

BEFORE THE CONSUMER GRIEVANCE REDRESAL FORUM
M.S.E.D.C.L.,NAGPUR ZONE-RURAL,NAGPUR

Application/Case No. CGRF/NZ/Rural 7 of 2005

Applicant : Shri Deoram Dhondu Gaidhane,
C/O. Virat Engineering Works, Bazar Road,
LAKHANI. Dist.- Bhandara PIN 441 802
Tel. NO. 07186 – 245542 .

Non-applicants : 1. Executive Engineer(Admn)/Nodal Officer,
Internal Grievance Redressal Unit,
Circle Office, Bhandara.
2. Executive Engineer, CCO&M Dn.,
MSEDCL, Sakoli .

Presence : 1.Shri N.J.Ramteke, Chairman.
2.Shri M.G.Deodhar,Member,
3.Shri M.S.Shrisat, Member/Secretary.

Appearance : 1.Shri D.D.Gaidhane, Applicant.
2.Shri R.V.Deshpande,A.E. O&M S/Dn.,
MSEDCL, Lakhani . .
3.Shri J.M.Khairkar,A.E., Circle Office,Bhandara
(Representatives of non-applicants.)

ORDER

(Passed this 17th Day of August, 2005)
(Per Shri N.J. Ramteke, CHAIRMAN)

Applicant presented an application in Schedule “A” to this Forum under Regulation 6.3 of MERC (CGRF&O) Regulations, 2003 (hereinafter called the Regulations). Applicant had made an application in Form “X” to the Internal Grievance Redressal Unit, Bhandara on 4-5-2005. This application was received by the Non-applicants. The Asstt. Engineer, MSEDCL, Lakhani sent the reply to Applicant in response to application in Form “X” vide his letter dated 18-6-2005 (Record Page 25). Applicant is not satisfied by this reply and, therefore, he approached this Forum for redressal of his grievance.

The case was duly registered in this Forum and acknowledgement for receipt of application in Schedule “A” was given to Applicant. The copies of the application alongwith the set of papers were sent to the Non-applicants under letter dated 20-7-05 of this office for their comments. Accordingly, the A.E., MSEDCL, Sub-Dn., Lakhani submitted his parawise comments under letter dated 20-7-05 (Record Page 21). The E.E.(NA) authorized him to submit the parawise comments to the Forum. On receipt of the parawise comments the copy of the same was sent to Applicant alongwith the set of papers. Notices as required under Regulation 6.9 of the said Regulations were issued and served on both the parties for hearing. The Forum heard both the parties on 11-8-05. S/Shri R.N. Deshpande, A.E. and Shri J.M. Khairkar, A.E. were authorized by the Non-applicants to appear before the Forum for their submissions. Accordingly, Applicant and S/Shri Deshpande and Khairkar were present at the time of hearing. The Forum gave them reasonable and fair opportunity of hearing. Applicant also submitted a written note of his

submissions dated 11-8-2005. The copy of the same is given to the representatives of the Non-applicants. Thus the Forum observed the requirements of principle of natural justice. During the course of hearing, the Forum noticed certain calculation mistakes in the load sanction letter dated 16-12-04. Shri Deshpande and Khairkar admitted that there are certain mistakes in the above letter. They made the submissions to the Forum that the matter would be examined and mistakes, if any, to be corrected. The Forum granted the time to them for necessary corrections as above and gave 16th August, 05 for submission by the Non-applicants in this regard. Accordingly, the Executive Engineer, MSEDCL, Dn. Office, Sakoli submitted the corrected load sanction letter dated 12-8-05 (Record Page 41 & 42).

The facts in brief in this case are that the Applicant is the electricity consumer of MSEDCL with Consumer No.445560002311 Meter No.6000159903. The Non-applicants sanctioned the load of 20 H.P. vide their Order dated 11-12-85. The Jr.Engineer, Lakhani made the inspection of the workshop of Applicant on 10-7-2000 and noticed that Applicant was consuming 15 H.P. whereas the revised sanctioned load was 9 H.P. Applicant made the correspondence with Non-applicants about the sanction of 15 H.P. load. Applicant submitted electrical Contractor's completion and test report on 19-9-2000. The Non-applicants issued a bill of Rs. 19,140/- dated 15-10-04 (Record Page 16). This is challenged in the present grievance application.

The main contention of Applicant is that he is a bonafide electrical consumer with sanctioned load of 20 H.P. from 11-12-1085. He had not made any application for reduction of sanctioned load. The J.E., Lakhani made the inspection of his workshop on 10-7-2005 and noticed that 25 H.P. is used whereas the sanctioned load was 9 H.P. He made an application on 25-7-2000 with explanation about consumption of 14.5 H.P. He made an application for sanction of load of 15 H.P. on 19-9-2000 with test report. Despite his application dt. 19-9-2000, the Non-applicants did not take any notice of the same and no action was taken on his application but started penal action against him. He made applications about increase in sanctioned load under his letters dt. 4-8-2000, 19-8-02 and 25-7-03. He received the reply from Non-applicants on 5-1-2004 i.e. after a lapse of 4 years. However, he complied the instructions as given by the A.E. under his letter dt. 5-1-04 for submission of the required documents alongwith the form A-I. But no action has been taken till date. Applicant requested the Forum that he is not at fault as claimed by the Non-applicants about the increased use of sanctioned load because his sanctioned load was 20 H.P. He observed and fulfilled his duties as consumer and, therefore, the penal action taken by the Non-applicants is not correct and to be quashed. Whatever the penalty he has already paid to be appropriated. He also demanded the compensation and interest on the expenses incurred by him in the proceedings of this case.

The main contention of the Non-applicants is that the A.E. replied to the application in Form 'X' dt. 4-5-05 on receipt of the same from S.E., Bhandara. The reply was sent on 18-6-05. The consumer had installed 15.5 H.P. load. The Non-applicants do not accept the claim of Applicant that he had not applied for reduction of load. On the other hand the consumer has stated in his letter dt. 19-1-04 that he had applied for reduction of load to 9 H.P. as per C.P.L. the consumer was being billed for 9 H.P. from the date of reduction of load prior to February, 99. The J.E., Lakhani served a notice to the Applicant on 10-7-2000 to withdraw the excess load. Applicant submitted the test report on 21-9-2000 but did not submit application in Form A-I for extension of load. Later on consumer submitted A-I form alongwith the required documents on 3-2-04. The Non-applicants asked the consumer to pay an amount of Rs. 16,360/- but the consumer failed to make the payment.

On hearing both the parties and perusal of the record, the Forum comes to the conclusion as follows:

The claim of Applicant that he had not made any application for reduction of 9 H.P., is not acceptable to the Forum. Applicant in his letter dt. 16-12-03 (Record Page 32) himself admitted that he did not require 20 H.P. sanctioned load and therefore he had got it done to 9 H.P. and since then he was utilizing the same for which he was receiving the bill as per 9 H.P. sanctioned load. In Form "A" there is a declaration (Column 9-A) that whatever the information is given by Applicant is correct. But in this case Applicant has not followed this norm as his statement is incorrect. The Forum agree with the Non-applicants that on his application the sanctioned load was reduced to 9 H.P. The C.P.L. clearly shows that he was receiving the bills for 9 H.P. The letter dated 10-7-2000 of J.E. throws sufficient light about the consumption of H.P. The J.E. noticed during his inspection on 10-7-2000 that Applicant was using 25 H.P. whereas the sanctioned load was 9 H.P. The Forum do not understand why Applicant is denying the facts that on his request it was reduced to 9 H.P.

It is a matter of fact that Applicant made various applications from 2000. He has also admitted in his application dated 4-8-2000 (Record Page 12) that due to the improvement in machines installed in his workshop, he requires the load of 14.3 H.P. and therefore the bill should be given by that rate. But it is also a matter of fact that he was making the applications on plain papers and not in Form A-I alongwith the required documents. He fulfilled the requirements in response to the letter dated 22-8-03 (Record Page 40) of the Non-applicants. It means, Applicant was merely making the correspondence with Non-applicants without submitting the required documents alongwith the Form A-I. The Forum also observed that the Non-applicants kept silent for 3 years though Applicant was making applications. It was their duty to guide and inform about the correct position for submission of the prescribed form with documents. It is clear from the letter dt. 22-8-03 of the Non-applicants that for the first time they mentioned the details of requirements of documents.

The J.E., Lakhani made the inspection on 10-7-2000 and issued the letter on the same date to Applicant, stating that Applicant was using increased load since last 6 months and why additional bill should not be recovered from him.. He also directed Applicant to stop using increased load otherwise electric supply would be discontinued. He also advised Applicant to make an application in writing to increase in the load. It means, though J.E. made the above observations. No compliance was made on the part of both the parties. On one hand Applicant was making applications on plain papers and on the other hand no response from the Non-applicants till 22-8-03.

There are certain procedural flaws and blunder committed by the Non-applicants. The MSEDCL (Ex.MSEB) framed the rules and laid down the procedure for internal grievance redressal units and the same were circulated to all the S.Es vide letter dated 19-5-04. Thus internal grievance redressal unit was formed at Bhandara. The Regulations also speak about the internal system to redress the grievances in timely manner by D.L. As per Regulation 6.1 of the Regulations. Unfortunately, the Forum observed with anguish and worry that the A.E., E.E. and S.E. are not aware of the procedure to be followed by the BB binternal grievance redressal unit. In this case application in Form "X" was submitted to the E.E. of the Unit constituted at the Circle level, Bhandara. This was received by the office of the S.E. The S.E. without following the norms of the procedure as stated above sent this application to the concerned A.E. In fact, this application should have been placed

before the Unit for further action. The S.E., Bhandara himself constituted the internal grievance system but without following and reading the procedure, conveniently forwarded this application to A.E. It means, the application in Form "X" is not dealt with by the Unit but by the A.E., Lakhani. The A.E. has no jurisdiction and power to deal with this application. The A.E. also did not apply his mind and sent the reply on 18-6-05. The A.E. in his parawise comments (Para I) admitted that the consumer's complaint dated 4-5-05 (Form "X") was received on 13-6-05 from the S.E., Bhandara. It is also noted with anguish by the Forum that the S.E. sat over the papers for one month and 9 days and without forwarding the application to the Unit he forwarded to the the A.E. In short, the proper authority has not dealt with the present application. This is a major procedural blunder and mistake on the part of the Non-applicants and S.E. However, the Forum has to decide the case on merits as required under Regulation 6.10 of the Regulations. This procedural flaw and mistake cannot be a base to decide the case. The Non-applicants and S.E. concerned may take the note of the same in future cases.

The Non-applicants submitted a revised demand vide their letter dt. 12-8-05 as against the earlier demand of Rs.16,360/- (Record Page 41). This revised demand is very reasonable and should be acceptable to Applicant. As per proposed revised demand as on 11-8-05, it comes to 8400/- as against 16,360/-. The demand of Applicant about the cancellation of the penalty is also not acceptable to the Forum. The D.L. gave suitable and detailed directions about the penal charges in its letter dt. 16-4-05 (Record Page 43). As per letter dt. 12-8-05 of Non-applicants proposed revised demand about the penalty w.e.f. 1-12-03 to July, 2005 comes to Rs. 3600/- as against the previous demand of Rs.14,400/-. The proposed revised demand of the Non-applicants of Rs.8400/- and Rs.3600/- are very reasonable and as per rules and regulations. It is seen from the C.P.L. that D.L. is recovering penalty on load at Rs.720/- per month from Jan., 2001. If the amount of penalty is already recovered at this rate from the Applicant it may be adjusted against his energy bills. Applicant should pay this amount to the Non-applicants if he wants the sanctioned load as requested by him.

In view of above position and circumstances, the Forum pass unanimously the following order:

ORDER

- (1) Application is partly allowed
- (2) The demand of Applicant about cancellation of penalty is rejected.
- (3) The revised demand as mentioned above to be paid by Applicant.
- (4) Applicant is not entitled for any compensation.
- (5) Parties to bear their own cost.

CHAIRMAN

MEMBER

MEMBER SECRETARY.

CONSUMER GRIEVANCE REDRESSAL FORUM (NZ-RURAL)

M.S.E.D.C.L ; N A G P U R