



# Chhattisgarh State Electricity Regulatory Commission

Civil Lines, G.E. Road, Raipur – 492001

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## Petition No.44 of 2005(M)

### In the matter of the order passed by the Grievance Redressal Forum on dated 29th October 2005

R.L. Agrawal ..... Petitioners

**V/s**

Chhattisgarh State Electricity Board ..... Respondent

### **ORDER (Passed on 31/12/2005)**

The Petitioner has approached the Commission against the order passed by the Grievance Redressal Forum (Forum, for short) at Raipur, appointed by the Chhattisgarh State Electricity Board (CSEB, for short) on 29<sup>th</sup> October 2005.

As per the provision of clause 42 of the CSERC (Redressal of grievances of consumers and establishment of forum and Electricity Ombudsman) Regulations, 2004 (Regulations, for short) appeal/representation against the order of Forum lies to the Ombudsman, but since the post of Ombudsman has not been filled up, the Commission decided to hear the appeal/representation.

2. The petitioner states that he has a Poha mill which was checked by the Executive Engineer (Vigilance) on 25th July 2003 with the help of 2 KW and 4 KW heater load and recorded his remarks for getting the meter checked up by LTMT (Low Tension Meter Testing) Laboratory as it did not move on low load. The meter was checked by the Executive Engineer (STM) also and the meter was replaced by an electro-mechanical meter on 04/08/03 and subsequently by an electronic meter on 03/11/2003 but no test report was given to the petitioner. On the basis of meter reading for the first month taken on 03/09/2003, the respondent CSEB raised a demand for consumption during the last six months period and recovered the amount through monthly bills in October and November 2003.

Against this assessment the petitioner approached the review committee on 15/12/03. On testing the meter in the LTMT lab, it was found to be slow as detailed below:

- (i) at 100% load - 5.21%
- (ii) at 50% load - 9.56%
- (iii) at 10% load - 28.03%

Thus, the meter was found to be slow by 14.26% on average basis. Accordingly, the petitioner requested the respondent to bill for last six months on the basis of this test report. But the respondent did not do so and billed the consumer on the basis of reading recorded by the new meter and subsequently by the electronic meter taking average of three months consumption.

3. The case was examined by the Circle Level Review Committee (CLRC) also and the petitioner was given an opportunity to present his case. During the review by the CLRC, it was stated by the petitioner that on account of Dashara and Diwali the labours were on leave and hence the mill was closed which resulted in less consumption. But the Committee did not accept this and decided that the average consumption recorded by the electronic meter in the months of December 2003, January and February 2004 be taken for billing for the six months from July 03, when the meter was found to be slow, backwards. The forum has confirmed this by the impugned order. The petitioner states that this was against the procedure laid down in the General Conditions of Supply issued by the Board on 1st October 1974, which is applicable to the case.

4. The respondent states that the meter was found to be slow and the error was varying as per the load. Since the load of Poha mill varies from time to time during a day, it was not proper to apply average error in the recorded consumption and hence billing should have been done by taking the average consumption recorded by the electronic meter for next three months.

5. The Commission has gone through the General Conditions for Supply of Electrical Energy and Scale of Miscellaneous and General Charges issued by the M.P. Electricity Board on 1st October 1974. These guidelines were applicable in CSEB also till the issue of Supply Code by this Commission on 22/09/05. Clause 19 (c)(iii) of the General Conditions for Supply provides as follows:

*"Should the meter, referred to in sub-clause (a) hereof and hereinafter in this sub-clause referred to as the 'said meter' cease to function or become incorrect, the electricity supplied to the consumer during the period in which the said meter ceased to function or became defective shall be determined by taking average of the electricity supplied during the preceding three months in which the said meter had not ceased to function or was not defective.*

*Provided that if the said meter ceased to function or became defective within the first three months of commencement or resumption of supply, the average of this electricity supplied during the three months subsequent to the replacement of the said meter by a correct meter shall be taken;*

*Provided further that if in the opinion of the Board's Divisional Engineer for the area, the conditions in the consumer's installation during the period in question were such as to render billing on such average electricity supplied not*

*equitable either to the consumer or to the Board, the electricity supplied during such period shall be determined by the said Divisional Engineer and the quantity of electricity so determined shall be final and binding on the consumer."*

The Commission directed the respondent CSEB to furnish details of meter reading and consumption for one year just prior to meter being found as defective in July' 03. This has been furnished by the Additional Executive Engineer (Revenue), East Division, Raipur, which has been taken on record. From the meter reading, the Commission observes that the meter was recording somewhat less consumption right from February 2003 (Feb - 2490 units, March - 2980 units, April - 3750 units, May - 3220 and June 3010) and hence this can not be taken for assessment purposes. Prior to this during the months of Nov' 02, Dec' 02 and Jan' 03 the consumption recorded was 3670 units, 4600 and 5060 units respectively which could be presumed to be realistic considering that this is almost equal to average consumption in the months after installation of the electronic meter. Since the consumption of three months prior to the meter becoming defective in July 03 is not realistic, the average consumption of electricity supplied during the preceding three months in which the mater was not defective i.e. Nov' 02, Dec' 02 and Jan' 03 should have been taken for working out average consumption for the period from Feb' 03 to July 03 as provided in the MPEB's General Conditions of Supply in clause 19 (c) (iii).

6. There has thus been an error in the assessment as per the rules/instructions on the subject. The review committee made the error by not following the prevailing instructions and the forum has erred in accepting the review committee finding. The Commission therefore sets aside the impugned order of the forum. The Commission orders that a fresh bill be prepared on the basis of consumption during Nov and Dec' 2002 and Jan' 2003 and issued to the petitioner within a week's time. The amount recovered in excess be adjusted in the subsequent bills.

Copy of this order be given to the petitioner as well as the respondent.

Sd/-  
**Member**

Sd/-  
**Chairman**

**True Copy**

**(Ajay Srivastava)**  
**Dy. Secretary**