



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.5281/2021

Maharashtra State Electricity
Distribution Company Ltd., thr.
Executive Engineer, O&M Division,
Akola Rural.

.....PETITIONER

...V E R S U S...

1. M/s. D.Thakkar Construction Pvt. Ltd.
through Managing Director,
Shri Pravin N. Thakkar, aged 50 years,
Occ. Business, Office at DTC Chambers,
P-119, Wadi-Hingna Road, Next to
Ajmera Tyres, Nagpur – 440028.
2. Consumer Grievance Redressal Forum,
through Chairman, Vidyut Bhavan,
Ratanlal Plot, Akola Zone, Akola.

...RESPONDENTS

Mr. S. V. Purohit, Advocate for petitioner.

CORAM:- ANIL L. PANSARE, J.

DATED :- 30.07.2024

P.C.

Heard Mr. S. V. Purohit, learned counsel for the
petitioner. None appears for the respondents, though served.

2. Petitioner – Maharashtra State Electricity Distribution
Company Ltd. (hereinafter referred to as the, “MSEDCL”), is
aggrieved by the order dated 21.11.2019, passed by respondent

No.2 – Consumer Grievance Disputes Redressal Forum (hereinafter referred to as the, “Consumer Forum”) in Case No.48/2019.

3. Briefly stated, the case of the petitioner is that the flying squad of MSEDCL, Akola did spot inspection of the meter of respondent No.1 – consumer and found that ‘Y – Phase’ was missing from June, 2018. The provisional assessment to that effect was made. Accordingly, the bill for electricity consumption by the respondent No.1 for the period from June, 2018 to June, 2019 was assessed to the tune of Rs.5,20,970/-. The respondent No.1 approached the Consumer Forum which has allowed the complaint partly and directed the MSEDCL to revise the bill dated 03.08.2019 with waiver of DPC and interest by levying the assessment for three months prior to the month in which the metering defect was detected by flying squad. In doing so, the Consumer Forum has relied upon regulation 15.4.1, which applies to the defective meters.

4. It is the case of the MSEDCL that the flying squad has never alleged a case of defective meter. The case, in fact, is of less recording of electricity consumption. According to the MSEDCL, Y-Phase of supply was missing and, therefore, the meter was recording the supply to the extent of 1/3rd of total consumption.

4. The Consumer Forum, however, found substance in the contention put forth by the respondent No.1 that he has paid all the monthly bills so received and is ready to pay assessment for three months as per regulation 15.4.1.

5. To my mind, the present case was not of the defective electricity meter. In fact, the consumer forum found that the MSEDCL has produced MRI data and documentary evidence of Y-Phase missing. The Consumer Forum has, however, observed that the MSEDCL was negligent in restricting the revenue loss well in time. According to the Consumer Forum, officers of MSEDCL ought to have noticed the aforesaid revenue loss well in time.

6. This negligence, to my mind, will not shift the case from Y-Phase missing to defective meter. Once it is held that Y-Phase was missing and once it is found that the MSEDCL has produced MRI data and documentary evidence to that effect, which indicates that the meter was not defective, the Consumer Forum committed apparent error by relying upon regulation 15.4.1.

7. In that view of the matter and particularly when none is appearing for the respondent No.2 to assist the Court, the order impugned is not sustainable.

8. The petition is accordingly allowed. The impugned order dated 21.11.2019 passed by Consumer Grievance Redressal Forum, Akola, in Case No.48/2019, is quashed and set aside. The respondent No.1 shall, within a period of three months from today, pay to the petitioner the amount assessed by it.

(Anil L. Pansare, J.)

kahale