

Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
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Case No. 114 of 2017

Date: 10 October, 2017

**CORAM: Shri Azeez M. Khan, Member
Shri Deepak Lad, Member**

In the matter of
Petition of Shri Audumbar Dharmaraj Patil regarding non-compliance of the CGRF,
Baramati Zone's Order dated 26 August, 2016 by Maharashtra State Electricity
Distribution Co. Ltd.

Shri Audumbar Dharmaraj PatilPetitioner

V/s

Maharashtra State Electricity Distribution Co. Ltd. (MSEDCL) Respondent

Appearance:

For the Petitioner: ... Shri H.D. Khapare (Rep.)

For the Respondent: ...Smt. Radha Bhandari (Adv.)
.....Shri Sandip Sanap (Rep.)

Daily Order

1. The Parties were informed that the Commission has resolved that this matter will be heard and decided by a two Member Bench.
2. The Commission heard the Representative of the Petitioner and Representative/Advocate of the Respondent.
3. Representative of the Petitioner stated as follows:

- i. The Petitioner's meter became faulty on 25 February, 2013. Thereafter, the Petitioner had been following up with MSEDCL for testing and replacement of the faulty meter. However, no action had been taken by MSEDCL.
 - ii. Although the meter was faulty, MSEDCL had been raising the bills to the Petitioner. Initially, some of these bills were paid by the Petitioner. However, the Petitioner stopped paying the subsequent bills due to the very large bill amounts on account of the faulty meter. In the month of October, 2015, MSEDCL disconnected the supply of the Petitioner due to non-payment of bills.
 - iii. Being aggrieved by MSEDCL's failure to test and replace the faulty meter and the meter disconnection by MSEDCL, the Petitioner had approached CGRF.
 - iv. CGRF, Baramati Zone, in its Order dated 26 August 2016 in Case No. 9 of 2016, directed MSEDCL to revise Petitioner's bills in accordance with the Regulation 15.4 of MERC (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005. MSEDCL was also directed to pay compensation of Rs. 5000/- from the salaries of erring employees to the Petitioner for illegal disconnection.
 - v. Present Petition has been filed seeking directions under Section 142 of the Electricity Act, 2003 on account of MSEDCL's non-compliance of the above CGRF Order.
 - vi. MSEDCL, vide its letter dated 4 March, 2017, has informed that, as compliance of CGRF Order, the Petitioner's bills for the months of February, March and April, 2013 have been revised based on prior three month's average consumption. Also, as per the letter, an amount of Rs. 7,85,671 towards the bills raised from May, 2013 to October, 2015 has been waived by MSEDCL. However, MSEDCL has not refunded the amount paid by the Petitioner for the bills raised during May, 2013 to October, 2015, which is a non-compliance of CGRF Order.
 - vii. To a query of the Commission, the Petitioner informed that it has records of all the bills paid by it during May, 2013 to October, 2015.
4. MSEDCL circulated its Reply to the Petition during the hearing. Advocate/Representative of MSEDCL stated that:
- i. During the course of proceeding before CGRF, meter testing was carried out in presence of the Petitioner. As per Executive Engineer's Testing Report dated 10 August, 2016, meter body was found burnt during physical inspection and the meter was in blackish condition. Meter terminal block was burnt. The display reading could not be seen properly and LED blinking could not be detected by pulse scanner. Hence, the meter could not be tested.
 - ii. However, the meter was not faulty and its healthy condition was known to MSEDCL from the Report dated 3 October, 2017 of IT Centre, Solapur. The consumer's billing from January, 2013 to December, 2015 was done through Meter Reading Instrument (MRI), and MRI data confirms that the meter was in

working condition during this period. Based on readings available through MRI Port, MSEDCL had raised bills to the Petitioner towards its energy consumption during this period.

- iii. Since the IT Report was not available during the proceeding before CGRF, the issue of meter's health could not be brought out before CGRF.
5. The Commission observed that MSEDCL's submissions about unavailability of data at the time of CGRF proceedings, is difficult to accept as such records are readily available from the IT data bases. The Commission further observed that these proceedings are not concerned with the merits of the CGRF Order, and MSEDCL needed to comply with the directions issued by CGRF. It is also difficult to accept the contrary stands taken by MSEDCL as, on one hand, MSEDCL is claiming that the meter was not defective and, on the other hand, it has waived the amount of Rs. 7,85,671 for the bills raised between the period May, 2013 to October, 2015.
6. The Commission directed MSEDCL to prepare a monthly statement pertaining to bills raised to the Petitioner during May, 2013 to October, 2015, bills paid by the Petitioner, amount to be adjusted, amount to be refunded to the Petitioner, etc., discuss these details with the Petitioner and submit the outcome of the discussion by 30 October, 2017.

The Case is reserved for Order.

**Sd/-
(Deepak Lad)
Member**

**Sd/-
(Azeez M. Khan)
Member**