

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

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

Date:

Case No. 57

Hearing Dt. 18/04/2006,

Consumer Shri Mithalal M.Jain has put grievances to this Forum on 31/01/06, which was, registered registration No. 57 but hearing date could not be fixed due to non-availability of Member & Chairman to the Forum. However, hearing date is fixed on 18/04/2006 after completion of quorum of the Forum. The hearing is completed on dated 18/04/2006 at CGRF, Bhandup in presence of Member, Member Secretary & Chairman of Forum.

The representative attended the hearing From the consumer side & utility are as below :

Consumer's representative : Shri shakil Ansari ----- petitioner (Secretary MECA) Utility side : Shri A.D. Papadkar ,Ex.Engr.BWDC-II ----Respondent .

The consumer representative narrated which is as follows

1) Consumer No. IP -9219 other than power loom & IL-11046 was released in the year 1997 & both the connections were billed as per actual meter reading with correct meter and tariff there is no complaint about the consumption. The connection No. IL-11046 was made P.D. in Dec 02 removing the single-phase meter. All the lighting load was taken on IP meter for recording the consumption of industrial as well as lighting load. However, on billing record, IL11046 connection was not made PD and billing was continued for both connection i.e. IP on basis of recorded unit by IP meter for IP&IL load as per (G) tariff and IL on basis of average unit as meter was not available at site. Thus IL-11046 was billed double since Jan.03 till this date. Hence all the bills of IL11046 issued since Jan-03 to till today should be withdrawn so as to clear all the pending bill of IL11046.

2) It was further stated that as per circular of MSEB in 1998-99 the consumption of IL & IP for OPL should be clubbed together & be billed as per LIP (G) tariff. In spite of above circular, the consumer was billed for IL connection as per commercial tariff instead of industrial tariff. The total unit consumed by IL-11046 meter should be billed as per LTP (G) tariff from dated of connection till date of P.D of the connection but Representative did not submitted the reference number of the circular of the circular of MSEB. Representation in this respect is submitted to get the benefit from Ex.Engr. Bhiwandi II on dated 05/10/05. Since there was no response from the Ex. Engr.

Bhiwandi immediately grievance is raised to Ex. Engr. (office) Bhiwandi at ICGRU on dtd.28/10/05.The copy of the said letter is already provided at the time of raising the grievance with ICGRU & with the Forum.

Utility:

The utility representative was intimated to submit parawise compliance by Forum vide letter No.641, dt.04/02/06.in addition to 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-11046 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 billing 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 IP-9219.Thus IL 11046 is billed double, therefore, the amount of bill issued for IL-11046 connection since Jan-03 till to date now will be withdrawn & it is in process.

He informed to the Forum during the hearing that both IP-9219 & IL11046 was billed as per the meter reading since date of connection till IL11046 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 from the grievance raised is more than two years. Also there is no representative received from the consumer before Dec.02

Forum to utility: Why meter of IL11046 connection is removed in Dec 02 & reflected on billing record as P.D providing opportunity to raise the grievance by the consumer.

Utility : In the year 1997-98 there was an instruction from H.O though circular No. Ho/IT/213/1142,dt 06/10/97 to remove all the meter provided for lighting load from the premises of IP consumer other the power loom. Later on it was instructed by H.O through comm. No.292 vide No.PR-3/28020 dt 24/06/98 to re install all the removed by both the meter to be clubbed together to bill it as per LIP(G) tariff rate. In response to compliance of circular No. Ho/IT/213/1142,dt 06/10/97 it is removed in Dec.02 through 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 by clubbing it as per LIPG (tariff) Thus an irregularity 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 : Yes we will submit it within two days.

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

Utility :

- 1) Yes consumer Shri Mithala M.Jain approached to this office on dated 05/10/05 for charging recorded by IL meter at the rate of Ind. Tariff & difference should be refunded since 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 IL11046 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 on IP meter after tariff since Jan 03 for total consumption recorded by IP meter.

Observation of Forum :

The consumer Shri Mithala Mulchand Jain was released IP connection bearing consumer No. IP-9219 for Industrial purpose other than the power loom & lighting connection bearing consumer No.IL-11046 by providing separate energy meter in the year 1997 to record energy consumption for 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 Head Office 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 dtd. 24/06/98 to re install all the meter to IP premises & club the reading of both the meter for billing purpose as per LIP (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 date 06/10/97 the meter of IL-11046 was removed in Dec 02 & lighting load shifted on IP-9219. The unit consumption of Industrial load & lighting is being recorded on energy meter provided for IP-9219 & is being billed as per tariff LIP (G) since Jan-03.

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

Further after removal of IL-11046 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 recording at site. Thus the consumer No. IL 11046 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 to the employees of utility to follow up all the instruction of H.O. timely to implement it as per the procedure to avoid unrest between the consumer & subsequently raising of grievances.

The respondent admitted his irregularities and agreed to review the case of double billing of IL-11046 connection. Hence bill for IL-11046 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's 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 reasonable but too late. It was the duty of the utility to club the consumption of unit recorded by both meters for its billing at the rate of LIP (G) tariff, it was not done for unknown reason. It was also not demanded in due courses of time by the consumer or by its representative member of MECA. 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 representative on date 28/09/04, 23/10/04, 28/12/04, 10/01/05 not to issue any more bill for IL 11046 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 & authorities 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 & 08/10/05 is invalid as duration from cause of action till grievance raised is more than years. Hence this point should be dismissed.

ORDER

- 1) The utility is directed to withdraw all the bills of IL-11046 since Jan 03 till date along with the interest & DPC levied on these fictitious arrears except the actual arrears as on 31/12/02 if any.
- 2) The tariff difference benefit from 1997 till Dec-02 cannot be granted, as it is demanded too late. As per of limitation it is barred hence this point is dismissed.
- 3) The concerned staff responsible for the grievance is liable for action for negligence of their duties.
- 4) The order is should be completed within 30 days from the date of issue of this order.

The order is issued on date 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 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

G. B. SINGH
MEMBER SECRETARY
CGRF, BHANDUP