

CONSUMER GRIEVANCES REDRESSAL FORUM, SHIMLA

Complaint No 1413/1/23/09

M/s Kailash Chand (LR College)

Vs

Himachal Pradesh State Electricity Board Ltd and Ors

BRIEF FACTS OF CASE–

- (1) Complaint is filed under Regulations 16, 17 and 18 of the HPERC (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013 by M/s Kailash Chand (LR College), Village Jabli (Kyar) PO Oachghat, Tehsil & Distt. Solan;
- (2) Complainant is a Commercial Supply (CS-Two part) Consumer of Respondent HPSEBL bearing Consumer ID 100009003601;
- (3) The Complainant is aggrieved by the monetary demand raised to it by the Respondent by way of impugned Demand Notice dated 06.12.2022 for Rs 43,01,696/- (**Annexure- C5 Colly**), further included as sundry in electricity Bill dated 18.01.2023 (**Annexure C-6**). This monetary demand is for the period from March, 2015 to October, 2022 and is on account of past period arrears arising due to defective metering, resulting in less recorded consumption and less billing in the past.

COMPLAINANT –

- (4) That, the educational institute of Complainant consumer is a charitable trust;
- (5) That, on 13.07.2022, Respondent issued a Demand Notice for Rs 22,86,175/- to the Complainant on account of an unbilled amount, along with calculation sheet (**Annexure C-1 Colly**);
- (6) That, the Complainant vide its letter dated 17.10.2022 (**Annexure C-2**) requested MRI data from Respondent with regards to the missing 'Y' phase wef 26.03.2018 onwards and the missing 'B' phase w.e.f. 23.01.2019;
- (7) That, the Respondent vide its letter dated 31.10.2022, supplied instantaneous Reports for 12.03.2018, 26.03.2018, 14.05.2018 and 07.08.2018 (**Annexure- C-3 Colly**);

- (8) That, the Complainant vide its letter dated 02.11.2022 (**Annexure C-4**) requested MRI data up to October 2022 from Respondent regarding phase failure, if any, wef September, 2018 to October, 2022;
- (9) That, on 06.12.2022, the Respondent vide its letter, requested for deposit of Rs 43,01,696/- and also annexed therewith calculation sheet (**Annexure- C5 Colly**). In this notice it is averred that in view of phase missing, the check metering has been installed from 11.09.2022 to 11.10.2022 to check accuracy of existing meter, which has been found slow by 87.06 percent. The said demand of Rs 43,01,696/- relates to the period March, 2015 to October, 2022;
- (10) That, the Respondent supplied calculation sheet on flat basis for the said period of March 2015 to October 2022 which is unsustainable. In case Tamper report supplied to Complainant is perused it will show that there is no occurrence of 'Y' phase missing throughout the month from March 2015 to October 2022 and same remained for few hours in a particular month;
- (11) Thereafter, the Respondent issued monthly energy bill dated 18.01.2023 (**Annexure C-6**), raising therein ibid amount of Rs 43,01,696/- as sundry along with surcharge thereon. The Respondent further issued demand notice dated 01.02.2023 (**Annexure C-7**) for Rs 43,64,660/- after levy of surcharge including notice of disconnection for non-payment within 15 days;
- (12) That, the ibid demands dated 06.12.2022 (**Annexure- C5 Colly**), further included in Bill dated 18.01.2023 (**Annexure C-6**) and demand dated 01.02.2023 (**Annexure C-7**) respectively, on account of less recorded consumption for the period March, 2015 to October, 2022, on flat basis is arbitrary, illegal, unfair, unjustified, unsustainable and the same deserve to be quashed and set aside;
- (13) That, the alleged slowness of existing L&T make meter by 87.06 % is procedurally wrong and unjustified. Further, Respondent has not supplied test results qua accuracy of check meter and thus calculation of slowness off meter do not have any binding force;

- (14) That in case the Respondent doubted the accuracy of existing meter or metering equipment installed in the premises of the Complainant consumer, the Respondent should have followed the procedure laid down in Chapter-1V of the HP Electricity Supply Code, 2009, as amended time to time, more particularly the procedure prescribed therein para 4.4.1, 4.4.4 and 4.4.8. In terms of provisions contained in ibid para 4.4.8, if the meter/metering equipment on testing is found to be beyond the limit of its accuracy, the electricity charges are to be computed in accordance with the test results for a period of 6 months immediately preceding the date of test.
- (15) Complainant has prayed for the following reliefs:-
- a) An Order declaring the demand of Rs. 43,01,696/- through demand notice dated 06.12.2022 (**Annexure- C5 Colly**) on account of unbilled amount for the period March, 2015 to October, 2022 and thereafter through bill dated 18.01.2023 (**Annexure- C6**) for Rs. 43,01,935/- as sundry and thereafter for Rs. 43,64,660/- through demand notice dated 01.02.2023 (**Annexure- C7 Colly**), as wrong, illegal, unjustified, arbitrary and against the provisions of HP. Electricity Supply Code, 2009 and amended thereafter from time to time;
 - b) An order directing the Respondents to make the revised calculations of alleged less recorded consumption of energy for the period March, 2015 onwards, if permissible or warranted, strictly on the basis of event wise tamper status regarding the actual slowness of existing meter.

RESPONDENT –

- (16) That the impugned action of the Respondent is perfectly valid and legal in the eyes of law as per the provisions of the Electricity Act, 2003 and other enabling provisions governing the field;
- (17) That the impugned demand / demand notice for phase missing is valid, duly substantiated by the data retrieved from the system / tamper data Report (**Annexure R-1 Colly**), wherein the human interference is totally negligible. Data retrieved from meter is

complete evidence to conclude that due to phase missing the meter was recording less consumption ;

- (18) That it is very much clear in the MRI record that Y phase is missing completely from March 2015 to October 2022 and B Phase missing completely from Jan 2019 to October 2022;
- (19) That the Check meter was installed only to cross check that phases were missing and that existing CT/PT unit installed for existing meter was not accurate and it established slowness of metering by 87.06%;
- (20) That the billing of the Complainant has been shifted to Check Meter and the consumption of the Complainant has increased;
- (21) That the licensee is entitled to raise supplementary bill / demand for short billing and that this issue is no more re-integra in view of Hon'ble Apex Court decision passed on 05 October, 2021 in Civil Appeal No 7235 titled M/s Prem Cortex Vs Uttar Haryana Bijli Vitaran Nigam Ltd;
- (22) That it is clear case of the defective metering and thus impugned demand notice issued by Respondents is liable to be upheld and the complaint as preferred by the Complainant is liable to be dismissed.

ORDER

- (23) This Forum has examined the relevant provisions of the Electricity Act, 2003, various relevant Regulations framed by the HP Electricity Regulatory Commission (or the HPERC) including relevant provisions of HPERC (Consumer Grievances Redressal Forum and Ombudsman) Regulations, 2013, HP Electricity Supply Code, 2009 notified by the HPERC, amendments thereto and record as facts along with pleadings of the parties. This Forum has heard the parties at length. The considered opinion of the Forum has been gathered after considering the fair facts, evidences and correspondence placed on record and arguments adduced by both the parties;
- (24) Before the Forum proceeds in the matter, Forum feels it necessary to frame the following three issues for determination in the instant complaint –

- (a) **Issue No 1:** Whether, when the Meter Reading Instrument (or MRI) data is available, is it imperative to install a Check meter or undertake testing of meter and/or metering equipment, under provisions of code 4.3 of HP Electricity Supply Code, 2009 (hereinafter referred to as the Supply Code). Further, under the fact and circumstance of instant matter, is this MRI data sufficient evidence to establish defective metering and/or for estimating or assessing the quantum of electricity consumption?;
 - (b) **Issue No 2:** Whether, the provisions of code 4.4.8(i) of Supply Code are applicable in the facts and circumstances of the instant matter, for the purpose of over hauling of account of Complainant in case of defective metering?;
 - (c) **Issue No 3:** Whether, Respondent is justified in adopting a flat basis for the purpose of estimating the consumption and overhauling the account of Complainant, especially when the MRI data is available?
- (25) At the outset Forum finds it expedient to reproduce the relevant provisions of code 4.3 and 4.4 of the Supply Code for the sake of clarity—

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4.3 Testing of Meters .—

- 4.3.1 *It will be the responsibility of the licensee to satisfy itself regarding the accuracy of a meter before it is installed at the consumer premises.*
- 4.3.2 *The licensee shall maintain such number of accredited testing laboratories as per the standards prescribed by the National Accreditation Board for Testing and Calibration Laboratories (NABL) as the Commission may require and all such laboratories will at least be equipped with testing equipment as provided in the regulations framed by the Authority under Section 55 of the Act.*
- 4.3.3 *After testing in the laboratory, the body of the meter will be duly sealed by an officer(s) authorized by the licensee.*
- 4.3.4 *The licensee may also conduct periodical inspection/testing of the meters installed at the consumer's premises as per Central Electricity Authority (Installation and Operation of Meters) Regulations , 2006 made under Section 55 of the Act.*
- 4.3.5 *The Commission may also require the licensee to undertake third party testing of meters/metering equipment installed at the consumers' premises.*

4.4 Defective Meters .—

- 4.4.1 The licensee will check and have the right to test any meter and metering equipment installed at a consumer's premises if there is a reasonable doubt about its accuracy and the consumer will provide the licensee all necessary assistance in conducting the test. The consumer will have the right to be present during such testing.
- 4.4.2 (a) A consumer may request the licensee to test the meter/metering equipment installed in his premises, if he doubts its accuracy. The licensee will undertake such site testing within seven days on payment of fee as specified in the Schedule of General Charges approved by the Commission.
- (b) If, after testing, the meter is found to be defective then the fee deposited in accordance with sub-para (a) will be refunded by adjustment in the electricity bills for the immediately succeeding months. In case, the meter is found to be correct then the licensee will not refund such fee.
- 4.4.3 In case a consumer is not satisfied with the site testing of the meter installed in his premises or the meter cannot be tested by the licensee at site then the meter will be removed and packed for testing in the laboratory of the licensee and another duly tested meter will be installed at the premises of such a consumer. In the event the licensee or the consumer apprehends tampering of meter and/or its seals then the licensee and the consumer will jointly seal the packing containing the meter. The seals will be broken and testing undertaken in the laboratory of the licensee in the presence of the consumer, if he so desires.
- 4.4.4 In case of testing of a meter, removed from the consumer premises for the purpose of testing in the licensee's laboratory, the consumer would be informed of the date of testing at least seven days in advance. The signature of the consumer, or his authorized representative, if present, would be obtained on the Test Result Sheet and a copy thereof shall be supplied to the consumer.
- 4.4.5 (a) Subject to the provisions in sub para (b), in case a meter installed at a consumer's premises gets burnt/ broken/ defective or stops functioning, a new tested meter will be installed within the time lines specified in the schedule to the Himachal Pradesh Electricity Regulatory Commission (Distribution Licensees' Standard of Performance) Regulations, 2005. If the meter gets burnt, broken or damaged due to reasons attributable to the consumer, the licensee will debit the cost of the meter (if provided by the licensee) to the consumer who will also be informed about his liability to bear the cost.
- (b) in case of failure of supply due to the burnt, broken, damaged or defective meter, the licensee shall endeavour to restore the supply on the same day by way of installation of new tested meter.
- 4.4.6 In case where a meter installed at a consumer's premises is reported to have been stolen and the FIR to this effect has been lodged by the consumer, supply of electricity will be immediately restored by the licensee at consumer's request by installing another tested meter and the cost of the meter shall be recovered from the consumer through electricity bills for the immediate succeeding months.
- 4.4.7 In respect of the consumer owned defective/burnt/broken meter, the replacement shall be made by way of a licensee owned meter till such time the consumer provides a new meter duly tested as per para 4.3 and the same is installed as per provisions of this Code.
- 4.4.8 4.4.8 Overhauling of consumer accounts -
- (i) If a meter on testing is found to be beyond the limits of accuracy as specified in the regulations framed by the Authority under Section 55 of the Act, the electricity charges for all categories of consumers will be computed in accordance with the said test results for a period of six months immediately preceding -
- (a) the date of test in case the meter has been tested at site to the satisfaction of the consumer ; or
- (b) the date the defective meter is removed for testing in the laboratory of the licensee where such testing is undertaken at the instance of the licensee ; or
- (c) the date of receipt of request from the consumer for testing a meter in the laboratory of the licensee.

Any evidence provided by the consumer about conditions of working and/or occupancy of the concerned premises during the said period(s) which might have a bearing on computation of electricity consumption will, however, be taken into consideration by the licensee.

- (ii) The accounts of a consumer will be overhauled for the period a burnt/defective meter remained at site, on the basis of energy consumption of the corresponding period of the previous year after calibrating for the changes in load, if any. In case the average consumption for the corresponding period of the previous year is not available then the consumer will be tentatively billed for the consumption to be assessed in the manner indicated in para 4 of Annexure-A and subsequently adjusted on the basis of actual consumption in the corresponding period of the succeeding year.*
- (iii) If a consumer is liable to pay an additional amount or is entitled for a refund in consequence of an overhaul of his account in accordance with sub- paras 4.4.8 (i) and (ii), the licensee will effect recovery or adjust the excess amount in the electricity bills of the immediately succeeding months.*

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Un-Quote

- (26) Before the Forum delves on the issues framed *ibid*, it is expedient and necessary to discuss metering –
- (27) It is a known fact that metering equipment is in the nature of Instrument Transformers such as Current Transformer (or CT) and/or Potential Transformer (PT). Under practical conditions, when electrical parameter inputs in an electrical system, such as voltages and currents to the meter are within safe limits, metering of a consumer may simply be with a meter and without metering equipment. However, when these actually exist at excessively high and unsafe levels, then the said metering equipment is deployed along with the meter to give restricted or practically acceptable and safe electrical parameter inputs to the meter. This is done by stepping down these electrical parameters namely voltages and currents using metering equipment;
- (28) It is also a known fact that the modern-day meters are capable of recording and storing electricity consumption data, electricity supply parameters including various events related to these, which can be retrieved from the meter using an MRI;
- (29) Thus, it becomes clear that irrespective of the fact that the meter is with or without recording and storing capabilities for data and events and when such meter becomes defective, then testing of meter may be

the only remedy to estimate or ascertain the quantum of electrical consumption or its accuracy. Further, it also becomes clear that under the condition when metering equipment or inputs there-from alone become defective but the meter is still capable of recording and storing data and events, then electricity consumption data and the electricity supply parameters data and the related events are recorded and stored in the meter, which become available for retrieval using a Meter Reading Instrument (or MRI);

- (30) In view of the above discussion, it further becomes clear that while meter may be capable of recording and storing data, however, due to defective metering equipment or defective inputs there-from, data of consumption may not be recorded correctly in the meter. However, the meter would still have recorded some consumption data and stored the event of the missing input electrical parameter, thus establishing the fact of defective metering and also depicting the reasons for defective metering, which can be retrieved using an MRI;
- (31) On the basis of foregoing discussion, the Forum comes to the logical conclusion that if the metering equipment alone becomes defective and the MRI data is available, then it may not be necessary to send the metering equipment for Testing to a laboratory for estimating the quantum of unrecorded consumption in the past, unless its accuracy vis-à-vis its accuracy class is under challenge, either before the distribution licensee or by the consumer or if the distribution licensee itself feels the necessity to do so, which is not the case here;
- (32) The Forum now proceeds to determine each issue as framed above, on merits -
- (33) **Issue No 1:** In the instant case, it remains undisputed that the meter was not sent for testing and that a Check meter was installed by the Respondent. The Forum hereinafter proceeds to determine Issue No 1 with regard to the necessity of installing a Check meter or undertaking testing of meter and/or metering equipment, under provisions of code 4.3 of Supply Code when MRI data is available and further under the fact and circumstance, is the MRI data sufficient

evidence to establish defective metering and/or for estimating or assessing the quantum of electricity consumption;

- (34) The Forum is of the considered opinion that in the instant matter where MRI data is available, the role of the Check meter is limited to merely determining the fact of faulty metering and nothing more useful. Thus when MRI data is available, there is no rationale in utilizing the results of the Check meter to estimate the differential consumption which was not previously billed. In the instant matter, the Forum observes that while the Check meter does point to the fact that there was faulty metering however, because there exists MRI data, therefore the Forum is inclined to hold that the fact of installation of 'Check meter' by the Respondent is merely its internal decision to do so, for whatsoever reason and does not serve any useful purpose in the instant matter. Accordingly, the Forum is inclined to ignore the fact of installation of the Check meter, for the simple reason that the role of such is not imperative in the determination of the instant complaint;
- (35) Record does not lie. This Forum from examination of record finds that the MRI data sheets (**Annexure C-5 Colly / Annexure R-1 Colly**), do indeed reveal defective metering during certain periods / times in terms of missing of phases of voltage due to defective metering equipment or inputs therefrom. The events of defective electrical parameter inputs have been recorded and stored in the meter which have become available by way of the MRI data and which clearly depict that voltage phase(s) was/were missing during certain periods / times;
- (36) In the instant complaint, the Forum is convinced that because it was the inputs from the metering equipment which were defective and not the meter, therefore the event of missing inputs of phase(s) of voltage, would be recorded in the meter and become available for retrieval using MRI. Thus, the meter would not be required to be sent for testing. Testing of metering equipment would only tend to establish

its current status and would not help in estimating the quantum of consumption that may have taken place in the past;

- (37) On the anvil of foregoing discussion, the Forum holds that the fact of MRI data is sufficient evidence in the instant matter to establish that the meter was not defective but the metering equipment or inputs there-from were defective. Consequently, this MRI data is also sufficient evidence in estimating or assessing and calculating the quantum of electricity consumption that may have taken place in the past. Therefore, for the purpose of estimating the historic consumption, the meter and metering equipment shall not be required to be sent to laboratory for testing under provisions of code 4.3 of Supply Code;
- (38) Further, on bare perusal of the provisions of code 4.3.1 and 4.4.1 of the Supply Code reproduced supra, it becomes clear that in absence of any request from the consumer, it is within the licensee's rights to test or get tested the meter including metering equipment installed at the consumer premises. In the instant matter the Complainant had not requested for the testing. Further, the licensee has exercised its right of not sending the meter and metering equipment for testing;
- (39) Thus, from the foregoing discussion and for the simple reason that the data necessary for determining the reasons of defect had already become available to the Respondent from the MRI itself which is sufficient evidence, the Forum rejects the contention as raised by the Complainant that the meter ought to have been got tested. The Forum further holds and concludes that because the MRI data had become available to the Respondent, it was not necessary for the Respondent to send the metering equipment for testing or for testing it at site under provisions of code 4.3 of the Supply Code, 2009;
- (40) Further, as observed in paras supra, metering equipment was neither sent for testing nor was it required to be sent for testing and thus procedure prescribed in code 4.4.1 and 4.4.4 of HP Electricity Supply Code, 2009 is also not applicable in the present matter. In the present matter MRI data exists and thus the instant complaint can squarely be

decided on this fact. **Issue No 1** is accordingly decided against the Complainant;

- (41) **Issue No 2:** On whether the provisions of code 4.4.8(i) of Supply Code are applicable in the circumstances of the instant matter, the Forum is of the considered opinion that for the purpose of over hauling of account of Complainant in case of defective metering, the actual energy consumption and its metering are two distinct aspects. These two aspects may not at all times be in consonance and there may be disparity between the two at any time, owing to several reasons such as defective meter, defective metering equipment or inputs there-from, defective connections, human error intentional or unintentional etc. Therefore, in the instant complaint when it is established by way of evidence of MRI data of original meter that there is defective metering and for the simple reason that electricity / energy has actually been consumed in the past, in excess of that recorded in the meter, which could not be billed owing to such remaining unnoticed, it can safely be held that consumer Complainant is liable to make good any monetary loss that may have resulted to the Respondent distribution licensee in the past. Non-recording or less recording by a meter cannot be a reason to allow free ride to the Complainant towards the consumption of electricity that was actually made by it in the past. Therefore, in the case of defective metering, the consumer Complainant is liable to make payments towards the unrecorded part of consumption estimated on reasonable grounds;
- (42) Further, in the considered opinion of the Forum, no one is entitled to adversely use the deficiencies in a system to their advantage, such as to cause loss in any way to the system. The monies in question here is not that of the Complainant or that of the managers of the Respondent but are that of a Company and thus no one is entitled to cause loss to the Company. Not allowing such loss to be recovered likely results in malpractices and connivances which are detrimental to the system;
- (43) It is a known electrical concept / fact that there are three (3) voltage phases for a three phase connection. The Forum is of the considered

opinion that when one (1) voltage phase from the metering equipment becomes missing, the meter tends to record 66.6% (or $\frac{2}{3}^{\text{rd}}$) of actual consumption and when two (2) voltage phases becomes missing, the meter tends to record 33.3% (or $\frac{1}{3}^{\text{rd}}$) of actual consumption. The estimation of balance or actual consumption in case of defective metering equipment can thus be done on reasonable considerations;

- (44) Considering the facts in the instant complaint, depicted by way of MRI data, this Forum safely concludes that there was defective metering in the past and therefore, the Complainant, on reasonable estimates, is liable to pay for the shortfall in billed consumption in the past vis-à-vis actual consumption. Forum finds no force in the arguments made by the Complainant that because sub-code 4.4.8(i) of the Supply Code provides for period of six (6) months of overhauling of consumer accounts, therefore consumer account can only be overhauled for 6 months. Per the ibid code, that is the condition when the meter is tested which is not the case here. In the instant matter, there is evidence by way of MRI data to confirm the same. Regulations cannot be read in isolation. Bare perusal of the relevant part of the Supply Code in fact reveals that sub-code 4.4.8(ii) and 4.4.8(iii) do provide for overhauling of consumer account for the period the meter remained defective and further that the consumer is liable to pay an additional amount respectively. In view of the foregoing discussion, this Forum holds that dispute raised by the Complainant has not been done on valid grounds;
- (45) From the foregoing discussion and given the fact that there was defective metering due to missing input of phase(s) of voltage in the past, which is evidenced by the MRI data, the Forum holds and concludes that the ibid condition of defective metering resulted in non-recording of actual overall consumption of electricity made by the Complainant consumer in the past which can now be estimated on reasonable considerations, as has been discussed in paras supra. The Complainant is thus now liable to pay for balance of the consumption,

on detection of the error by the Respondent HPSEBL. **Issue No 2** is decided accordingly against the Complainant;

- (46) **Issue No 3:** Once the Issues No 1 and 2 framed supra stand decided, Forum further observes from record that while the Complainant has stated that the monetary demand raised by the Respondent HPSEBL is wrong, illegal, unjustified, arbitrary and against the provisions of HP Electricity Supply Code, 2009, and prayed before this Forum for directions to the Respondent to make the revised calculations of alleged less recorded consumption of energy for the period March, 2015 onwards, if permissible or warranted on the basis of Meter Reading Instrument (or MRI) based event-wise-tamper status of existing meter, it has in fact accepted the underlying metering error but has disputed the flat basis of calculation of the consequential monetary demand. The directions sought by the Complainant are simply that the monetary demand be based upon the MRI data and may not be determined on flat basis;
- (47) The Forum now proceeds to look into the aspect as raised by the Complainant of any flat basis of overhauling of account by the Respondent in wake of the established defective metering--
- (48) Even at the time of arguments in the matter, the Complainant was not averse to any monetary demand due to metering error but had opposed the raising of a monetary demand on flat basis by the Respondent without it considering the actual duration or actual period of existence of the metering error in the period from March 2015 to October 2022.
- (49) In the instant case 'Y' phase is alleged to be missing from March 2015 to October 2022 and 'B' Phase missing from Jan 2019 to October 2022;
- (50) After examining the MRI record, the Forum prima-facie observes that the overhauling of Complainant account (**Annexure C1 / Annexure C5 Colly**) due to defective metering has not been done strictly in conformation with the MRI data, if applied, for the entire period of defective metering from March 2015 to October 2022. For instance –

- (51) Firstly, the MRI data placed on record, is found by the Forum to not be for each day of the period from March 2015 to October 2022 for which the overhauling of Complainant account is done by the Respondent;
- (52) Secondly, the 'Tamper Reports' of the MRI data placed on record by Respondent are found by the Forum to only depict voltage failure events of phases for certain durations on certain days during the said period from March 2015 to October 2022. The case of the Respondent can only be supported, when these reports depict the phase voltage failures for all the days of the period of defective metering from March 2015 to October 2022;
- (53) Thirdly, the Forum does not find the MRI data to continuously depict phase failure from the original date in March 2015 to October 2022. This is observed by the Forum to not exist continuously but to exist continually during this period;
- (54) Fourthly, the condition when only 'Y' phase is observed by the Forum to be continuously missing is from January 2017. Similarly, the condition, when both 'Y' and 'B' phases are observed to be missing continuously, is only from August 2020;
- (55) Therefore, in the instant complaint, it becomes amply clear that the Respondent has adopted a flat basis for overhauling the account of the Complainant due to defective metering in the past. Accordingly, the Forum is in agreement with the contention of the Complainant on this count and holds that because the Respondent has relied upon the MRI data to evidence defective metering and to consequentially raise a monetary claim against the Complainant, thus a flat basis cannot be adopted by the Respondent to estimate the differential consumption due to defective metering in the past and to overhaul the account of the Complainant. The estimation of differential consumption not previously billed due to metering error and the consequential overhauling of Complainant account has thus to be done by the Respondent strictly in accordance with the MRI data for each day of the period from March 2015 to October 2022 and accordingly the

Complainant is entitled to a correct overhauled account. **Issue No 3** is accordingly decided in favor of the Complainant and against the Respondent;

- (56) In view of foregoing discussion, the Respondent No 3 is directed to correct the impugned monetary demand dated 06.12.2022 (**Annexure- C5 Colly**), further raised as sundry in bill dated 18.01.2023 (**Annexure C-6**) and further raised through demand dated 01.02.2023 (**Annexure C-7**) respectively, by overhauling the account of arrears of the Complainant only for the days the defective metering actually existed and from the date the defective metering first arose in March 2015 and up to the date the issue of defective metering existed in October 2022. The Respondent is further directed to support this overhauled account with the MRI data for each day for which arrears are determined by the Respondent. It is made clear that no arrears shall be projected by the Respondent to the Complainant for the days for which such is not supported with the MRI data;
- (57) The Respondent No 2 is further directed to validate the ibid corrected monetary demand / overhauled account framed by the Respondent No 3. Thereafter, the Respondent is directed to raise a fresh Demand Notice to the Complainant within a period of 15 days from this Order, along with revised overhauled account for each day of the period from March 2015 to October 2022 and duly supported by MRI data for each day. The Complainant shall pay this revised monetary demand within a period of 15 days from the date of issue of the ibid fresh Demand Notice;
- (58) In view of foregoing, no illegality is observed by the Forum in the monetary demand raised by the Respondent. The Forum however, holds the impugned monetary demand for 43,01,696/- raised by the Respondent vide demand notice on 06.12.2022 (**Annexure- C5 Colly**), vide sundry in bill on 18.01.2023 (**Annexure C-6**) and vide demand notice on 01.02.2023 (**Annexure C-7**), to have been 'determined incorrectly' and accordingly sets these aside with

directions to the Respondent to correctly determine the same and raise fresh / revised demand notice as Ordered in paras supra.

On aforesaid terms, the complaint is **partially allowed** and is disposed accordingly.

Parties are left to bear their own costs.

Order is announced before the parties present today on 05.09.2023 at Shimla in open Forum.

Certified copies of this Order be supplied to the parties. The complaint along with this Order be consigned to record room for safe custody.

Date: 05.09.2023

Shimla

Sd/-

**Anil Sharma
(Member)**

**Vikas Gupta
(Member)**

Sd/-

**Tushar Gupta
(Chairperson)**

**CONSUMERS GRIEVANCES REDRESSAL FORUM AT
KASUMPTI, SHIMLA-9.**

Complaint No.: - 1413/1/23/09

Date of Admission: -20.02.2023

**Quorum: - Er. Tushar Gupta, Chairman
Er. Vikas Gupta, Member
Sh. Anil Kumar Sharma, Member**

In ref:-

M/s Kailash Chand (LR College).
Village Jabli (Kyar) PO Ochghat,
Tehsil & Distt. Solan (HP).

Complainant

V/s.

HPSEBL & Others.

Respondents

1. The Executive Director (Pers.),
HPSEBL, Vidyut Bhawan,
Shimla-171004.
2. The Sr. Executive Engineer,
Electrical Division, HPSEBL,
Solan, HP).
3. The Assistant Engineer,
Electrical Sub-Division HPSEBL,
Solan III District Solan, (H.P.)

Respondents

Final hearing:-04.08.2023.

Counsels:-

- | | | |
|-------------|----|------------------------------|
| Complainant | 1. | Sh. O.C Sharma, Advocate. |
| Respondent | 1. | Sh. Rajesh Kashyap, Advocate |
| | 2. | Sh. Kamlesh Saklani, USLaw. |

Date of Decision: -05.09.2023

Notice

Registered
CONSUMER GRIEVANCES REDRESSAL FORUM AT KASUMPTI
SHIMLA-171009.

No.CGRF/Complaint No. 1413/1/23/09

Dated:-

M/s Kailash Chand (LR College).
Village Jabli (Kyar) PO Ochghat,
Tehsil & Distt. Solan (HP)

Complainant

V/s.

HPSEBL & Others.

Respondents

Complaint No.1413/1/23/09

1. The Executive Director (Pers.),
HPSEBL, Vidyut Bhawan,
Shimla-171004.
2. The Sr. Executive Engineer,
Electrical Division, HPSEBL,
Solan, (HP).
3. The Assistant Engineer,
Electrical Sub-Division HPSEBL,
Solan III District Solan, (H.P.)

Respondents

The Certified copy of final order dated 05.09.2023 passed by the Hon'ble Forum in the aforesaid complaint is enclosed find herewith for further necessary action at your end please. The compliance be reported/ intimated within one month after the receipt of order in the office.

DA:-As above.

Secretary,
Consumers Grievances Redressal Forum,
HPSEBL, Kasumpti Shimla-9.