

**sCONSUMER GRIEVANCE REDRESSAL FORUM,
AKOLA ZONE, AKOLA.**

“ Vidyut Bhavan ” Ratanlal Plots, Akola : 444001 Tel No 0724 .2434476

Dt.08/03/2016

Complaint No. 36 / 2015

Grievance pertaining to failure to provide electric supply compensation cost etc.

Quorum

**Shri T.M.Mantri, Chairman
Shri. R.A. Ramteke ,Member-Secretary
Shri. D.M.Deshpande-Member (CPO)**

Shri.Vidyadhar Pralhad Thokadive,
Consumer No:- LT-318960707630

Complainant

.....Vrs.....

Executive Engineer MSEDCL, Akola (Rural) Division.

Respondent

Appearances :

Complainant Representative: Shri. Udapurkar.

Respondent Representative: Shri. Sushil Jayswal, Dy. Executive Engineer,

1. The complainant's case in brief is that though he has applied for agriculture electric connection on dt. 08/11/2005, estimate of Rs.8,370/- was given on 12/06/2006, on the same date that amount was deposited. On 18/12/2008 the given numbered meter was installed. As per complainant, since the date of providing of electric connection, it was troublesome, the electric wires were hanging at low level and the supply was not provided, inspite written letter of 15/05/2009, It is alleged that though not using supply, reading was shown in the meter. However since dt. 25/01/2010 bills have been issued on approximate basis, though the complainant has made oral and written grievances but to no effect. No acknowledgement has been issued by the N.A. however the N.A. has given acknowledgement on 28/12/2012. Instead of taking action, bill was issued on dt. 30/01/2012 without taking reading. The registered envelope send to the N.A. was received back, so again on 19/03/2012 the sent registered letter. Inspite thereof,

nothing was done but again new bill was sent. Reference has been made to total incorrect and false bills of Rs. 24,060/-. As per complainant no entries of the meter reading have been recorded and no supply has been provided.

2. Reference has been made to complaint submitted by the complainant on dt. 15/07/2015 in the program arranged by the N.A. at Akot with acknowledgement no.145, The complainant was assured about redressal of the grievance within 30 days, in view of directions to officers and employees of the N.A., but to no effect, Hence compelled to approach this forum seeking the reliefs prayed for, alongwith complaint copies of documents have been annexed.
3. The N.A. filed reply, belatedly, admitting the factual aspect till installation of meter on dt. 18/12/2008 with initial reading "18" therein and supply has been provided. It is stated that in the office of the N.A. no application dt. 15/05/2009 by complainant appears to have been made. Likewise neither oral nor written grievance of the complainant received in the office of the N.A. That action was taken on the application of the complainant dt.28/12/2011 and as per spot inspection report the bill of March-2012 was corrected for Rs.7,634/- in the bill. The complainant's registered post letter was not received. The electric supply of the complainant was proper. The complainant has been made contradictory averments. The complainant is making grievance in his application about the hanging wires and disruption of electric supply. The complainant has filed misleading complaint so as to get rid of the payment of electric bills, hence the complaint is liable to be dismissed.
4. That an application for spot inspection came to be filed, on behalf of the complainant and after hearing both the parties, this forum has passed order for carrying out joint inspection by the parties and to submit photos as well as inspection report signed by both the parties. Accordingly such report came to be filed before the forum, the complainant has also filed pursis on dt. 15/02/2016 stating that during 12/02/2016 to 14/02/2016, the N.A. has laid additional two poles in the electric line provided to the complainant and the wires have been stretched, In the said pursis the drawing of earlier poles and newly erected two

poles has been given, which has been admitted by the N.A. saying that it has been done to stretch the hanging wire of the line. Copy of CPL is also produced on record. Thereafter, at the time of final arguments supplementary reply has been filed from the side of N.A. which has been opposed from the side of the complainant, stating that after spot inspection and submission of report, the complainant has advanced his arguments, so also written arguments, the matter was adjourned in view of absence of the N.A. and when the matter was adjourned as a last chance for the argument of the N.A., finally, that time this supplementary reply has been filed. The objection raised by the N.A. is untenable and in the reply to the complaint there is no whisper. It was necessary to raise the same in reply itself. In any case the complainant has been making grievances time and again and lastly in the program arranged by the N.A. called "consumers summit". In view of making of grievances by the complainant time and again, there is no merit in the belated objection taken by the N.A.

5. As already observed above joint inspection was carried out by both the parties and report duly signed by the parties is filed on record. Admittedly when initially meter was installed, the reading thereon was 18 and as per the joint spot inspection report of dt. 01/02/2016 the meter reading was showing as 32 and the same was noted down in the said joint inspection report. In the said joint inspection report factual position about electric line, wires meter etc. have been mentioned, The said joint inspection report clearly proves that the alleged bills issued by the N.A during the intervening periods were not on actual meter reading but they are on surmises. It is thus apparently clear that the details about "past and current reading" "units consumed", so also the bills on the basis of the alleged consumed units are totally incorrect. The complainant has given details of some of such bills showing different reading as well as the periodically consumed units ranging from 1100 to 2800 units per quarter, have nothing in support. The correct reading in the meter on the date of joint spot inspection on dt.01/02/2016 was 32 only, whereas in the alleged bills as well as in the CPL, the readings are in 5 figures showing the quarterly consumed units above 2000 to 3000/- The complainant was

making grievance for all the time also about bills orally, as well as is writing. Copies of returned registered envelopes are on record with the remarks of the postman, The N.A. has vaguely make averment on the ground “ते या कार्यालयास अप्राप्त आहेत”. So the fact remains that the complainant was pursuing the matter raising certain grievance in respect of electric supply, bills etc. The entries in the CPL clearly show that even the N.A. has made certain adjustment including that of reduction of the amount of the bill in CPL by making deduction. There is nothing brought on record from the side of N.A. about alleged earlier inspection in presence of the complainant, no document has been produced by the N.A. such as spot inspection report with signature of the complainant, though it has been alleged during course of the argument about such spot inspection. The complainant has categorically denied about such earlier spot inspection. In any case it is apparently clear that the alleged bills issued for the consumption of the electricity have nothing in support. There is no evidence on record in any form of the alleged consumption of electricity and meter readings showing the alleged consumption. On the contrary from the joint inspection report dt.01/02/2016 carried out by the parties clearly shows that there is nothing to substantiate this stand and defense of the N.A. On the contrary the record clearly supports the case of the complainant that without taking actual reading the bills have been issued. The reading shown in the bills of the alleged consumed units has nothing in support.

6. Though in Para No.7 of the complaint, the complainant has alleged that since the dt of installation of the meter on 18/12/2008 till filling of the complaint no supply has been connected, However it has been admitted in the letter dt.15/05/2009 filed on record mentioning that “मला आपले कार्यालयाकडून विद्युत पुरवठा दिला आहे परंतु तो नेहमीच त्रासदायक आहे. त्यावरील तार खुप खाली आहेत, त्यावर पाखरे बसलीत किंवा हवेने सुध्दा ते एकमेकांत गुंततात व पुरवठा बंद पडतो तरी माझेकडे असलेले तार ओढून बरोबर करावे व मला माझा विद्युत पुरवठा सुरळीत करावा ही नम्र विनंती”. The above recitals clearly shows that time the grievance of the complainant was about disruptions and not about non providing of electric supply. However later on the grievance is about

non receiving of supply. That the N.A. has filed on record CPL of the complainant wherein readings from quarter of March-2010 onwards entries are shown and for quarter of Dec-2011 the readings are shown as 19268 and 16890 thereby consumption of 2378 units shown for that quarter. In subsequent quarter i.e. of March-2012 the previous reading is shown as “32” and current reading as “2532” thereby 2500 units consumption shown. As per CPL and defence of the N.A. the earlier entries were not correct so credit of Rs. 7634=91 (-7634=91) is shown in CPL and as per submission of the N.A. it was done after alleged earlier spot inspection. Earlier, observations of the alleged spot inspection have been made in the order. So it is crystal clear that not only earlier incorrect bills have been issued with bogus readings but subsequently also that has been continued as is clear from the CPL. In quarter Sept-2015 the readings are “29651”-“27057”. Thus apparently bogus bills have been issued and though the complainant was making grievance, none bothered to look into it. There is substance in the grievance the complainant. It is because of total negligence on the part of the concerned officer/ staff of the concerned offices of the N.A. Because of their lethargic attitude the situation continued for long time. Had the grievance was looked into that time the further sufferance and losses could have been avoided.

7. In any case when the meter was clearly showing reading “32” at the time of joint spot inspection on 01/02/2016. As per the joint spot inspection the said fact was mentioned, so also it is mentioned that temporary electric supply was taken from the agriculture field of Gawande. So from the meter reading “32” and taking of temporary supply, admittedly, the grievance was for not providing of required and continuous electric supply. Even as per pursis filed by the complainant, in Feb-2016 (12-02-2016 to 14-02-2016) two cement poles have been erected in the gaps of earlier poles and the electric lines has been stretched, so there was hanging of electric wires was removed by stretching the wires. It was after spot inspection of 01/02/2016. As is clear from the joint inspection report the current reading on that date was 32, consequently the alleged bills came to be issued for the alleged consumed units in four figure (Thousands) are totally incorrect and the same needs

to be set aside. At the same time the complainants claim that after installation of the same, no electric supply was provided, cannot be accepted. But the record clearly shows that at least from March-2012 onwards there was no supply so as to take user of the electricity for running the electric pump/ motor. The meter reading of "32" in March-2012 as well as a joint inspection of 01/02/2016, clearly shows that there was no user of electricity. Admittedly even as per N.A. there was no fault in the meter. So the documents of the N.A. itself prove that there was no electric supply during that period. (March-2012 onwards). Even on 1/02/2016 the meter was showing same reading of 32. Forum has already taken into account, the version on the complainant in the letter given to the N.A. making grievance about supply. The N.A. is therefore required to direct to provide uninterrupted electric supply to the complainant, so also to issue correct bills of actual consumed units, in time, regularly. This forum thinks it proper to award appropriate reliefs to the complainant for not fulfilling the conditions of services by the N.A. In view of the facts emerging out from the record, it will be just, proper to award reasonable monetary claim to the complainant for the period March-2012 onwards i.e. about 4 years period. This forum thinks that awarding of Rs. 50,000/- (Fifty Thousand) on that count will be just and reasonable.

8. The complainant has also claimed cost of Rs.50,000/- which appears to be exaggerated. No doubt the complainant was approaching and pursuing the grievance, with the various authorities of the N.A. So also making correspondence. This forum thinks it proper to award Rs.2500/- for cost. That neither there is stenographer nor typist available in the office since long. Even part time typist on job basis is not available on regular basis which results in delay in passing orders. The order could not be passed in stipulated time. The N.A. is directed to take suitable action against the erring officer/ staff of the concerned offices of the N.A. because of which not only the complainant is put to sufferance but monetary liability is also imposed against the N.A. which needs to be recovered from them as held by Hon. Supreme Court in M.K.Gupta V/s Lucknow Development Authority. With such observations this forum proceeds to pass following unanimous order.

O R D E R

1. That the complaint is 36/2015 is hereby partly allowed.
2. The N.A. is directed to see that regular electric supply is provided to the complainant for running electric pump in his Agriculture field and to cancel the incorrect bills issued to the complainant with further direction to issue correct and regular bills of actual consumed units of electricity, regularly.
3. The N.A. further directed to pay an amount of Rs.50,000/- (Fifty Thousand) to the complainant towards compensation, sufferance, losses etc.
4. That the N.A. is also liable to pay cost of Rs.2500/- (Two Thousand Five Hundred) to the complainant. The N.A. to recover these amount of monetary liability against it from the erring officer/ staff for their negligence as laid down by Hon. Supreme Court in M.K.Gupta V/s Lucknow Development Authority reported in 2003 SCC (1) Page no.293.
5. That the compliance report to be submitted within period of two months from this order.

S/d
Member/ Secretary

S/d
Member (CPO)

S/d
Chairman

No.CGRF / AZ/ Akola/

Dt. 08/03/2016

TO
The Nodal Officer,
Executive Engineer, Akola(Rural) Division
MSEDCL, Akola.

Dist. Akola

The order passed on 08/03/2016 in the Complaint No. 36/2015, is enclosed herewith for further compliance and necessary action.

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

Copy fwc to:

- 1) Superintending Engineer, Akola Circle, Akola.
- 2) Shri. Vidyadhar Pralhad Thokdive, At – Mudgaon, Tq.- Akot.