

CONSUMER GRIEVANCE REDRESSAL FORUM,
AKOLA ZONE, AKOLA.

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

ORDER

Dt. 13/05/2016

Complaint No.3/ 2016

In the matter of grievance pertaining to non issuing of electric bills, SOP
Compensation, interest etc.

Quorum

Shri T.M.Mantri, Chairman

Shri. R.A. Ramteke ,Member-Secretary

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

Maroti Shamrao Hissal :-
Consumer No. Ag-290030162143

Complainant

.....Vrs.....

Executive Engineer MSEDCL, :-
Malkapur Division.

Respondent

Appearances: -

Complainant Representative :- Shri. Pramod Khandagale

Respondent Representative :- Shri. R.S.Pawade, Dy. Executive Engineer

1. Being not satisfied with the decision of IGRC Buldhana, the complainant approached this forum for redressal of the grievance. In short the complainant's case is since 10.12.1980 Agricultural Pump connection has been provided & the bills as per Horse Power have been remitted regularly till March-2012. That the complainant had demanded for installation of meter (on 23.03.2012) as well as issuing of bills as per consumed units. Though meter was installed on 25.04.2012 but electric bills have not been issued, in spite of approaches time & again. Reference has been made of letter dt. 28.08.2014 by the Assistant Engineer to Dy. Ex. Engineer Jalgaon Jamod in that respect, in spite there of the bills have not been issued as per meter reading. According to the complainant the N.A. has contravened the Regulations in respect of issuing of correct bill as per reading. Though the complainant

has given letter dt.16.07.2015 calling upon the details of the payments made, so also the bills, but the N.A. has failed to do so. The letter dt. 02.02.2015 which has been refused. In view of contravention of the regulation & non compliance of direction's of IGRC the N.a. is responsible but by the letter details on 06.04.2016 it has been informed about credit of 9350/- required the complainant to seek the reliefs prayed for. Alongwith complaint copies of bunch of documents filed.

2. Even after receipt of notice of the forum no reply has been filed in time but later on when the matter was fixed for hearing, the reply has been filed by furnishing copy to the complainant, where in the N.A. has admitted most of the facts such as issuing of bills as per Horse Power basis, installation of meter on 27.04.2012 however no entry about the meter was feeded in the account/ledger. So also it has been admitted about complaint dt. 16.07.2015 & complainant's approach to IGRC Buldhana, with order passed by the said authority. It is stated that revised bill has been sent to complainant with letter details 06.04.2016. Except this short reply of the N.A., no document has been filed with reply.

3. Heard Shri Pramod Khandagale, representative of the complainant & Shri R.S.Pawade, representative of N.A. At the time of hearing the representative of the N.A. has filed certain documents. He has been directed to supply copies thereof to the complainant. The undisputed facts are that in spite installation of meter & persuasion of the complainant, no electric bills of actual consumed electricity, as per reading on meter, have been issued to the complainant. Though the complainant had demanded the correct bills, the same have not been issued. In spite installation of meter on 27.04.2012 the bills have been issued on Horse Power basis & as per reply so also during course of argument it has been admitted that there was no entry made about installation of meter in CPL. It is also pertinent to note that though the Assistant Engineer of Jamod has submitted written report dt.28.08.2014 in respect of the meter reading, issuing of bills under Horse Power Tariff with request to take necessary entry of meter in the records & to issue bills as per meter reading, but even no cognizance thereof has been taken. Admittedly complainant has deposited certain amounts

from time to time. The submission of written complaint on 16.07.2015 by the complainant is also all admitted fact.

4. That admittedly MERC has framed Regulations dealing with functioning of the licensee so also about providing of services to the consumers within stipulated period, failing upon liability of compensation. As per MERC Regulation 2014 (earlier 2005). The prescribed standards of performance of taking reading of consumers meter, incase of Agricultural Consumer, is once in three months & upon failure to meet that standards of performance compensation for delay of initial 1st month is Rs. 100/- & Rs.200/- per month for the subsequent delayed months. Admittedly in the present matter on 25.04.2012 the meter has been provided but no actual meter reading was taken as required so quarterly bills of actual consumed units ought to have been issued. On the contrary the earlier practice has been continued. In the reply filed by the N.A. so also during course of Arguments it has been admitted that no feeding was done to the concern department about installation of the meter. Here it is to be noted that the complainant's version about persuing the matter with the concerned office, in that respect, has not been denied. In any case it was the duty and obligation of the concerned officer/staff to complete all the necessary formalities, enabling the concerned department to issue bills as per consumed units after installation of the meter. It is thus crystal clear that there was negligence/lethargic attitude on the part of concerned officer/staff, which is resulted in non issuing of the electric bills as per meter reading.

5. Not only this but even after submission of letter dt. 28.08.2014 by Assistant Engineer Jamod to Dy.Ex.Engineer Jalgaon Jamod narrating the factual position as well as meter reading, with a request for taking necessary entry of the meter in record and to issue bill as per meter reading however nothing was done. Had the concerned officer/staff has given due attention to said letter, there could not have been reason for the complaint to make grievance and matter could have been resolved that time it self but nothing was done. This is a case of sheer negligence & callous attitude. The complainant has again sent letter

dtd. 16.07.2015 bearing seal & signature of recipient from the office of the N.A. By the said letter apart from repeating grievance of non issuing of the correct bills, the complainant has also claimed compensation with request to give details of the bills and amounts paid. That copies of some bill are on record but the same will disclose that they are not with all correct details. During course of arguments the learned representative of the N.A. has produced bill revision report ,CPL & duplicate bill dtd. 5th May 2016 for the period of 15 Dec-2015 to 15.03.2016 showing there in credit balance of Rs.- 4680/- of the complainant & according to him it is as per the actual reading(in the said bill the previous reading shown 5077 & correct reading is 5233 i.e. consumed units 156). Though the complainant has tried to dispute those reading also, hence, direction was given to place on record current reading taken in presence of the complainant. Accordingly the N.A. has filed on record the details of current reading dt.10.05.2016 with signature of the complainant showing the current meter reading as 5260 so it is clear that it is progressive reading after the bill dt.05.05.2016 as mentioned above. So it clearly shows that the complainant has unnecessary tried to raise dispute about reading shown in bill of 05.05.2016.

6. As submitted on behalf of N.A. & as shown in bill dt.05.05.2016 there is credit balance of Rs.- 4680/-. The complainant has claimed interest on the said amount apart from compensation. Need less to say that the said amount standing to the credit of complainant is to be adjusted towards the forth coming bills payable by the complainant. As far as claim of compensation, to above the Regulations provide such compensation in view of failure of meet the standards of performance provided in appendix A 8.1 of the regulations. As the meter was installed on 27.04.2012 the 1st bill of the quarter ought to have been issued in Aug-2012 but that has not been done & the correct bill with all details has been issued in May-2016 for the quarter Dec-2015 to March -2016. So clearly there is deficiency of service/failure to meet the standards of performance prescribed under the regulations so the liability of payment of compensation arises from Sept-2012 till Dec-2015 as per regulations, compensation of Rs. 100/- is prescribed for delay of 1st month(Sept-2012) and Rs.200/-for each subsequent months. Accordingly the total compensation for the entire period comes to 7900/- here its needs to be mentioned that the liability of this

compensation has arisen on account of negligence/callousness/Lethargic attitude on the part of concerned officer/staff and they are responsible for the same. The N.A. licensee to take appropriate steps against the erring officer/staff as per Service Regulations. This is as per ruling of the Hon. Supreme Court of India in the matter of M.K.Gupta Vrs Lakhnow Development Authority, reported in 1994(i) SCC page 243. Here it also needs to mention that the N.A. to issue correct energy bills as per actual meter reading to the complainant regularly with such observations this forum proceeds to pass following unanimous order.

ORDER

1. That the Complaint No.3/2016 is hereby partly allowed. The N.A. to adjust Rs.4680/- shown towards credit of the complainant in bill of 05.05.2016, towards the forth coming electric bills payable by the complainant.
2. The N.A. is liable to pay compensation of Rs. 7900/- on account of failure to meet the standards of performance in issuing electric bills of actual consumed units as per MERC Regulations 2014 (earlier-2005) and N.A. to recover this amount of compensation from the erring officer/staff because of whose negligence, the monetary liability has arisen, as per ruling & principle laid down by the Hon. Supreme Court of India.
3. The N.A. to issue regular electric bills of actual consumed units to the complainant promptly.
4. That in the circumstances no order as to cost.

5. That the compliance report to be submitted within period of one month from this order.

s/d
Member/Secretary

s/d
Member (CPO)

s/d
Chairman

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/ 68

Dt. 13.05.2016

TO

The Nodal Officer,
Executive Engineer
MSEDCL, Malkapur Division.

The order passed on 13/05/2016 in the Complaint No. 3/2016, is enclosed herewith for further compliance and necessary action.

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

Copy fwc to:

1. Shri Maroti Shamrao Hissal,
At.Po. Sungaon Tq. Jalgaon Jamod Distt. Buldhana.
2. The Superintending Engineer, O&M Circle, MSEDCL, Buldhana.

5. That the compliance report to be submitted within period of one month from the date this order.

R.A.Ramteke
Member/Secretary

D.M.Deshpande
Member (CPO)

T.M.Mantri
Chairman

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7. The Superintending Engineer, O&M Circle, MSEDCL, Buldhana.

S.R.Chitale
Member/Secretary

D.M.Deshpande
Member (CPO)

T.M.Mantri
Chairman

s/d
Member/Secretary

s/d
Member (CPO)

s/d
Chairman