



## 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  
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### **REPRESENTATION NO. 6 OF 2006**

In the matter of Fast Meter

Shri Shrikant M. Waingankar..... Appellant

V/s

Maharashtra State Electricity Distribution Co. Ltd..... Respondent

Present:

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

On behalf of the Appellant:

1. Shri Shrikant M. Waingankar

On behalf of the Respondent:

1. Shri Apparao K. Dhawale, Dy. Ex. Engineer, MSEDCL, Dombivli
2. Shri Umesh S. Lele, Junior Engineer, MSEDCL, Dombivli

**Date: 27<sup>th</sup> February, 2006**

### **ORDER**

Shri Shrikant Manohar Waingankar, resident of 305, Chirag Cooperative Housing Society, Phadke Road, Dombivli (East), Thane has filed the representation on 23<sup>rd</sup> January, 2006 against the order of the Consumer Grievance Redressal Forum, Kalyan declining to interfere with the bill prepared by the Licensee, Maharashtra State Electricity Distribution Co. Ltd. from April, 2002 – November, 2003. The order issued by the Forum on 6<sup>th</sup> January, 2006 did not find any reason to interfere with the bill for the period from 27<sup>th</sup> April, 2002 to the date of replacement of meter in December, 2003. Shri Waingankar (hereinafter referred to as the Appellant) is aggrieved with the above order of the Forum and filed this representation, which is registered at Serial No. 6 of 2006.

2. The Appellant states that he is a Low Tension residential consumer of electricity supplied by the Maharashtra State Electricity Distribution Co. Ltd. (hereinafter referred to as the Respondent). The residential premises occupied by Shri Waingankar has an electrical connection in the name of Shri Suresh Manilal Shah who appears to be the builder / developer of the society and Shri Waingankar has purchased the house in the said society and thus, is the consumer of the Maharashtra State Electricity Distribution Co. Ltd. The meter number 9000580233 was installed in the premises of Shri Waingankar on 27<sup>th</sup> April, 2002

with an initial reading of 007. The consumer received the bill for 1170 units in the next billing cycle based on the reading taken on 27<sup>th</sup> June, 2002. The subsequent billing cycles in August, October and December, 2002 recorded the consumption of 530, 560 and 60 units respectively. On 28<sup>th</sup> February, 2003, the meter recorded the consumption of 3040 units in the billing cycle which is abnormally high for residential user. Bills for the subsequent cycle in April, June, August, 2003 were issued for 570, 600 and 600 units respectively. The Appellant states that for the further cycle, the meter reading on 28<sup>th</sup> October, 2003, shows the consumption of 1620 units which appears again high as compared to the residential user.

3. On 22<sup>nd</sup> September, 2003, the Appellant complained to the Licensee, the Maharashtra State Electricity Distribution Co. Ltd. regarding high bills recorded by the meter. On 22<sup>nd</sup> November, 2003, official of the Respondent visited the premises and observed the meter and remarked on 24<sup>th</sup> November, 2003 that the meter seems doubtful and faulty. The said meter was subsequently removed on 4<sup>th</sup> December, 2003 and replaced by another meter with serial no. 40481. The Appellant paid the necessary fees for carrying out the test on the doubtful meter removed from his premises. However, the Respondent did not communicate anything about the test carried out or the result of the test during the subsequent period until December, 2005.

4. In the meantime, the meter no. 40481 continued to function at the premises of the Appellant and there appears no difficulty in respect of the working of this meter. However, the Appellant is aggrieved with the very high consumption recorded by the previous meter, which was removed for testing by the Respondent. The Appellant approached the Respondent from time to time to follow up the matter for redress but there was no communication about the reported excess billing by the Respondent. The Appellant approached the Consumer Grievance Redressal Forum, Kalyan on 15<sup>th</sup> September, 2005.

5. The Forum heard the matter and observed that the meter in question did not appear to be faulty as it was tested in the laboratory by the Respondent, although, the report of the test was not communicated to the Appellant in time. In view of this, the Forum directed that the said meter should again be got tested in the presence of the consumer / Appellant. This, the reported faulty meter was tested in front of the Appellant and also the Forum on 5<sup>th</sup> January, 2006. The result of the test indicates that the accuracy of the meter is within permissible limits. Since this tallies with the earlier test conducted by the Respondent, the Forum concluded that the meter in question was not faulty and that bills raised in accordance with the readings recorded by the meter were correct. The Forum did not interfere with the bills prepared by the Licensee for the period from 27<sup>th</sup> April, 2002 – November, 2003 during which time the meter was working at the Appellant's premises.

6. The Appellant is aggrieved with the order of the Forum and has raised few points for consideration. It claims that the officials of the Respondent visited his house on 22<sup>nd</sup> November, 2003 on the complaint of consumer and checked the meter. The said official found that the meter was doubtful and faulty and therefore removed the meter on 4<sup>th</sup> December, 2003. The Appellant claims that if the said meter was not faulty, there was no reason for the official to remove the meter and replace it by new meter of serial no. 40481. The Appellant further brought to our notice that its consumption of electricity from 1989 to

2002 i.e. in 13 years is 9700 units and questioned how consumption of 9788 units from 27<sup>th</sup> April, 2002 to 3<sup>rd</sup> December, 2003 i.e in 20 months is possible. The Appellant also raised the point as to why the report of the test, if conducted by the Respondent was not communicated to him until the matter was under consideration by the Forum. The said test report apparently was signed by the official on 7<sup>th</sup> October, 2005 whereas the actual test reportedly conducted was on 2<sup>nd</sup> March, 2004. There is no explanation for the delay of 19 months between the test and the signature on the report. The Appellant has doubted that the meter tested in his presence upon the Forum's directions was not same as the one, which was removed from his premises, in December, 2003. In view of this, the Appellant has prayed that the order of the Forum may be reviewed and the excess bill raised by the Respondent should be reversed, as the meter was faulty.

7. Notice was issued to both the parties to furnish their say in respect of their points raised in the representation. There were also advised to explore the possibility of conciliation or mediation and submit the proposal if any, in this respect. However, there is no response from either the Respondent or the Appellant.

8. The Respondent licensee filed its say on 17<sup>th</sup> February, 2006 denying the allegation that the meter was faulty. It adds that the said meter no. 9000580233 was tested on 2<sup>nd</sup> March, 2004 in its divisional testing laboratory. The report indicates that there is no fault in the meter. However, since the consumer doubted about the test conducted earlier, the said meter was again tested on 5<sup>th</sup> January, 2006 in the presence of the consumer as well as the member and chairperson of the Consumer Grievance Redressal Forum. The test report indicates no fault in the meter. The Forum has prominently recorded this fact in its order. The Respondent, therefore, says that the bill issued to the consumer is proper and there is no reason to reduce the bill amount and prays that the consumer is bound to pay the said bill.

9. The matter was heard on 21<sup>st</sup> February, 2006. Shri Waingankar, the Appellant, was personally present. Shri Apparao Dhawale, Dy. Executive Engineer and Shri Umesh Lele, Junior Engineer represented the Respondent. The Appellant argued during the hearing that the meter installed at its premises on 27<sup>th</sup> April, 2002 was faulty since it recorded high consumption of 3040 energy units on 28<sup>th</sup> February, 2003 as against its normal consumption of around 800 to 1000 units in the billing cycle of two months. He stated that in subsequent billing cycles, consumption of 570, 600 and 600 units was recorded in April, June and August, 2003. The said meter again, in October, 2003 recorded the consumption of 1620 units which is again high as compared to his normal consumption.

10. The Appellant raised the issue that upon his complaint, the official of the Respondent visited his place on 22<sup>nd</sup> November, 2003, observed the meter and wrote a remark that the meter seems to be doubtful and faulty. Therefore, the meter was removed on 4<sup>th</sup> December, 2003. He argued that had the meter been not faulty, there was no reason for the Respondent to remove the meter and replace it by another one. He further added that he paid the test fee and requested for the meter to be tested. There was no communication from the Respondent until 6<sup>th</sup> December, 2005 when he received a letter that the old meter has been tested and found to be correct. He cited that the date of the test was 2<sup>nd</sup> March, 2004 while it was signed by the Sub Engineer on 7<sup>th</sup> October, 2005. He alleged that the meter seems to have

been tampered while it was in the custody of the Respondent for a long time. The Appellant further brought to our notice during the hearing that the Respondent removed the meter from his premises on 4<sup>th</sup> December, 2003 without any panchnama.

11. The Appellant conceded that the meter was again tested on 5<sup>th</sup> January, 2006 in the Respondent's laboratory in the presence of the Members and Chairperson of the Forum but has expressed doubt that the meter might have been tampered with, in the meantime. On the issue of meter readings, he deposed that on 22<sup>nd</sup> November, 2003, the meter reading was 9445 units while on 3<sup>rd</sup> December, 2003 it shows 9788 units. He raised the issue as to how the meter recorded consumption of 343 units in 11 days by the residential consumer.

12. The Respondent reiterated and confirmed the sequence of events submitted in its written statement. It was argued that the meter in question was removed on 4<sup>th</sup> December, 2003 on the complaint of the consumer and upon the observations of the Junior Engineer that the meter seems to be doubtful and faulty. The said meter was, therefore sent to the laboratory for testing and the result of the test indicates that the meter was not faulty. He conceded that there was an abnormal delay in obtaining the test report although the meter was tested on 2<sup>nd</sup> March, 2004. He offered no explanation for the delay in test report beyond stating that it was a lapse on their part in following up the matter. Since the consumer raised the doubt on the report of the test, the meter was again tested as per the request of the consumer on 5<sup>th</sup> January, 2006 in the laboratory, in the presence of the consumer as well as members of the Forum. The report of the test indicates that the two seals provided by the manufacturer were intact and the seal provided by the licensee in February, 2002 at the time of issuing the meter for installation was also intact. The percentage error of the meter indicates it, to be 0.0999% fast which is well within the permissible limit. As such, it is contended that the meter was not faulty and the bills raised on the basis of the meter readings from time to time were proper and correct.

13. Perusal of the documents and statements made during the hearing bring out clearly that the disputed meter was removed upon receipt of a complaint from the consumer. The consumer also paid testing fee. The Junior Engineer in his remark made on 24<sup>th</sup> November, 2003, has observed that the meter seems doubtful / faulty. It is also clear that there was no test carried out at site by the Junior Engineer and therefore his observation was merely tentative. The meter was removed on 4<sup>th</sup> December, 2003 and was tested on 2<sup>nd</sup> March, 2004 i.e. after three months from its removal. The test report was not prepared and sent by the Respondent to the consumer for a long period of 19 months. This is clearly a lapse and negligence on the part of the Respondent. But the delay by itself does not negate and nullify the contents of the test report showing that the meter was not faulty. The meter reading recorded at the time of removal and on the day of testing is same. All the seals of the meter were reported to be intact. Therefore, there cannot be any valid doubt that the meter might have been used or tampered in the meantime. There is, therefore, no reason to doubt the contents of the test report although belatedly issued.

14. The Appellant followed up the matter with the Consumer Grievance Redressal Forum. The Forum members on the request of the consumer – Appellant not only decided to test the meter again but also witnessed the test on 5<sup>th</sup> January, 2006 when the representatives

of the licensee as well as the Appellant were present. The Forum summarized the result of the test to say that the seals were intact and that the meter was found working within the permissible limit of error.

15. Sequence of events elaborated above and the material on record show that the disputed meter although was initially reported to be doubtful by the Junior Engineer on visual observation, upon testing, was found to be correct. This conclusion was reached not only during the first test conducted on 2<sup>nd</sup> March, 2004 but also in the subsequent test conducted on 5<sup>th</sup> January, 2006 in the presence of everyone concerned. Therefore, there is no reason to doubt and dispute the result of the test and accuracy of the meter. There appears no substance in the allegations made by the Appellant in its submission, about possibility of tampering of the meter in the custody of the Respondent.

16. The Appellant, in his submission had mentioned that his energy consumption during the last 13 years prior to the year 2002 was only 9700 units and on this basis he doubted as to how his consumption during 20 months (from April, 2002 to December, 2003) could be 9788 units. This averages to 489 units per month. In the post meter replacement period also, the consumption of electricity is found to be 412 units per month. This compares well with the consumption recorded during the period under dispute i.e. during 27<sup>th</sup> April, 2002 to 3<sup>rd</sup> December, 2003. This can in no way be treated as abnormally high when compared with post meter replacement period. In any case, pattern of consumption during several past years would in no way be seen as an indicator to current consumption trend. This is more so when the doubtful meter is got tested twice, to ascertain its correctness. In the light of this fact, there is no ground to draw conclusion different from the one, arrived at by the Forum.

17. Provisions under the Indian Electricity Act, 1910 as well as the current statute require that the bills should be raised on the basis energy supplied to a consumer as ascertained by means of a correct meter and not otherwise. The adjustment of the bills cannot be done except in accordance with the provisions under the Act and the Regulations which require the meter to be tested in case of any complaint or doubt in its functioning and the report submitted. In the absence of any evidence that the meter was defective or tampered, the consumer is not entitled to any relief merely on the allegations of excess billing.

18. In view of the above decision, I do not find any reason to interfere in the order passed by the Forum. The Representation is, therefore, rejected for the reasons elaborated in the preceding paragraphs.

Sd/  
(W. G. Gorde)  
Ombudsman

Sd/  
(S. N. Yadwad)  
Secretary