

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

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

Dt.09/02/2016

Complaint No. 37 / 2015

Grievance pertaining to excessive billing under wrong tariff.

Quorum

Shri T.M.Mantri, Chairman

Shri. R.A. Ramteke ,Member-Secretary

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

Shri. Satish Rathi,Ratanlal Plot,Akola.
Consumer no. 310073003007

Complainant

.....Vrs.....

Executive Engineer MSEDCL, Akola(Urban), Division.

Respondent

Appearances :

Complainant Representative: Dr. Satish Rathi.

Respondent Representative: Shri.G.T.Sorte,Addl.Executive Engineer.

1. The complainant approached this forum being aggrieved by the order of IGRC of Akola. The complainants case in brief is that only one room of the premises in occupation is used for medical consultation only and the complainant cannot be charged at commercial/ public service tariff, as average yearly consumption is much less than 3600 units, Objection was raised for the demand of arrears of 35 months, by change of tariff LT-I to LT-X and inspite raising objection the IGRC has passed impugned order on technical point of different consumer no. The complainant has made reference of certain documents filed with the complaint, asserting that the consumer name of Shri. N.S.Sharma is of the same premises occupied by the complainant as tenant, Reference has been made to the judgment and decree of the Civil Court against the N.A. which is still binding. According to the complainant, in any case the complainant is not concerned with the change of consumer no. and it can be done only by N.A. The IGRC has passed the decision mechanically, when the complainant is not at fault, thereby caused injustice, hence

requested for the reliefs prayed for. Alongwith the complaint copies of bunch of documents came to be filed.

2. After notice of the forum, the N.A. appeared and the claim of the complainant is opposed vide reply, making reference of tariff order dt. 16/08/2012 by MERC stating that the consumer, like complainant included in LT-X-- Public tariff code. According to the N.A. as complainant was utilizing supply for dispensary therefore the bills was charged. The complainants request being not legal, as it is a professional activity according to the N.A. he cannot ask for LT-I tariff and stated that the Civil Court did not restrict the N.A. from charging in commercial charges if the supply is used for commercial purpose and lastly pressed for rejection of the complaint. Copies of the some of the documents filed with the reply.

3. Heard complainant in person and Shri. G.T.Sorte, Addl. Executive Engineer for the N.A. From the record and submissions it is an admitted position that earlier there was round of litigation in the form of Reg. Civil Suit no. 734/99 involving similar kind of controversy and after contest, the said suits filed by the complainant was partly decreed. Apart from granting other reliefs, permanent injunction was also granted from charging commercial tariff to the consumer. No doubt there was observation whereby the defendant (N.A. herein) was given liberty to charge commercial tariff if user found to be of commercial purpose. From the said judgment as well as the fact brought on record it is clear that there is no change in user of the premises by the complainant. Earlier also one room was used for dispensary i.e. profession of the complainant and rest of majority premises for residence, The N.A. did not challenge the above referred decree against it and it is binding on it. Now it is to be seen whether the N.A. has made out/ established change of user of the premises by the complainant. It is even not the case of the N.A. that the complainant is using majority/ entire premises for his profession. Even in the reply filed before IGRC, under signature of Nodal Officer, it has been stated that the premises in question with given consumer no. is in name of N.S. Sharma. Further it is stated-“तक्रारकर्ता, राहत असलेल्या जागेमधील एका खोलीचा वापर दवाखान्यासाठी करित आहे”. Not only this much but further stated that the flying squad

during its inspection not noticed about the change of user. From the record it is clear that the complainant is the tenant of the same premises owned by Shri. N.S. Sharma.

4. As per the submission and material on record it is clear that even according to the N.A. there is no change in use of the premises by the complainant, so infact the decree referred to above its still binding. The IGRC has passed the order on entirely different and technical ground, which was even not pleaded in the reply of N.A. before IGRC. The IGRC did not consider the relevant aspect and the documents. The record clearly shows that the bills of the same consumer no. even prior to the filing of the RCS 734/99 were in the name of Shri. N.S. Sharma, So one thing is clear that the premises in occupation of the complainant with same consumer no. continue. How the same consumer no. is also given to other premises which is far away from these premises in question, is concerned to the N.A. only. The complainant cannot be asked to suffer for such anomaly on the part of N.A. The N.A. could not justify/ explain the same. In any case it is clear from the CPL that the same consumer no. continues for the said premises and date of supply is shown as 07/12/1959.

5. It seems that the N.A. is referring to the circular no. 175 with reference to tariff category- Public services, however it is ignoring explanation to "Applicability" of LT- residential. Therein it is specifically mentioned that this category (LT-I) is also applicable to other consumers under LT-II,LT-V and LT-X, who's consumption is less than 300 units per month or 3600 units P.A. The learned representative of the N.A. has fairly admitted that the consumption of the complainant is less than 3600 units P.A. So from this angle also, it is clear that LT-I residential tariff is applicable to the complainant, Consequently it is clear that there is substance in the grievance of the complainants which necessitates to set aside the order of IGRC, Akola dt. 30/10/2015,so also the impugned bill. The N.A. to issue bill under LT-I tariff and complainant to remit the amount in time of the receipt of the correct bill under LT-I residential tariff. That no steno/typist is available in the office since long,Even the part time typist on job basis was not available since last so many days,hence order

could not be passed early. With such observations this forum proceed to pass following unanimous order.

ORDER

1. That the complaint no. 37/2015 is hereby allowed, the order dt.30/10/2015 of IGRC Akola is hereby set aside, so also the impugned electric bill.
2. The N.A. is directed to issue bill to be complainant under LT-I residential tariff and complainant to remit the amount of such corrected bill, in time.
3. In the circumstance no order as to costs.
4. That the compliance report of this order is to be submitted within a period of one month from this order.

S/d
Member/ Secretary

S/d
Member (CPO)

S/d
Chairman

No.CGRF / AZ/ Akola/

Dt. 09/02/2016

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

The order passed on 09/02/2016 in the Complaint No. 37/2015, is enclosed herewith for further compliance and necessary action.

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

Copy fwc to:

1. Superintending Engineer, MSEDCL O&M Circle, Akola
2. Shri. Satish Rathi, Ratanlal plot, Akola.