

**Consumer Grievance Redressal Forum
Maharashtra State Electricity Distribution Co. Ltd.
Bhandup Urban Zone, Bhandup**

Ref. No. Secretary/MSEDCL/CGRF/BNDUZ/

Date:

Case No. 223

Hearing Dt. 10/11/2008

In the matter of bill revision

Shri Mahesh R. Gupta

- Appellant

Vs.

MSEDCL (TPL) -Bhiwandi

- Opponent

Present during the hearing

A - On behalf of CGRF, Bhandup

- 1) Shri S.L. Kulkarni, Chairman, CGRF, Bhandup.
- 2) Shri R.M. Chavan, Member Secretary, CGRF, Bhandup.
- 3) Mrs. Manik P. Datar, Member, CGRF, Bhandup.

B - On behalf of consumer

- 1) Shri Pravin Thakkar (Consumer Representative).

C - On behalf of Utility

- 1) Shri Choudhary, Ex. Engr. & Nodal Officer, Bhiwandi
- 2) Shri Paresh Bhagwat, Manager M/s. Torrent Power Ltd.
- 3) Shri Gaurav Gautam.- Executive (Legal), M/s. Torrent Power Ltd.

Preamble :

Consumer registered his grievance with this Forum on 21/10/2008 vide case No. 223. Consumer was aggrieved with the decision of ICGRU (MSEDCL) vide Ref. NO. SE/BWDC/Tech-7/ICGRC/Case No. 185/order No. 01697, dtd. 29th August 2008. He was also aggrieved with the decision of ICGRU (TPL) vide Ref. No. TPL/ICGRU/BWD/Case No. 40/80, dtd. 20/08/2008.

Consumer's Say :

Shri Mahesh R. Gupta is having power loom at connection at Bhiwandi with 7 HP load, bearing consumer No. 13010027076. Shri S.J. Thakkar had given a letter to utility on 25/04/2006 for closure of his unit due to slackness from 10/03/2006. He requested utility to check his premises. His premises was checked by utility on 29/05/2006 and spot inspection report passed the remark that supply is not in use. Final reading of the above meter was shown 22248 units.

Consumer sent another letter to MSEDCL on 17th October 2006 for refund of locked average billing as his unit was closed from March 2006.

Consumer's meter was stolen on 19/11/2006. He registered his complaint with police station, but his complaint was misplaced in police station. Hence, he gave another complaint and requested police for investigation of his theft. Police station issued a certificate on 18/04/2007 explaining that the consumer's property including electric meter was missing while shifting his property within premises.

Consumer also sent letters to MSEDCL and TPL for revision of bills as his unit was closed from 10/03/2006 but he was getting wrong average reading bills.

He was billed on average basis from 25/04/2006 to 31/10/2008 for 30 months. As per S.O.P. issued dtd. 20/01/2005, Regulation 9.1 & 9.2 for non reading of meter, he was liable for the compensation of Rs. 200/- per month.

As per S.O.P. 15.3 and 15.2.3 in absence of meter reading, utility did not issued him any notice to keep the premises open for reading of meter. TPL did not issue him a new meter till date as his meter was stolen. Not only that but TPL issued him bills on average basis upto October 2008.

Though he had paid security deposit to utility, they had not given me any interest on security deposit. Hence he was requesting to Forum to refund him the interest at 6%.

He demanded a compensation of Rs. 10,000/- for mental and physical harassment.

Prayer of the consumer :

- 1) In the light of the above, he prayed to Hon'ble Forum to kindly consider his request for withdrawal of average billing since 25/04/2006 to 30/10/2008.
- 2) Compensation should be awarded as per S.O.P. regulations.
- 3) Compensation of Rs. 10,000/- for mental and physical harassment.

Utility Say (MSEDCL):

According to CPL, from April 2006 the meter status was shown as locked and from April 06 to August 06 bills were also issued on lock status.

However, in the month of Sept-2006 credit was given to the consumer for lock status for above period of Rs. 8888/-.

As consumer had given a letter for clouser of his unit, utility accepted the fact. Hence, after that minimum charges were charged to the consumer upto Jan-2007.

But previous arrears were shown in the CPL for Rs. 19044/-. Hence, consumer had to pay the arrears upto March 2006. All the bills from 01/01/2005 to March 2006 were issued as per actual meter reading. Hence there was no need for revision of bills

Say of TPL:

TPL issued the bills on average basis to the consumer from Feb-April 2007.

- 1) As per ICGRU's order passed on 20/08/2008, company had given a reversal of all bills from May-2007 to July-2008 which were issued on average basis and credit of Rs. 31,140.88 including interest was passed on to the consumer.
- 2) Some additional documents were filed by the consumer while filing the complaint to the Forum. Hence requested Forum not to entertain additional issues.
- 3) Consumer filed complaint to the Company on 20/05/2008 for "wrong reading". While submitting the complaint, he did not expose some facts like stolen meter, clouser of unit etc. On consumer's demand spot inspection, which was carried out on 02/07/08, which states that the service cable was disconnected.
- 4) According to the consumer, theft of meter was occurred on 19/11/2006, but police issued a certificate on 18/04/2007, hence company relies on theft date as 18/04/2007 and cancelled all onwards bills from May-2007.
- 5) Consumer did not pay any bills from Feb-2007 to April-2007 for Rs. 8184/- as ICGRU order.

6) Consumer neither paid the meter charges for reconnection nor made an application for P.D., hence company issued bills on average basis from August-2008 as per ICGRU order.

7) Consumer it self is a wrong doer, hence no compensation should be granted on above points it is respectfully requested to the Forum to kindly dismiss the said grievance with cost.

8) On the issue of notice in absence of meter reading to be issued to the consumer, company informed the consumer in the bill that consumer should keep premises open on next hearing date. Thus this stand of the consumer should not be entertained.

Observations :

1) Consumer had given the letter to utility (MSEDCL) for clouser of the unit on 25/04/2006. His unit was found closed as per utility's inspection report 29/05/2006 and also by going through the CPL it was observed that the bills were issued to the consumer on lock status and average reading. Hence utility considered his factory was closed from his first intimation letter to utility on 25/04/2006 and revised the bills and credit of Rs. 8887.69 was given to the consumer in the month of Sept-2006 for the period of April-2006 to August-2006. It is also observed from the CPL that bills from Sept-2006 to Jan-2007 were issued with minimum charges as considering his unit's clouser. But the bills upto March-2006 were issued as per meter reading. As per Sept-2008 bill, consumer had to pay MSEDCL arrears of Rs. 19044.43. During the hearing consumer had agreed to pay the arrears of MSEDCL.

2) During the hearing the representative of the utility (TPL) argued that the complainant had filed additional documents about matters, which were not raised and argued in ICGRU. Hence the case may be reverted back to ICGRU to consider these new issues.

The Forum however feels that there are not extraneous and additional issues raised by the complainant and that they are only an elaboration of the original issues.

As per ICGRU's order passed by TPL on 20/08/2008, TPL considered complainant's unit was closed from April-2007 considering his letter in April-2007 and police certificate issued on 20/05/2007 TPL cancelled the bills from May-2007, which were issued on average basis TPL also waived DPC, interest, Tax on sale and Govt. duty etc. During the hearing TPL argued that they received a letter from the complainant in the month of April-2007 for clouser of unit. Hence consumer is liable to pay the bills from Feb-2007 to April-2007. The Forum however observed that the consumer had been intimating MSEDCL about the clouser from time to time. As a result of which MSEDCL had charged them minimum charges upto Jan-2007. It is not the fault of the consumer that the information about the clouser was not conveyed to TPL by MSEDCL. Hence we do not accept the contention of TPL and should waive the bills from Feb-2007 to April-2007.

Consumer also argued that as per SOP 9.1 and 9.2.3 for non reading of meter, he was liable for the compensation of Rs. 200/- per month from 25/04/2006 to 30/10/2008 for 30 months. But MSEDCL considered his unit was closed from April-2006 and accordingly bills were revised on minimum charges. Since the MSEDCL has taken corrective measures and issued correct bill. Hence, no action needs necessary against MSEDCL.

However, TPL had noted consumer's correct reading in the month of Feb-2007. However fail to take appropriate cognizance and continued to issue average bills and as such violated regulation 9.1 and 15.2 MERC SOP issued dtd. 20/01/2005. Thus the TPL is liable to be penalized under SOP at the rate of Rs. 200/- for 19 months commencing from March 2007 to Sept-2008. The TPL should accordingly pay to the consumer Rs. 3800/- in subsequent bills.

ORDER

- 1) Consumer's energy bills for the period Feb-2007 to April-2007 should be squashed. Consumer be paid Rs. 3800/- as part of SOP by giving him credit in subsequent bill.
- 2) Consumer should also pay all the arrears of MSEDCL.
- 3) There does not appear any ground to grant compensation towards mental agony to the consumer.
- 4) If consumer wants restoration of supply, he should apply to the utility with requisite charges including cost of meter or may apply to utility for permanent disconnection of electric supply. Compliance should be reported to the Forum within one month from the date of receipt of these orders.

The order is issued under the seal of consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Bhandup Urban Zone, Bhandup on 01st of December 2008.

Note : 1) If Consumer is not satisfied with the decision, he may go in appeal within 60 days from date of receipt of this order to the Electricity Ombudsman in attached "Form B".

Address of the Ombudsman

The Electricity Ombudsman,
Maharashtra Electricity Regulatory Commission,
606, Keshav Building,
Bandra - Kurla Complex, Bandra (E),
Mumbai - 400 051.

2) If utility is not satisfied with order, it may go in appeal before the Hon. High Court within 60 days from receipt of the order.

MRS. M.P. DATAR
MEMBER
CGRF, BHANDUP

S.L. KULKARNI
CHAIRMAN
CGRF, BHANDUP

R.M. CHAVAN
MEMBER SECRETARY
CGRF, BHANDUP