

complainant on 22.03.2016 without giving any intimation & without making compliances the electric connection has been disconnected, keeping the disconnected live wires as it is. No cognizance has been taken even for written complaint dt. 22.03.2016 hence compelled to approach this forum seeking the reliefs prayed for. Alongwith complaint bunch of documents came to be filed.

2. After receipt of notice of this forum reply came to be filed on behalf of N. A. where in admitted about issuing of incorrect bills including that of “ Faulty Head”. It is stated that spot inspection was carried out at the residence of complainant on 03.07.2014 that time load of 1.02 KW was noticed & on that basis direction has been given for issue of bills @ 339 units per month on average basis, excluding the bills under “normal head”. Accordingly an amount of Rs. 30570.94 with 4378 units has been included in the bill of Sept-2014. Reference has been made to order of Hon. Electricity Ombudsman Nagpur, in petition No. 52 of 2012 so also, it is stated that the meter has been replaced on Jan-2015 without charging cost & monthly bills as per reading with “Normal “ status have been issued.

3. It is stated that as per above referred order the loss of revenue to licensee is being recovered & the complainant has been politely informed that the bill cannot be corrected. After 10.07.2014 complainant has not deposited the amount though availing the electric supply, so in Dec-2015, as amount of Rs. 51377.48 having not been deposited, the electric connection has been disconnected. Such action is taken only to recover revenue of the licensee by giving notice under section 56 of E.A. 2003. The N.A. has justified its action & opposed the claim of the complainant. Alongwith reply copies of certain documents came to be filed.

4. Heard Shri Ashish Chandarana & S.C.Jaiswal Dy.E.E.,the learned representatives of the parties, on going through the record as well as rival submission of the parties, it is clear that till May-2013 normal billing was done & there was no grievance. Since June-2013 there seems to be problems in the bills. The N.A. has filed copy of CPL which shows that the reading was “7061” and though the same reading of 7061 has been shown as

“ Current reading & Previous reading “ till Dec-2014 with “Meter status” as “Normal” till March-2014 and from April-2014 to Dec-2014 as “ Faulty”. On no of occasions “consumed units “ shown as 0 , then 8 and from May -2014 to Dec-2014 as 120 .One fails to under stand as to how these readings have been recorded, though the current & previous reading remained same as 7061 all throughout . It also wonders that neither any concerned staff nor the concerned officer has bothered to look in to this anomaly, specially when the complainant has made grievances, orally as well as in writing. The CPL clearly shows, so also admitted during course argument that the alleged “ Faulty” meter was changed & since Jan-2015 the bills with progressive readings came to be issued, however with the alleged arrears of the controversial period. The record clearly shows that the complainant has made grievance about those alleged bills and sought for correction therein so that amount can be deposited. The complainant has referred and annexed copy of such corrected faulty bill of one hotel with letter dtd. 29.06.2015, but to no effect. The complainant has made reference of MERC regulation so also order of Internal Grievance Cell Akola about making of assessment in case of faulty meter, but the same has not been looked into. On the contrary novel method has been adopted by the concerned office of the N.A. on the basis of load at premises of the complainant. The copy of the alleged inspection report with bill revision report is on record and it has been relied upon in justifying the exorbitant bill of Sept-2014 with addition of Rs 30570.94 on the basis of alleged monthly bill of 339 units towards alleged total units of 4378. Needless to mention here that as referred to In CPL the bill of alleged 120 units per month as consumed has been shown from May-2014 to Dec-2014 with “ Faulty status” . The N.A. has submitted that this action is on the basis of order of Hon. Electricity Ombudsman Nagpur, in Representation petition No. 52 of 2012. Copy there of has been filed on record and even during course of arguments, the learned representative of the N.A. has reiterated that as per the said order the N.A. has prepared the bills, showing arrears. On going through the said order it is clear that the defense and submission made on behalf of the N.A. is not correct. In Para 16 of said order it has been observed that the action taken by the respondent (Licensee) for billing on the basis of load is not in accordance with the relevant MERC-2005 regulation. In the said matter direction was given for preparation of the bill by taking into consideration 12 months consumptions, prior to the meter becoming

defective/ultimately stopped. As already observed above the complainant has also relied upon order of IGRC Akola in such case of defective meter so apparently it is clear that the action on the part of N.A. for issuing bills on the ground of alleged basis of load to the complainant premises, is totally incorrect. In any case the N.A. has to follow & obey relevant MERC regulation in that respect, being binding on it.

5. In view of there of the alleged bills showing inclusion of arrears under Bill revision report in B-80 cannot be said to be correct and legal one. Ongoing through the CPL & by taking average consumption of 12 months prior to May-2013, comes to 38 units. We take it as 40 units of average monthly consumption & on that basis the billing is required to be carried out from June-2013 to Dec-2014. Needless to say that whatever bills with alleged arrears issued by the N.A. during the earlier period & even after replacement of new meter by adding alleged arrears needs to be set aside and cancelled & revise bills as per average monthly consumption of 40 Units per month from June-2013 to Dec-2014 and from Jan-2015 as per actual readings, needs to be issued. Needless to say that whatever payment the complainant has paid during this entire period will have to be adjusted and if any balance remains to his credit, the same needs to be adjusted in the forthcoming bills payable by the complainant.

6. Here it is further to be noted that on 22.03.2016 the electric connection of the complainant has been disconnected without making compliances of mandatory/statutory compliances of section 56 of Electricity Act. It requires issuing of notice. It is not a near formality. Though the learned representative of the N.A. has tried to submit that compliances were made, prior to disconnection, but on going the record he has to admit that statutory compliances were not made. In any case as referred to above, the alleged arrears have been included in the bill and though the complainant has made oral & written representation for correcting the bills enabling him to make the payment, no heed has been paid to the same. It is thus apparently clear that the action of disconnection is not correct and as per rules. It has been submitted that the meter has been taken out in March-2016 itself though Security deposit of the complainant is still with the N.A. This clearly shown the

mode & manner of working as well as behavior with the consumer. The complainant has rightly relied upon order of National Consumer Dispute Redressal Commission in Revision petition No. 3850 of 2008, where in controversy of the similar nature of disconnection of electric supply and consideration involved & the Commission has enhanced compensation as well as cost. The ruling clearly supports the case of the complainant in awarding relief of compensation of Rs.5000/- and the same needs to be recovered from the erring officer, who acted negligently with high handedness and contrary to the regulation apart from cost of Rs. 1000/-.The Supreme Court of India in the matter of M.K.Gupta Vrs Lucknow Development Authority, reported in 1994(i) SCC page 243) has laid down principle in that respect. That during the course of Arguments in view of submission made on behalf of the parties, order was passed to restore the electricity supply on depositing Rs. 25,000/- within mentioned time. None of the parties have informed anything thereafter till date. However for the reasons. the forum is inclined to grant the reliefs in terms of following unanimous order.

ORDER

1. The complaint No.10/2016 is here by partly allowed.
2. The N.A. to issue revise bills on the basis of monthly average consumption of 40 Units for the period June-2013 to Dec-2014 by setting aside the impugned bill as well as additional B-80, and from Jan-2015 after replacement of new meter, as per actual meter reading (without including the alleged arrears in the bills) by making adjustment of the amounts paid by the complainant from time to time during this period.
3. The N.A. to restore the electric supply of the premises of the complainant, Immediately, if so far not restored.
4. The N.A. to issue regularly, monthly bills of the actual consumed units to the complainant.
5. The N.A to pay Rs. 5000/- by way of the compensation for issuing of Incorrect Bills harassment for illegal disconnection and cost of Rs.1000/- to the complainant.

6. The N.A. to recover this monetary liability of compensation, cost imposed vide the order from the erring officer/staff of the concerned office of the N.A., as per principle laid down by Hon. Supreme Court of India & National Consumer Dispute Redressal Commission, apart from taking administrative action as per service regulation.
7. That the compliance report to be submitted within period of two months from this order.

Sd/-
Member/Secretary

Sd/-
Member (CPO)

Sd/-
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/ 108

Dt. 14.07.2016

TO

The Nodal Officer,
Executive Engineer
O&M Division, MSEDCL,
Daryapur Road, Akot.

The order passed on 14/07/2016 in the Complaint No. 10 /2016, is enclosed herewith for further compliance and necessary action.

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

Copy f.w.c. to :-

1. The Superintending Engineer O&M Circle, MSEDCL, Akola.
2. Bhagwandas Mitharam Virwani, Sindhi Camp, Akot. Distt. Akola.

R.A.Ramteke
Member/Secretary

D.M.Deshpande
Member (CPO)

T.M.Mantri
Chairman