings in time and approached the Forum for redress.

3. The Forum heard the matter and concluded in its order that it is indeed a lapse on the part of the meter reader in not taking proper meter readings in time. The Forum further observed that Maharashtra State Electricity Distribution Co. Ltd. has reconciled the account of the consumer and corrected the final bill upto meter reading of 13065 units after giving the necessary slab benefit to the consumer. The Forum awarded Rs. 500/- as expenses to be paid to the Appellant, by recovering the same from the meter reader responsible for this lapse.

4. The present appeal mainly arises out of the non-compliance of the Forum's order by the Maharashtra State Electricity Distribution Co. Ltd, the Respondent. The Appellant says that he has not so far received the quantum of compensation from the Maharashtra State Electricity Distribution Co. Ltd. and that he has not been informed by the Respondent by as to what action has been taken against the concerned meter reader. In addition, the Appellant has sought and prayed for the monetary compensation of Rs. 10,000/- for mental agony and torture suffered by him at the hands of the Respondent.

5. Notice was issued to both the parties on 19th January, 2006 to submit their written say on the points raised by the Appellant. They were also called upon to explore the possibility of any conciliation or mediation and submit the proposal if any, in this behalf within 10 days. There is no such proposal for conciliation or mediation received from either of the party.

6. The Respondent submitted its written statement on 1st February, 2006. It states that the Appellant lodged the complaint regarding high bill only on 18th August, 2005 and the same was attended immediately. The bills were corrected as per the exact reading shown by the meter and due credit was given to the consumer. The Respondent, further states that the Forum, on the basis of the written submissions has already decided the matter under which it has rightly considered the grievance raised by the Appellant and awarded Rs. 500/- as expenses to the Appellant. It further states that order of paying sum of Rs. 500/- is already complied with by the Respondent and the said amount also came to be recovered from the concerned meter reader. Compliance of the Forum's order has been duly communicated to the Forum. It is provided nowhere that the recovery of sum of Rs. 500/- from the concerned meter reader is to be specifically communicated to the consumer.

7. According to the Respondent, the Appellant cannot raise the grievance before the Forum that stern action should be ordered against the meter reader. It alleges that it is some deliberate and personal revengeful attitude on the part of the consumer against the meter reader and such issue cannot be raised before the Consumer Grievance Redressal Forum.

8. As regards the prayer of the Appellant for monetary compensation now made before the Ombudsman, the Respondent says that the Forum has considered the whole issue and awarded the expenses to the Appellant. Moreover, the Appellant did not raise the issue of quantum of

compensation before the Forum and therefore it would not be correct to raise the new issue at this stage.

9. By letter dated 14th February, 2006, the Appellant made further submission to say that the meter reader purposefully did not take the correct meter readings during the period when the house was partly occupied by the tenant. The bills were being issued on average or wrong basis. It was only after the tenant vacated the premises in August, 2005 that the Junior Engineer of the Respondent visited and inspected the meter on 18th August, 2005. The bill for 45 days from 5th July to 18th August, 2005 for Rs. 3500/- was raised. Moreover, the Respondent has sent the average bill for the subsequent billing cycle between 4th July, 2005 and 4th September, 2005 for 600 units which was again not based on actual meter readings. It is alleged that this was done with the intention to benefit the tenant and to bring the Appellant into difficulty. The Appellant also enclosed copies of the correspondence exchanged with the Respondent. He expressed that he will not be able to attend personally the hearing in the case. The matter was posted for hearing on 16th February, 2006.

10. The Respondent during the hearing deposed that it has acted on the direction of the Forum to recover Rs. 500/- and paid as expenses to the Appellant. However, it is felt improper to punish the meter reader without affording him any opportunity to defend himself. In this case, the meter reader was already warned for his lapse in not recording the readings in time. There is no material on record to suggest that the lapse on his part was deliberate. The Respondent also denied the allegation that lapse on the part of the meter reader was deliberate. It further stated that it is not aware or concerned about the tenant in the house of the consumer. In view of this, the Respondent pleaded that imparting double punishment of recovery of Rs. 500/- which is in addition to the warning issued to the meter reader would be unfair. As such, it pleaded to review the said part of the order.

11. Evidence of record and submissions made during the hearing clearly bring out the fact that the meter reader of the Respondent did not regularly record the meter readings from the month of March to August, 2005. It was only on 18th August, 2005, the correct meter reading was taken and the bill was raised for 1316 units. Clearly, the bills issued in earlier 3 to 4 months were not in accordance with the exact meter readings. This resulted in issuance of bills on average or adhoc basis for few months until 28th August, 2005 when the bill was issued based on the correct meter reading. The Respondent has conceded the lapse on the part of the meter reader in this behalf. The Forum has gone through this issue at great length and rightly concluded on the lapse on the part of the meter reader.

12. It is further observed that the Appellant has paid the bills finally in accordance with the exact consumption of energy units upon adjustment of the bills based on the meter readings. The Respondent has not recovered any bill amount in excess of the consumption recorded by the meter if period between March and August, 2005 is considered together. It is a fact that the meter reader ought to have exercised greater care in recording the readings at appropriate time during the billing cycle. The issue of bills in that case would have been exactly as per the meter readings. This could have avoided issuance of excess bill on 28th August, 2005, which included some energy consumption of the earlier period also and no further adjustment or correction after a period of four months may have been necessary.

13. The Appellant has alleged that the meter reader has deliberately recorded low reading for the benefit of his tenant. However, there is nothing on record to support this allegation. The Respondent has categorically denied this and stated that it is neither aware nor concerned about the existence of the tenant in the house who may be using electricity. The Appellant is responsible as a consumer to pay the charges for electricity consumed through his meter.

14. In any case, the lapse on the part of the meter reader has been noticed and acknowledged even by the Respondent. The Forum has rightly awarded the expenses of Rs. 500/- to compensate for whatever inconvenience the Appellant had to face due to lapse of the meter reader. This does not, however, allow the Appellant to seek directions for specific action against the concerned meter reader. It is for the Respondent to decide the appropriate course of action against its employees in accordance with the rules and procedures set within the organization. It is in this background that I am unable to agree with the contention of the Appellant seeking specific action against the meter reader, more so when the Respondent has already paid the expenses of Rs. 500/- to the Appellant in accordance with the order passed by the Forum. Therefore, I do not consider it necessary to issue any further order in this behalf, as the grievance is already redressed.

15. As regards the submission of the Respondent to review the Forum's order directing the recovery to be made from the meter reader, I am inclined to agree with the submission of the Respondent in this behalf. It should be considered sufficient that the Appellant is awarded the expenses, no matter wherefrom it is recovered by the Respondent. It would be fair to leave the issue at the discretion of the Respondent. Similar view was expressed by the National Consumer Disputes Redressal Commission in the Revision Petition 70 of 1993 between MSEB, Wardha v/s K.L. Ramani decided on 13th October, 1994. Therefore, the order of the Forum to direct the Respondent to recover Rs. 500/- from the meter reader is set aside while the part of the order awarding compensation to the Appellant is reasonable and is therefore upheld. As regard to the recovery of Rs. 500/- from the meter reader, the Respondent is free to take action in this behalf as deemed appropriate.

16. As regards the prayer for compensation of Rs. 10,000/- sought by the Appellant, I am inclined to agree with the submissions made by the Respondent that the said prayer was not made by the Appellant to the Consumer Grievance Redressal Forum. The Appellant, at that time, only requested the relief to solve the problem as early as possible with respect to the fact that the meter reader has not taken the reading properly and that his behaviour is doubtful and so requested to take proper action. The compliance of the Forum's order regarding award of expenses to the Appellant, does not leave any further scope to review the compensation as sought by the Appellant. The prayer in this behalf is therefore not tenable and stands rejected. The Representation is disposed off with the above direction.

Sd/
(W.G. Gorde)
Ombudsman

Sd/
(S. N. Yadwad)
Secretary