

GRIEVANCE REDRESSAL FORUM,
AKOLA ZONE, AKOLA.

“ Vidyut Bhavan ” Ratanlal Plot,Akola. Tel No 0724.2434475

ORDER.

Dt. 07/06/2017

Complaint No.19/2017

In the matter of grievance pertaining to billing complaint with revision of bill and
SOP compensation.

Quorum

Shri. R.A. Ramteke ,Member-Secretary

Shri. D.M.Deshpande-Member (CPO)

Shri Vasant Mahadeo Khupase C/o
Adv. Shiv Vasant Khupase At & Po. :- Complainant
Gadegaon Kd.Tq. Jalgaon Jamod
Distt Buldhana. ,
R.L.-290640159098

.....Vrs.....

Executive Engineer, O&M Division,
MSEDCL, Malkapur :- Respondent.

Appearances :-

Complainant Representative :- Shri P.N.Khandagale

Respondent Representative :- Shri A.G.Kathole, Dy. E. E.,Jalgaon (J).

1. On being aggrieved by the decision of IGRC Buldhana issued vide IGRC/8141 dt. 10.03.2017,the complainant has approached this forum with grievance as per the provision of MERC CGRF OMBUDSMAN regulation 2006.

2. The complainant's case in brief is that complainant is occupier of the residential premises wherein electricity has been supplied by NA- MSEDCL in the name of Shri Vasant Mahadeo Khupase bearing consumer No. R.L.-290640159098 who is father of complainant. According to complainant NA-

MSEDCL have issued wrong energy bills and not corrected in spite application on record and hence approached to this forum. According to complainant NA-MSEDCL issued energy bill for the consumption of 157 units in the month of JAN-2014. On verification it was found that previous reading of 2468 and current reading of 2625 was mentioned in the bill. But according to complainant actual correct reading as on 28.01.2014 was 2564 for consumption of 96 units instead of 157. The fact according to complainant was brought to the notice of NA- MSEDCL by letter dated 01.02.2014 filed on record without any action by NA- MSEDCL on the application. After repeated oral complaints to NA- MSEDCL, written complaint according to complaint was lodged with N.A. on 19.10.2015 complaining about abnormal meter showing excess consumption from May-2015 and requested to issue average bill as per record prior to May-2015. In response according to complainant NA- MSEDCL recovered meter testing charges paid vide 3244353 for Rs.150/- on 04.11.2015 but never tested the said meter. According to complainant NA- MSEDCL issued abnormal bills for Rs. 6670/- for December 2016, hence complaint was lodged with IGRC Buldhana on 19.01.2017. Complainant could not remain present for the hearing but submitted written note of argument on 07.02.17. According to complainant IGRC Buldhana order was totally unacceptable and therefore he approached CGRF Akola. According to complainant abnormal bill for Feb-2017 for Rs. 85540/- was revised by NA- MSEDCL to Rs. 15550/- at their own vide letter No. 520 Dt. 04.03.2017 filed on record for the period March-2016 to March-2017 which proves the fact that earlier bills issued by MSEDCL were wrong and abnormal. According to complainant they are entitled for SOP compensation for not giving reading bills as per provisions of SOP regulation 2014. According to complainant claim for SOP compensation was submitted to NA-MSEDCL on 19.01.2017. Complainant prayed for revision of bill for Jan-14, revision of bill from May-2015 till replacement up to Nov-2016 at average, revision of bill from Dec-2016 to March- 2017 and payment of SOP for not testing meter and for not issuing reading bills and payment of all future bills as per reading. Complainant annexed with the complaint document such as complaint to IGRC

Buldhana dated 19.01.2017, IGRC Buldhana order dated 10th March-2017, letter from N.A. No.520 Dt. 04.03.2017, complainant's letter dated 01.02.2014 and 19.10.2015 receipt for Rs. 150/-, energy bill for May-2015, Sept-2015, Dec-2015, Jan-2016 to Feb-17 and revised provisional bill dated 03.03.2017 for Rs. 15550/-

3. The belated reply came to be filed by NA- MSEDCL on 02.05.2017. According to NA- MSEDCL Shri Vasant Mahadeo Khupase is residential consumer of MSEDCL bearing consumer as 290640159098 from 06.06.1981. According to NA complainant lodged billing complaint on 01.02.2014 which has been taken cognizance of in feb-2014 and corrected bill is issued in March-2014. According to N.A. complainant lodged complaint on 19.10.2015 for excessive bill than overage and requested to correct it. According to N.A. complainant was very irregular in payment of energy bills and informed to pay the bills and after payment of dues in Feb-2016 meter was replaced. According to NA, complainant has not submitted his grievance to MSEDCL though he was not receiving the bill as per reading on new meter. After complaint to IGRC MSEDCL came to know the fact and the bill was corrected through the system. According to MSEDCL bill for the period April-2016 to Jan-2017 has been revised as per initial reading as 1 and final reading as 1763 for 1762 KWH. According to MSEDCL average consumption as per new meter is 175 units. According to MSEDCL the average consumption of old meter which is disputed by complainant on 19.10.2015 for the period May-2015 to March-16 is 185 units considering total consumption during the period as 1850 units. According to MSEDCL the fact brought as above shows that average consumption of complainant is between 175 to 185 units per month. According to N.A. complainant has paid energy bill on two occasion on 09.02.2012 and 14.03.2013 since Feb-2012 till the complaint on record dated 01.02.2014, which proves the irregularity of complainant in payment of dues. According to NA-MSEDCL complainant was asked to remain present in their office vide letter No. 329 dt. 20.02.17 after IGRC complaint but complainant did not remain present. The corrected bill according to NA-MSEDCL was sent on address dated 04.03.2017 as

per enclosed exhibit 3 and 4, which shows the coordinated efforts by NA-MSEDCL. According to NA-MSEDCL the claim for SOP compensation is time barred since not claimed within 60 days and hence requested forum to dismiss the complaint. According to NA-MSEDCL complaint be dismissed on the ground of irregular attitude of complainant towards energy bill payment and also on the ground that MSEDCL have already settled grievance. According to NA-MSEDCL forum should caution complainant for irregular payment of energy bill. NA-MSEDCL Annexed with reply the document such as CPL from Aug-2013 to March-2017, exhibit letter No 203 dt. 20.02.2017 exhibit 3 and 4 extract of despatch register and post.

4. Shri Pramod Khandagale learned representative of complainant and Shri Mr.Kathole Dy.E.E. MSEDCL were present for hearing on 26.05.2017 Heard Complainant's representative Shri Pramod Khandagale as well as Shri A.G.Kathole Dy.E.E. MSEDCL. Complainant representative urged that complaint dated 01.02.2014 on record has not been satisfactorily attended and solved by NA-MSEDCL up till now and so also complaint dated 19.10.2015 has not been taken cognizance though the necessary testing charges Rs.150/- as per advice are paid. The said meter is not tested and thus violated the SOP regulation 2014 for other complaints. Complainant's representative urged that said meter is replaced in Dec-2016 which was faulty and filed on record a letter from NA MSEDCL authority Chief Engineer (MMC) No. 778 Dt. 09.03.2016 urging forum to discard the bill issued through faulty **ROLEX Make meter** from May-2015 to Dec-2016 and bills for the period be corrected as per CPL average in April-2015. Complainant's representative brought to the notice of forum that even as per new installed meter, energy bills are not issued by N.A. as per actual photo reading and urged to refer bill for Feb-2017 for Rs. 85540/- issued by MSEDCL and subsequently revised to 15550/- at their own which according to Complainant's representative proves the fact that wrong and abnormal bill are issued by NA-MSEDCL during the period March-2016 to Feb-2017. Complainant's representative urged to set aside all

energy bills for May-2015 to March-2017 and prayed for correct bills as per average from May-2015 till replacement and thereafter actual reading bill with claim for SOP for not issuing reading bill for entire period and refund of Rs.150/- testing charges.

5. N.A's representative Mr. A.G.Kathole Dy.E.E. Jalgaon Jamod urged that complaint dated 01.02.2014 was attended immediately and effect was given in March-2014 bill and solved the grievance. N.A's representative brought to notice of forum, CPL for March-2014 wherein credit of Rs.565.31 is given and credit balance of Rs. 157.24 is carried forward. N.A's representative brought to the notice of forum the irregular payment by complainant even after issuing reading bill. N.A's representative however admitted the fact of not testing meter as per application dated 19.10.2015 and admitted to refund the cost of testing Rs.150/-. N.A's representative admitted the fact in view of circular dated 09.03.2016 issued by MSEDCL that bills as per faulty meter cannot be said to be authentic. N.A's representative urged that bill for Feb-2017 for Rs.85540/- is corrected in March-2017 provisionally for Rs 15550/- and then fed to system in March-2017. N.A's representative on direction from forum admitted to submit the record of photo meter reading from Jan-2014 , on 29 May-2017.

6. Forum have gone through the complaint with documents on record, reply filed by N.A. with documents and additional documents filed by complainant on 26.05.2017 and MSEDCL on 29.05.2017 and also arguments on record by both the parties. This is a grievance with multiple complaints which is elaborated in three parts.

- i). Complaint dated 01.02.2014 and correction of bill for Jan-2014.
- ii). Complaint due to non-testing of meter as per application dated 19.10.2015 and correction of bill from May-2015 till replacement of meter.
- iii). Not issuing reading bill as per new meter till March-2017.

7. Forum finds substance in the submission of MSEDCL that grievance/complaint dated 01.02.2014 is attended and corrected bill is issued in March-2014. The fact is verified from the CPL on record that credit for excessive recovery has been given in March-2014. Forum is of the view that complainant is irregular in payment of energy bills and should pay the bills regularly otherwise MSEDCL should take recourse of provision of section 56 of Electricity Act-2003.

8. It is admitted fact on record that MSEDCL have not tested meter despite recovery of testing charges Rs.150/- and faulty meter can not be relied on and hence forum finds substance in the complaint to issue the bills as per average prior to May-15. As per CPL on record the average consumption is 87 units per month prior to May-15 hence energy bills from May-15 till replacement issued by N.A. MSEDCL needs to be set aside and corrected bills as per consumption of 87 units per month needs to be issued from May-15 till replacement. It needs to be arrived at correct month in which meter is replaced. From CPL it appears that replacement is fed to system in the month of Dec-2016. But from the reply filed on record and revision of manual bill on record for the period from March-2016 to Feb-2017 for 1796 units it is established fact that meter is replaced earlier to Dec-2016. The photo meter reading submitted on record by NA-MSEDCL on 29.05.2017 amply demonstrate that new meter is replaced in March-2016 with initial reading as 1. In spite instruction N.A. MSEDCL have not filed meter replacement report on record. From the established facts on record forum is of the view that defective meter was in service up to Feb-2016 and hence corrected bill for the period from May-15 to Feb-16 should be issued by N.A. MSEDCL at average of 87 KWH. Forum is of the view that energy bill for March-2016 to Feb-2017 be corrected considering initial reading of 1 and final reading in Feb-2017 as 1797 for 1796 KWH without adding any adjustment units. Forum is of the view that N.A. MSEDCL have failed to issue reading bill from March-2016 to Feb-2017 and also failed to attend complaint of replacement of

meter and its testing and hence complainant is entitled for SOP for other complaint as well as SOP for not issuing reading bill as per SOP regulation 2014. As complainant claimed SOP after 60 days on 19.10.2015, forum is not inclined to accept claim for SOP for other complaint but SOP for not issuing reading bill at Rs. 200 per month is payable to complainant from 19.11.2016 to Feb-2017 for 4 months as claimed on 19.01.2017. Forum is also of the view that Rs. 150/- recovered towards meter testing be refunded to complainant. With these observations forum proceeds to pass following unanimous order.

// O R D E R //No. 104 Dt.07.06.2017.

1. That the Complaint No.19/2017 is hereby partly allowed.
2. The N.A. MSEDCL is directed to set aside the energy bills issued to complainant from May-2015 to Feb-2017 including manual bill for Rs.15550/- issued in March-2017.
3. The N.A. MSEDCL is directed to revise energy bill of complainant from May-2015 to Feb-2016 at 87 KWH per month without DPC, interest and interest on arrears.
4. The N.A. MSEDCL is directed to revise energy bill of complainant from Mar-2016 to feb-2017, for 1796 KWH without adding adjustment units as recorded without DPC, interest and interest on arrears.
5. The N.A. MSEDCL is directed to adjust in revision of energy bills from May-2015, the payment effected by complainant Rs. 13000/- on 22.02.2015 and Rs.450 on 09.03.2015 at the same time recover dues Rs.1730.18 as on April-2015.
6. The N.A. MSEDCL is directed to refund Rs.150/- testing charges to Complainant in forthcoming bill.
7. The N.A. MSEDCL is directed to pay Rs.800 towards SOP compensation payable in forthcoming bill of complainant.

8. The complainant is directed to pay all future bills regularly.
9. The parties to bear their own cost.
10. The N.A. MSEDCL is directed to submit the compliance report alongwith copies of corrected revision within one month from this order to the forum.

Sd/-
Member/Secretary

Sd/-
Member (CPO)

Contact details of Electricity Ombudsman appointed by MERC (CGRF&EO) Regulations 2006 under Regulation 10:

THE ELECTRICITY OMBUDSMAN,
Office of Electricity Ombudsman (Nagpur)
Plot No.12, Shrikrupa, Vijaynagar, Chhaoni,
Nagpur-440 013.
Phone : 0712-2596670

No.CGRF /AKZ/ AKL/ 104

Dt. 07/06/2017

To,
The Nodal Officer,
The Executive Engineer
MSEDCL,O&M Division,
Malkapur

The order passed on 07/06/2017 in the Complaint No. 19/2017 is enclosed herewith for further compliance and necessary action.

**Secretary,
Consumer Grievance Redressal Forum,
MSEDCL, Akola Zone, Akola**

Copy fwcs to:-

- 1) The Superintending Engineer, O&M Circle,MSEDCL, Buldhana.
- 2) Shri Vasant Mahadeo Khupase C/o Adv. Shiv Vasant Khupase At & Po. Gadegaon Kd.Tq. Jalgaon Jamod. Distt. Buldhana.