

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

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

Date:

Case No. 56

Consumer Shri Kamalesh M. Jain has put his grievance to this forum on 31/01/06 which was registered vide registration No. 56, but hearing date could not be fixed due to non-availability of Member & chairman to this forum. As per the request from the consumer's representative and in consultation with utility's representative hearing is completed on dated 18/04/06 in place on dtd. 19/04/06 at CGRF, Bhandup in presence of Member, Member Secretary & Chairman of forum.

The representative: attended the hearing from the consumer side & utility re as below:

Consumer's representative: shri shakil Ansari – petitioner (secretary MESA).

UTILITY Side: Shri A. D. Papadkar, Ex. Engr., BWDC – II Respondent.

The Consumer's representative narrated which is as follows

1) Consumer No. IL – 11043 other than power loom & IL- 11044 were released in the year 1997 & both the connections were belied as per actual meter reading with correct meter and tariff. There is no complaint about the consumption. The connection No. IL- 11044 was made P.D. meter for recording the consumption of industrial as well as lighting load. However, on billing record, IL- 11044 connection was not made PD and billing was continued for both connections i.e. IP on basis of recorded unit by IP meter for IP& IL load as per LTP (G) tariff and IL on basis of average unit as meter was not available at site. Thus IL- 11044 was billed double since Jan. 03 till this date. Hence, all the pending bills of IL- 1104 issued since Jan -03 to till today should be withdrawn so as to clear all the pending bills of n IL- 11044.

2) It was further stated that as per circular of MSEDCL in 1998-99 the consumption of IL & IP for OPL should be clubbed together & be billed as per LTP (G) tariff. In spite of above circular, the consumer was billed for IL connection tariff in spite of above industrial tariff. The total unit consumed by IL- 11044 meter should be billed as per LTP (G) tariff from date of connection till date of P.D. of the connection but Representative did not submit the reference number of the circular of MSEDCL . Representation in this respect is submitted to get the benefit from Ex. Engr. Bhiwandi II on dtd 05/10/05 since there was no response from the Ex. Engr., Bhiwandi, immediately grievance is raised to Ex. Engr., (office) time of rising the grievance with ICGRU & with the forum.

Utility:

The utility representative was intimated to submit parawise compliance by forum vide letter No. 640, dt. 04/02/06 in addition to personal reminder on 17/04/06, but he did not submit the same till the date of hearing and also during the hearing. He attended the case. On dated 18/04/06 without any information related with grievance of consumer. However he admitted that the consumer number IL-11044 is being billed since Jan.03 till this date on average basis in the absence of meter even after connection made P.D. by removing single phase meter through oversight as it is live on the billed record. Further he reiterated that IL load consumption is already recorded on IP meter and billed as per meter reading of IP connection as per eligible tariff, as all the loads of IL was connected to IL-11043. Thus IL-11044 is billed double, therefore, the amount of bill issued to consumer for IL-11044 connection since Jan-03 till to date now will be withdrawn & it is in process.

2) He informed to the forum during the hearing that both IL-11043 & IL-11044 was billed as per the meter reading since date of connection till IL-11044 made P.D. in Dec.02 No tariff was available to club both consumption, hence it was not done. He requested the Forum to squash this point as duration of cause of action from the grievance raised is more than two years. Also there is no representation received from the consumer before Dec.02.

Forum to Utility: Why meter of IL-11044 connection is removed in Dec.02 & not reflected on billing record as P.D providing opportunity to raise the grievance by the consumer.

Utility: In the year 19917-98 there was an instruction from H.O through circular No. HO/IL/213/1142 dt 06/10/97 to remove akk the meters provided for lighting load from the premises of IL consumer other than the power loom. Later on it was instructed by H.O through comm.circularNo.292 vide No.PR-3/28020 dt.24/06/98 to re-install all the removed meter in IP premises & unit recorded by both the meters to be clubbed together to bill it as per LTP (G) tariff rate. In response to compliance of circular No. HO/IL/213?1142, dt.06/10/97 it is removed in Dec.02 though it was not required while considering the H.O circular No.292 vide No.PR-3/28020 dt.24/06/98 but to bill consumption of both the meter by clubbing it as per LTPG (tariff). Thus an irregularity is committed by utility which has provided opportunity to raise the grievance by the consumer. As the P.D report was not submitted by the concerned authority to billing section in time, it remained live and bill was issued on average basis due to absence of meter.

Forum to Utility : Can you submit the copy of the above circular & when?

Utility : we will submit it within two days.

Forum to Utility : Whether consumer approached your office to get benefit of above circular or otherwise?

Utility :

- 1) yes, consumer shri Kamlesh M. Jain approached this office on dt.05/10/05 for charging consumption recorded by IL meter at the rate of Ind. Tariff & difference should be refunded/sincr date of connection till date of meter removed i.e Dec.02 & requested to treat IL connection as PD since Jan-03
- 2) The bill raised for IL-11044 since Jan-03 till this date will be withdrawn as all the lighting load of IL connection after removal of its meter is diverted on Ip meter & bill is issued as per Industrial tariff since Jan-03 for total consumption recorded by IP meter.

Observation of forum :

The consumer shri kamalesh M. Jain was released Il connection bearing consumer No. IP-11043 for Industrial purpose other than the power loom & lighting connection bearing consumer No. IL-11044 by providing separate energy meter in the year 1997 to record energy consumption for each category separately so as to bill it as per applicable tariff to each connection & it was continued till Dec.02. There was no complaint regarding accuracy of each meter & tariff before 05/10/05. In the year 1997-98, there was an instruction from H.O.vide circular No.HO/IT/213/1142,dt.06/10/97 regarding removal of lighting meter from premises of IP consumers other than power loom. Later on 1998-99 again instruction was issued vide comm. Circular No.292 vide letter No.PR-3/28020, dt 24/06/98 to reinstall all the removed meters to IP premises & club the reading of both the meters for billing purpose as per LTP (G) tariff. Both the above circulars were not followed by the utility in respect of this consumer of Bhiwandi as & when required.

However, in response to initial circular No.1142 dt.06/10/97 the meter of IP-11044 was removed in Dec-02 & lighting load shifted on IP-11043.The unit consumption of Industrial load is being recorded on energy meter provided for IP-11043 & is being billed as per tariff LTP (G) since Jan-03.

According to the circular No.292, billing should be done by clubbing the consumption of both the meters instead of removal of lighting meter.

urther, after removal of IP-11044 meter, it should be made P.D. on the billing record immediately to stop its billing but was not done so & continued billing on average basis for non-availability of meter reading at site. Thus the consumer No. IP-11044 is being billed double & thus, multiple irregularities were committed by the utility providing opportunity to the consumer to raise the grievance. Hence it is directed it the employees of utility to follow up all the instruction of H.O timely to implement as per the procedure to avoid unrest among the consumer & subsequently raising of grievances.

The respondent admitted his irregularities and agreed to review the case of double billing of IP-11044 connection. Hence bill for IP-11044 from Jan-03 till today should be withdrawn & revise the bill by waiving of penalty & interest after Jan-03 on the fictitious arrears except the original arrears if any of this connection at the end of Dec-02

However regarding the consumer demand to charge IL consumption at the rate LTP (G) tariff since date of connection till Dec.02 it is found that it was raised in year 2005 though it was reasonable but too late. It was the duty of the utility to club the consumption of unit recorded by both meters for it billing at the rate of LTP (G) tariff, it was not done for unknown reason. It was also not demanded in due course of time by the consumer or by its representative members of MSCA. However the specific benefit is demanded by raising the grievance with the Internal Grievance Redressal forum on 28/10/2005 by the Hon. Secretary, MECA & on dated 05/10/05 by the consumer with the concerned authority though the consumer has submitted various representation on dated 28/09/04, 23/10/04, 27/12/04 & 10/05/05 not to issue any more bill for IP-11044 connection after Jan-03. He further requested about above said connection to be treated as P.D. to avoid the double billing. The concerned employees & quinines can be punished for major lapses causing inconvenience to the consumer while discharging their routine work.

Thus the demand of tariff benefit from 97 till Dec.02 raised on dated 05/10/05 & 28/10/05 is invalid as duration from cause of action till grievance raised is more than two years. Hence, this point should be dismissed.

ORDER

The utility is directed to withdraw all the bills of IP-11044 since Jan.03 till date along with the interest & DPC levied on this fictitious arrears except the actual arrears as on 31/12/02 if any.

The tariff difference benefit from 1997 till Dec.02 cannot be granted as it is demanded too late. As per Act of limitation, it is time barred hence this point is dismissed.

The concerned staff responsible for the grievance is liable for action for negligence of their duties.

The order should be complied within 30 days from the date of issue of this order.

The order is issued on dated 29th of April 2006 under the seal of consumer Grievance Redressal forum M.S.E.D.C.Ltd, Bhandup Urban Zone, Bhandup

Note: 1) IF consumer is not satisfied with the decision, he may go in appeal within 60 days on receipt of this order to the Electricity ombudsman in attached "Form B"

Address of the ombudsman
The Electricity ombudsman
Maharashtra Electricity Regulatory Commission
606, kashav Building,
Bandra-Kurla complex, Bandra(E),
Mumbai-400 051.

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

MRS. M.P. DATAR
MEMBER
CGRF, BHANDUP

S.L. KULKARNI
CHAIRMAN
CGRF, BHANDUP

G. B. SINGH
MEMBER SECRETARY
CGRF, BHANDUP