
(1994) 02 NCDRC CK 0025

In the National Consumer Disputes Redressal Commission

G.S.BHAGWAT

APPELLANT

Vs

Asst. Executive Engineer

RESPONDENT

Date of Decision : 08-02-1994

Acts Referred:

Citation : 1994 1 CPR 880 : 1994 2 CPJ 37

Hon'ble Judges : D.R.Vithal Rao , K.R.Ramaswamy Iyengar , Susheela Cheluvaraju J.

Final Decision : Appeal allowed in part

Judgement

1. THIS is an appeal against the judgment and order dated 19.5.1993. District Forum, Karwar, in Complaint No. 55.1992.

2. THE undisputed facts are that the complainant-appellant Mr. G.S. Bhagwat got an electrical connection to his residence at Sirsi on 18.10.1990 under meter No. HL 1231. It is the case of the complainant that the meter was defective. The respondent KEB has also admitted that the meter had not recorded any unit right from the installation and it was replaced on 29.11.1991. Even though the complainant was paying the electricity bills regularly, he received a bill for Rs. 2,695/- at the end of October 1991 which was revised for Rs. 3,140/- in the month of January 1992. The respondents claim to charge at the rate of 300 Units p.m. as per Regulation 29.03 of the KEB regulations which reads as under : - "29.03-When the recorded consumption of even one full billing month is not available, the installation shall be billed on the basis of the computed demand consumption as indicated in : TABLE : Low Tension Supply (ii) Non-commercial combined lighting and heating : 100 units per KW or part thereof of sanctioned load.

The complainant has paid the amount of Rs. 3,140/-. The District Forum had dismissed the complaint up-holding the stand of the respondent.

3. WE have called for the records and received. WE heard the parties and perused the records. As already stated, it is not disputed by the KEB that the

meter was not at all working and had not made any record from the very date of its inception. This is not a case, where the meter was working when it was installed and became defective at a subsequent date. An identical question came up for consideration before this Commission in Appeal No. 148/1991 decided on 3.3.1992 (KEB v. K.P. Bhat). The relevant portions from our judgement in that appeal is extracted below : - "The KEB has relied upon Regulation 29.03 of the regulation which reads as under : - 29.03 : When the recorded consumption of even one full billing month is not available, the installation shall be billed on the basis of the computed demand. consumption as indicated in : TABLE : Low Tension Supply (ii) Non-commercial combined lighting and heating : 100 units per KW or part thereof of sanctioned load. They have stated that as per this regulation when consumption of even for one full billing month was not available the installation was billed on the basis of 100 units per K.W. It is also not disputed that installation to the house of the complainant is of 3 K.W., and therefore, the complainant was billed at the rate of 300 units p.m. This Rule, narrated above presupposes the installation of a working meter and that meter should have recorded at least for few days. In the present case, the meter was not working from the date of its inception. So it is very difficult to say that this regulation is applicable to the facts in question.

4. IN view of what we have held earlier, the order of the District Forum has to be set aside and it is hereby set aside The next question is how the computation of the electricity charges for billing for the period of non-recording of consumption should be made. This is also considered in the said case as follows : - "As regards computation of the electricity charges, for billing for the period of non-recording of consumption in the meter, the Dist. Forum has directed that the 3 months average of the consumption recorded immediately after the working meter is installed should be taken into consideration. But in our opinion, it will be just and proper if 12 months average of the consumption recorded immediately after the working meter is installed should be taken to avoid the possibility of any manipulation by the consumer."

In the Result, therefore, this appeal is allowed in part. The installation of the complainant -appellant shall be billed for the period of non-recording of consumption in the meter on the basis of the average or the consumption recorded for the 12 months immediately after the working meter was installed. The amount already paid by the complainant to the Electricity Board for the said period shall be adjusted towards the said bills and the balance shall be refunded to him within 3 months from the date of this order.

5. THE parties are directed to bear and pay their own costs. Appeal allowed in part.