



SL. No.	Date	Office Notes, reports, orders or proceedings or directions and Registrar's order with Signatures	COURT'S OR JUDGE'S ORDERS
			<u>WPMS/731/2020</u> Executive Engineer Electricity Distribution Division --Petitioner Versus M/s MIRC Electronics Limited --Respondent <u>Hon'ble Manoj Kumar Tiwari, J.</u> Mr. Himanshu Pal, Advocate for the petitioner. Ms. Neetu Singh, Advocate for the respondent through video conferencing. 2. Petitioner has challenged judgment and order dated 14.10.2019, passed by Consumer Grievance Redressal Forum (CGRF), established under Electricity Act, 2003. By said order, demand of Rs. 4,99,920.17, raised by petitioner against respondent, based on assessment made under provision of Electricity Act, for slow electricity meter, was set aside. 3. Learned CGRF relied upon clause 3.1.3 (7) of Uttarakhand Electricity Regulatory Commission (The Electricity Supply Code) Regulation, 2007 for setting aside the assessment made by petitioner. Relevant regulation, which is quoted in the impugned order, is reproduced below for ready reference: “(7) If the consumer or his representative



			disputes or refuses to sign the test report, the defective meter shall not be replaced and the matter shall be decided, upon the application of either party, by an Electrical Inspector or any authorized third party, who shall test the correctness of the meter and give results within one month. The decision of the Inspector or such authorized third party shall be final and binding on the Licensee as well as the consumer.” 4. It is not in dispute that electricity meter installed in the premises of M/s MIRC Electronics Limited was checked on 28.05.2018, the inspecting team found the electricity meter to be slow. It was removed and sealed, and a new electricity meter was installed in its place, the sealed meter was got tested by third party in presence of respondent and as per test report, the meter was found slow by 7%; its terminal plate was found carbonised and the body of the meter was found broken from both sides. 5. Based on test report, petitioner made assessment and raised demand of Rs. 4,99,920.17, which was challenged by the respondent before CGRF. 6. Learned CGRF allowed the complaint made respondent by holding that since petitioner himself was not satisfied with the test report, therefore, the demand based on such test report is unsustainable.
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		7. The reason assigned for allowing the complaint is unsustainable, as there is nothing on record which may indicate that petitioner was not satisfied with the test report. In fact, the meter in question was tested by third party in presence of respondent and if respondent was not satisfied with that report, then it was open to respondent to have the meter tested by an electrical inspector or any authorised third party, which he failed to do. 8. Thus the inference drawn by learned CGRF that petitioner himself was not satisfied with the test report is without any foundation. Thus impugned order dated 14.10.2019 is liable to be set aside and is hereby set aside. 9. The writ petition is allowed. Matter is remitted back to learned CGRF for taking decision on the complaint, afresh on merits. (Manoj Kumar Tiwari, J.) 11.08.2026 Mahinder/
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