

**BEFORE THE CONSUMER GRIEVANCES REDRESSALFORUM
MADHYA GUJARAT VIJ COLIMITED
CORPORATE OFFICE, 5TH FLOOR SP VIDYUT BHAVAN,
RACECOURSE, VADODARA 390 007**

Subject	Consumer Grievances Complaint No.MG-I-08-2015.16
Complainant	Shri Vipulbhai Dinubhai Patel, Prime Velocity, Near Jalak Hotel, Canal Road, Nadiad, Dist : Kheda
Respondent	Shri H L Bhalsod, Deputy Engineer, MGVCL Nadiad West Division.
Date of hearing	20.11.2015 at Vadodara

QUORUM	NAME
Chairperson	Shri P J Patel, Gandhinagar
Independent Member	Harsha S Chauhan, Vadodara
Technical Member	Shri P K Agrawal, MGVCL Vadodara

The complaint dated 17.04.2015 regarding change of meter & refund against wrong electricity bill issued for slowness of meter.

On 20.11.2015, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein representative Shri Shaswat Mehta appeared on behalf of complainant whereas Shri H L Bhalsod, Deputy Engineer, MGVCL Nadiad West Division. appeared as respondent on behalf of MGVCL. Both the parties were heard.

The complainant had raised the complain regarding additional bill issued for slowness of meter which was heard by Consumer Grievances Redressal Forum (CGRF) on dated 01.05.2015 and subsequently order was issued by CGRF. Aggrieved by the order of CGRF, complainant had filed an application with the office of Electricity Ombudsman, Ahmedabad, which was heard by the office of Electricity Ombudsman, Ahmedabad, on dated 20.10.2015 and accordingly order was drawn. It is directed by the ombudsman in its order dated 04.11.2015 that CGRF has not taken cognizance of points raised under para No.2.6 of the order and has directed CGRF to consider issues raised by the complainant and take self-explanatory decision. As directed, complainant, Shri Vipulbhai Dinubhai Patel and respondent Shri H L Bhalsod, Deputy Engineer, MGVCL Nadiad West Division were asked to remain present on dated 20.11.2015 before CGRF at Vadodara. Shri Shaswat Mehta, representative of the complainant remained present on behalf of the complainant while Shri H L Bhalsod, Deputy Engineer, MGVCL attended the hearing on behalf of MGVCL. In view of the directives of Ombudsman, the Forum confined itself only to the issues which were raised under para No.2.6 of the order of Ombudsman. The representative contended that they have not taken any objection for replacement of meter but objected for slowness of meter which is not their fault. To maintain accuracy of meter is the responsibility of MGVCL so they should not be punished.

Pointwise contention of the para 2.6 of the order of Ombudsman is as under;

1. The complainant represented that though he had paid supplementary bill on dated 31.03.2015 UNDER PROTEST, meter was not replaced by the respondent.
2. The energy bill was paid on dated 31.03.2015 UNDER PROTEST. Additional series meter was provided at the installation on dated 21.04.2015 which is after 21 days from the date of payment of the bill.
3. Respondent had initially issued bill considering slowness of 30.648% and subsequently also served additional bill considering slowness of 41.28%, it implies that respondent company is not clear in its meter checking.
4. Respondent has issued supplementary bill for 180 days, grounds of which were not disclosed to the complainant, even after payment of the first supplementary bill amounting to Rs.33,132/- and additional bill for the period from 12.08.2014 to 17.06.2015 is wrongly served to the complainant.
5. Forum in its order dated 5.6.2015 has recorded that respondent company has replaced the meter which is not correct as the meter was replaced on dated 17.06.2015.

Against the above submission of the complainant, respondent contended that:

Point: 1)

The complainant through its application dated 31.03.2015 had paid additional bill for slowness of bill UNDER PROTEST with objection regarding slowness of meter and has also indicated in application that he intends to challenge this bill in CGRF. Therefore, as provided in GERC Notification no.11 of 2005 clause no.6.1.10 relevant portion which is reproduced here under:

Clause no.6.1.10

“If the dispute is referred to the Forum/ Ombudsman, the Distribution Licensee shall not remove the meter from the installation. If the meter is already in a testing laboratory, it should be preserved in the same condition to the extent possible as it was in at the time of testing”.

Therefore, the Meter was not replaced.

Point: 2)

It is represented by the respondent that GERC Notification no.11 of 2005 clause no.6.1.14 provides that -

clause no.6.1.14

“In case of any doubt about the accuracy of meter, the Distribution Licensee may provide a check meter for a temporary period and if the consumer does not allow to provide a check meter, his power supply shall

be liable for disconnection, subject to the provisions of the Acts, Rules and Regulations for the time being in force”

In instant cases, since the bill and slowness of the meter detected by the MGVCL was challenged by complainant in Consumer Grievances Redressal Forum. Therefore, as provided in above referred regulations, series check meter was provided at the installation. Regarding so called delay for providing check meter, it is informed by the respondent that he had visited the site several times but since no responsible person was present at the installation check meter could not be provided immediately. The respondent had discussed with Shri Shaswat Mehta also who had replied that he will allow installation of check meter only after consulting his Advocate. It is also represented by the respondent that on dated 18.04.2015 he had telephonically discussed with complainant Shri Vipulbhai Dinubhai Patel regarding installation check meter and he had replied to provide check meter on dated 21.04.2015 considering his availability on that day. Accordingly check meter was provided on dated 21.04.2015.

Point No: 3)

Since dispute regarding slowness of meter & supplementary bill was raised by the complainant with Forum regarding slowness of meter, to ensure that there is no injustice to the consumer and to get performance of meter for reasonably long period, check meter was installed which is also as per the ‘provision of GERC Regulations. Results of the slowness obtained during checking on dated 03.02.2015 are instantaneous result measured by Accu-Check meter. While results obtained by installing series check meter gives performance of the meter for reasonably long period under varied load conditions. The bill served on the basis of check meter results is more accurate and ought to be paid by the complainant.

The contention of the complainant that respondent company is not clear in checking procedure is not correct as respondent company has taken action & followed the procedure correctly as provided under the Regulations i.e. GERC Notification No.11/2005 clause 6.1.8 and clause 6.1.14.

Point No: 4)

The contention of the complainant that supplementary bill is issued for 180 days is not correct as period for billing considered for 175 days prior to checking dated 03/02/2015 on the basis of MRI data downloaded from the meter and is in compliance with GERC Notification No.11 of 2005 clause No.6.1.8. Since the slow meter was replaced on dated 17.06.2015, supplementary bill was issued for the period from 12.08.2014 to 17.06.2015.

Point No: 5)

The contention raised by the complainant is correct. In the order of Forum dated 05.06.2015, it is noted that check meter is provided on dated 21.04.2015 and observed accuracy of the consumer-meter 41.28%

slow. Till order of Forum, the respondent themselves cannot change the meter. So the meter was replaced on 17/06/2015 and billed accordingly.

The Forum Members present at the hearing considered contention of both the parties and perused the records and observed that the check meter provided is as per GERC Notification No.11 of 2005, clause No.4.1.14 as at the time of payment of supplementary bill UNDER PROTEST, complainant is not agreed with the %age of slowness of meter UNDER QUESTION. The Respondent under these circumstances has not removed the meter from the installation as the complainant wants to raise his grievances to CGRF. This is supported by Clause No.6.1.10 of the notification. Due to more clarity regarding %age slowness of meter a check meter in series was provided and different results have been observed which clearly implies that %age slowness of meter to 41.28%, the result of check meter is bound to both the parties.

In view of the above discussion, the Forum is of the opinion that the result of check meter provided at consumer's installation is in accordance with GERC Notification No.11 of 2005, clause no.6.1.10 and 6.1.14, and its result is binding to both the parties. Hence, %age slowness of meter detected 41.28% is final.

ORDER

The Forum directs the Madhya Gujarat Vij Co Limited that 41.28%age slowness of meter derived after providing check meter in series for a period of 175 days prior to installation checking and thereafter up to the date of the meter replacement is in order.

(P K Agrawal)
Technical Member

(Harsha S Chauhan)
Independent Member

(P J Patel)
Chairperson

PS :

If the complainant is not satisfied with the order of this Forum, the complainant may approach The Staff Officer, Office of the Electricity Ombudsman, Gujarat Electricity Regulatory Commission, Barrack No.3, Polytechnic Compound, Ambawadi, Ahmedabad 380 015 in accordance with Clause No.2.63 Chapter-2 of GERC Notification No.2 of 2011.

Procedure to make representations before Ombudsman***

1. Representation should be in writing duly signed by the complainant with his name and address.
2. Representation should be supported with affidavit.
3. True copy of order of Forum and original complaint made before Forum should be attached. Enclosed documents should be certified copies of the original documents.
4. The representation before Ombudsman should be submitted within 30 days from the date of order of Forum.
5. Copy of representation should be submitted at the office of Ombudsman. Copy of representation should be submitted to all respondents.
6. If the complainant is required to pay any amount according to the order of Forum, one-third of such amount should be deposited by complainant and proofs should be attached along with the representation.
7. The matter should not be pending before the competent Forum or any other court, tribunal, arbitrator or any other authority.
8. All representations should be with a sufficient cause, reasonable diligence causing the consumer prima facie loss and damages / inconvenience.

9. Representation may be submitted in English or Gujarati language

*** <http://www.gercin.org/docs/Cosumer%20Grievances/Procedure/Procedure.pdf>