

connection having connection No. 290010042753 from NA-MSEDCL on dt. 20.09.2011 for 15 HP. It is alleged that NA- MSEDCL violated the tariff order given by Hon. MERC in the petition No. 111/2009 by applying industrial tariff to complainant. Actually it is expected from NA- MSEDCL that it should apply the respective tariff applicable to the complainant by its own, but it is not done and when it is informed to the local office of NA- MSEDCL, to apply **LT-IV-(Ag)** category instead of **LT-V-(A)**, no action has been taken. Again on dt. 02.08.2013 request application has been given to S/Dn office at Jalgaon Jamod, with copies to Division office on dt. 26.08.2013 & Circle office on dt. 19.08.2013, but no any heed has been paid towards these applications though it is mentioned there that complainant is ready to pay the bill, if correct category is applied as per MERC tariff order but no correct bill has been given, instead a disconnection notice has been given without having outward no. --- on dt 28.11.2014, it is alleged.

3. In spite of repeated written correspondence made to N.A. MSEDCL's Local office & receiving threat of disconnection, again on dt. 05.02.2015, written application has been given to N.A. MSEDCL's sub-division office at Jalgaon Jamod, but instead of issuing correct bill with correct category tariff, a disconnection notice has been served by N.A. MSEDCL, signed by Jr.Law Officer under section 56(1) of I.E. Act.2003, it is alleged.

According to complainant, as per letter of N.A. MSEDCL dated 07.11.2016, No 1533, the tariff category of the complainant has been changed from **LT-V-(B) to LT-IV-(C)** and bill is informed revised from May-2016 to Aug-2016. Actually it was expected from the N.A.to revise the bill from 20.09.2011 but instead the revision is applied from May-2016 & there by caused financial sufferance to the complainant.

4. According to complainant, when complaint is lodged at IGRC, during hearing at IGRC, it was agreed by the N.A. MSEDCL that wrong period for bill revision is mentioned by the local office of N.A. MSEDCL, & also agreed to revise the bill as per demand from complainant since 2011 by changing the tariff category. It is also stated that as per IGRC order revised bill of Rs. 11,13,900/- dtd. 16.03.2017 is given by the Local office of N.A. MSEDCL. On request for instalment in two part, Rs. 5,00,000/- provisional bill is issued by the N.A. MSEDCL. According to complainant the said amount of Rs. 5 Lacs is paid on dt.27.03.2017 vide cheque No. 15655 of Bank of Maharashtra under protest, keeping the rights to appeal to CGRF reserved.

According to complainant N.A. MSEDCL has issued a bill of Rs,11,13,900/- dated 16.03.2017, but failed to provide the same within a stipulated period as mentioned in MERC SOP regulation 2014 & hence violated SOP regulations, and prayed for allowing the complainant, issue of bill as per MERC tariff order from time to time , Return of additional amount paid to N.A. with interest of 10%, issue of correct bill in future by N.A. MSEDCL, SOP compensation as per Annexure "A" Sr.No.8, other services (two) of Rs. 100/- per week since 20.09.2011.

Alongwith the complainant, bunch of documents came to filed viz. IGRC complaint with documents, IGRC order, letter from N.A. MSEDCL dated -- --, Application dated 27.03.2017 & copy of cheque.

5. After receiving notice of the Forum,reply came to filed by N.A. MSEDCL on dt. 30.05.2017. According to N.A. MSEDCL, complainant having connection at Gut No.87 Vayal vase Jalgaon Jamod with connection No. 290010042753 is true & as per complainant's request complainant's tariff category has been changed from **LT-V-(B) to LT-IV-(C)** , and as per complainant's letter dated 05.02.2015, he is agreed that he is receiving bill as per correct tariff

category since Sept-2013. According to N.A. MSEDCL the revision of bill is also informed to complainant vide letter No. 1533 Dtd. 07.11.2016, and the revision of bill effected from May-2013 but wrongly in the letter it is mentioned as May-2016. According to N.A. MSEDCL, the notice regarding payment of this revised bill as per I.E.Act - 2003, Sec 56(1) dated 03.11.2013 alongwith revised bill copy, given to complainant vide letter No. 1572 dtd. 17.11.2016, via Assistant Engineer , Jalgaon Jamod city-1. Hence complainant say in para (f) in his complaint is denied.

6. According to N.A. MSEDCL complainant has not paid this revised bill given to him and lodged complaint at IGRC Buldhana on dt. 17.01.2017. As agreed in IGRC hearing the change of tariff category of the complainant is effected since 20.09.2011. According to N.A.-MSEDCL, the revised bill is divided in to two instalments as per complainants request vide para (h) of his complaint, but then also complainant has not paid the second instalment of the bill yet, and lastly N.A. MSEDCL prayed for dismissal of the complaint on the ground that even after issuing of revised bill, complainant has not paid the bill. It is also prayed by N.A. MSEDCL that SOP claim is time barred as per Sec12.2 of MERC SOP Regulation-2014, hence the complaint not to be allowed & denied SOP compensation. The N.A.-MSEDCL annexed CPL of the complainant from Oct-2011 to May-2017, alongwith the reply.

7. After receipt of the reply from N.A.-MSEDCL, hearing is scheduled on dt. 15.06.2017 at 11.00 Hrs at CGRF, Akola, also telephonic intimation given to Dy.EE.Jalgon Jamod ,Shri A.G.Kathole on dt. 14.06.2017, but then also on scheduled hearing on dt. 15.06.2017, Nodal officer, Executive Engineer, MSEDCL, Malkapur preferred to remain absent, without any intimation to Forum. Adverse inference is drawn of this negligent attitude of the nodal officer of N.A.-MSEDCL by the Forum and this attitude of the nodal officer is reported to his superiors and hearing adjourned for N.A.-MSEDCL to next dt on 21.06.2017 as a last chance to Nodal officer, Executive Engineer, MSEDCL to defend his side.

For this absence of Nodal officer, complainant has taken objection and prayed Forum not to allow the N.A.-MSEDCL any further chance to defend their side. On hearing dt.15.06.2017, Forum allowed complainant's representative Shri Pramod Narayan Khandagale for argument on his side & heard. In this arguments the authorised representative of the complainant stated that on dt.20.09.2011 new electric connection for 15 HP is given by N.A.-MSEDCL to complainant in the name of Arjun Govinda Gholap, for the purpose of banana ripening & cold storage, But applied the tariff category of **LT-V (A)** instead of LT-IV-Ag metered, as per MERC tariff order in case No 111/2009, dated 12.09.2010. It is stated by the complainant that application for change of category from **LT -V to LT-IV** Ag is given to N.A.-MSEDCL local office at the Jalgaon Jamod on dt.22.02.2013, but no action have been taken on this application. Again on dt.02.08.2013 application for change of category to **LT-IV – Ag** submitted to local Sub-division office of N.A. at Jalgaon Jamod, with copies submitted to division office on 26.08.2013 & Circle office on 09.08.2013, but no heed has been paid towards this application & no any efforts has been taken by the N.A. in solving the grievance. Instead of solving the grievance as per above submitted applications disconnection notice is issued on dt. 21.11.2014 by the N.A. Again on 28.11.2014 & 05.02.2015 application given to N.A. for solving the grievance but the matter remain unsolved, instead disconnection notice under section 56 of I.E. Act-2003 is issued by the N.A. dtd. 03.11.2016, but the disconnection notice is not acted upon, it is stated.

According to complainant's arguments, in this way N.A.-MSEDCL staff caused mental harassment to the complainant & prayed for return of excessive amount collected illegally by the N.A. alongwith 10% interest. It is admitted by the complainant that though the revised bill of Rs. 10,23,060/- is not acceptable to him but then also first instalment of Rs.5 lac is paid on dt.31.03.2017 It is also prayed to waive the DPC & interest & issue proper bill, and divide the bill

into 4 instalments, alongwith SOP compensation as per annexure –A Sr.No.8, other services(two) of Rs. 100/- per week since 20.09.2011. At the same time it is also admitted during arguments by the complainant that SOP is first claimed in the IGRC on dt. 19.01.2017.

On hearing dtd 21.06.2017 learned representative of N.A. MSEDCL Shri P.F. Pawar E.E. & Shri Kathole Dy.E.E. appeared & heard. According to N.A. the N.S.C. was released to the complainant for the purpose of banana ripening & cool storage on 20.09.2011, it is admitted by N.A. MSEDCL that the purpose of banana ripening was mentioned in A-I form of the complainant, but the tariff applied was LT –V, at the same time it is also agreed by the N.A. MSEDCL that LT-IV Agricultural tariff should have been applied to the complainant, and as per IGRC order dtd. 20.03.2017 the effect for revision in complainants bill is given from 20.09.2011 to Aug-2013. Hence the complainants grievance is fully solved. It is also stated by the N.A. MSEDCL that as a routine procedure the disconnection notice is issued but in practical it is not acted upon, therefore the complainants allegation for threat of disconnection is not true. It is also stated by N.A. MSEDCL that SOP claim is time barred as per Sec 12.2 of MERC SOP Regulation-2014, hence the complaint not to be allowed & denied SOP compensation, and prayed for dismissal of the complaint.

8. Forum have gone through the complaint on record with enclosures, reply filed by N.A. with revision of bill and documents filed by N.A. Forum is of the view that there is substance in the complaint filed on record that no correct energy bills with correct category of tariff issued to the consumer since date of connection. In spite of repeated verbal and written correspondence proper corrective action has not been taken by the concerned officer/staff of the N.A. MSEDCL. Had the corrective action been taken by the concerned officer/staff of the N.A. MSEDCL at proper time, this grievance could not have been raised up to CGRF level. From the CPL and B-80 documents filed on record, it is seen that, in

first B-80, Oct-2011 to Feb-2013 period for revision is considered, whereas in second B-80 document May-2013 to Aug-2013 period is considered. Forum on going through this B-80 record thinks it just & proper to revise the bill as per actual applicable tariff category as per Hon.MERC tariff orders from, time to time, to the complainant from date of connection 20.09.2011 to May-2017 for which actually he is entitled for, considering into account all the earlier payments made by the consumer since Oct-2011.

Regarding the SOP compensation claimed by the complainant, it is admitted fact on record and agreed by the complainant that SOP compensation is claimed first in IGRC on dt. 19.01.2017, hence as per section 12.2 of MERC regulation 2014, complainant is entitled for SOP compensation from 19 Nov-2016 up to 11.05-2017 for 24 weeks $\times 100 =$ Rs. 2400/- . Regarding the instalments of the revised bill, Forum hereby directs N.A. MSEDCL to grant total three instalments of the remaining final revised energy bill excluding the Rs.5 Lac paid by the consumer on dt. 27.03.2017 to be considered as first instalment. With these observations forum proceeds to pass following unanimous order without charging DPC & interest.

// ORDER //

1. That the Complaint No.25/2017 is hereby partly allowed.
2. The N.A. MSEDCL is directed to set aside the energy bills from the date of connection including revision on record & directed to carry out the bill revision from date of connection to May-2017 without charging DPC & interest and taking into consideration all the earlier payments made by the complainant.
3. The N.A. MSEDCL is directed to grant three instalments of the final revised energy bill to the complainant.

4. The N.A. MSEDCL is directed to pay compensation for not issuing correct energy bill as per correct tariff for 24 weeks at Rs. 100 per week, amounts to 2400/- & amount be adjusted in revision of bill.
5. The N.A. to recover the amount of SOP Compensation , which it requires to pay to the complainant in pursuance of this order, from the concerned staff because of whose negligent/lethargic attitude monitory liability has arisen against the N.A. as per the direction of the Hon. The Supreme Court of India in the matter of M.K.Gupta Vrs Lucknow Development Authority, reported in 1994(i) SCC page 243, after due enquiry.
6. No order as to the cost.
7. The N.A. MSEDCL is directed to submit the compliance report to the Forum within period of one month of this order.

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/ 124

Dt :- 07/07/2017

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

The order passed on 07/07/2017 in the Complaint No. 25/2017 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 Arjun Govindrao Gholap, Proprieter Sadguru Banana Ripaning , Gat No. 87, Wayal wes, Jalgaon Jamod, Distt. Buldhana