

CONSUMER GRIEVANCE REDRESSAL FORUM,
AKOLA ZONE, AKOLA.

" Vidyut Bhavan" Ratanlal Plot,Akola. Tel No 0724.2434475

ORDER

Dt. 28/07/2016

Complaint No.11/ 2016

In the matter of grievance pertaining to incorrect electric bills,wrongly showing P.D. connection,SOP Compensation, etc.

Quorum

Shri T.M.Mantri, Chairman

Shri. R.A. Ramteke ,Member-Secretary

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

Late Kamlabai M. Tayade, C/o Baliram :- Complainant
T. Paraskar, Madakhed Tq. Jalgaon Jamod.
Consumer No. RL-290600062075.

.....Vrs.....

Executive Engineer MSEDCL, :- Respondent
Malkapur Division.

Appearances: -

Complainant Representative :- Shri. Pramod Khandagale

Respondent Representative :- Shri. A.G.Katole, Dy. Executive Engineer

1. The complainants case in brief is that the residential connection was provided in year 1998 in the name of Late Kamlabai M. Tayade & the signatory of the complainant is Son-in-law, occupied the premises with his wife, Daughter of Late Kamlabai. They are the occupier and remitted payments of bills regularly till Jan-2012. It is alleged that since Feb-2012 onwards without taking actual meter reading, the bills used to be issued on approximate basis and though approaches were made for providing correct bills ,in the office of the N.A. nothing was done and even bills with " Faulty Remark" have been issued though the meter was in working condition. Inspite making grievance in writing dt.01.04.2013 but nothing has been done.

2. It is alleged that approach was made to IGRC, however during course of hearing it has been revealed that though the electric supply is in order, however it has been falsely submitted that the connection is P.D. in March-2015, by creating false record. On 26.02.2016, Lineman Gajanan Solanke, after inspecting the spot, has submitted report to IGRC. For the reasons best known to the N.A.'s office it was shown as P.D. connection, however the IGRC has not taken any cognizance of illegalities committed.

3. The complainant has then referred to circular No. 50 dt. 22.08.2006 of the Licensee for making recoveries from billing agency. According to the complainant the IGRC has not made an attempt to protect the concerned who has committed illegalities but also issued vague order. The complainant has claimed SOP compensation for not taking meter reading, and failure to provide services and failure to acknowledge/take cognizance of written complaint, as per regulations with other reliefs. Alongwith complaint bunch of document have been filed.

4. After notice of this forum the N.A.has filed reply opposing complaint mainly on the ground that Late Kamalabai being original consumer, the present complaint is not tenable. It is stated that the meter reading used to be taken by reading agency, but consumers meter status being shown as faulty, the bills of the same units used to be issued but no complaint was made by the complainant therefore the bills could not be corrected. It has been also stated that the written application was submitted to the office Jalgaon Rural and Buldhana office . Reference has been made to report about not making of payment of any bills since 17.09.2014 by the consumer.

5. It has been admitted in reply about approach made to IGRC Buldhana,by the complainant. However because of technical problems the connection has been shown as P.D. in March-2015 as appears in the CPL, though the electric connection of the consumer was alive. After receipt of the complaint revised bill has been issued, so also it is stated that as per order of IGRC U Form and other documents are provided to the consumer and asked him to make necessary correspondence with concerned office. The

N.A. is ready to provide all the concerned documents with averments that the complaint is liable to be dismissed. So also stated that the concerned meter reading agency has been fined by the concerned office for not providing proper meter reading. Alongwith reply, copies of certain documents have been filed.

6. Heard Shri Pramod Khandagale, representative for the complainant & Shri A.G.Katole,Dy.EE. representative of N.A. it is rather astonishing to see the objection raised on behalf of the N.A. on technical ground about tenability of the complaint, ignoring its records, actions and other documents. The complainant has filed on record the documents of Grampanchayat Madakhed about relation of the complainant with Late Kamalabai so also occupation of them in the residential premises from No-8 of Grampanchayat Madakhed and death certificate of Late Kamalabai in 1997,are also filed on record. Apart from the fact that the N.A. is not disputing the relation of the complainant with Late Kamalabai as well as the facts that he is in occupation of the premises where connection is provided. As per the relevant regulation he is "Occupier ".Even otherwise the office of N.A. has dealt with him and copies of the correspondence, which is not in dispute, is on record. Even as per N.A. U form has been sent and those documents have been received by the present complainant. In any case as per regulation occupier has right. This forum does not find substance in the objections of the N.A. requesting for dismissal of the complaint, specially in the background of the facts and circumstances of the case.

7. Prior to Feb-2012 there was no grievance and submission of the present complainant about receiving of the bills and making payment thereof by him, being occupier is not in dispute. It is also admitted position that since Feb-2012 bills without actual meter reading came to be issued. The N.A. itself also has filed on record the written grievance dt.01.04.2013 made by present complainant and in the reply as well as during course of argument it has been admitted that the bills have not been issued as per actual consumed units. Attempt has been made to submit that the meter reading agency has been fined for such deformity. Here it also needs to be mentioned that though the electric connection of the premises is live and the meter is showing progressive meter reading however the N.A. has shown the said connection as P.D. in March-2015. According to reply of the N.A. filed in

the present proceeding in para No.6 it has been mentioned that because of technical problems of the system, the electric supply seems to have been disconnected, in CPL, since March-2015, so also it has been admitted that the connection was live. However it is most surprising that the N.A. has raised different ground before IGRC Buldhana. In the order dt.13.04.2016 of IGRC while referring to the submission made on behalf of the N.A. it has been mentioned that as the consumer has not made payment of electric bill since 17.09.2014, the electric connection has been P.D. in March-2015 and revised bill up to March-2015 has been issued. So apparently it is clear that there is total variance in the stand of the N.A. Even the record clearly shows that the defense and stand of P.D. of supply since Mar-2015 is also not correct.

8. Apart from report of the Lineman on spot inspection on 27.02.2016, the meter reading therein shown as 896, so also it has been mentioned in the said report about making correction in the bills of the complainant. During course of arguments, from the record it has been pointed out the letter dt.04.08.2015 of the present complainant alongwith annexures, similarly the photos of the meter in question showing meter reading as 903 on 06.03.2016 and 974 on 04.06.2016 have been filed on record with further submission that the meter is even showing progressive reading on the date of arguments. This has not been disputed or controverted from the side of the N.A., so this also negatives the stand and submission made on behalf of the N.A. The record clearly shows that incorrect bills, with incorrect readings have been issued and there after the connection has been incorrectly shown as P.D. in March-2015. Though the complainant has made grievance, no cognizance thereof has been taken. In Feb-2012 the reading was 324 where as on 04.06.2016 the photos of the meter clearly shows reading as 974. Thus the consumed units during the period of 49 months is 650 units. Admittedly the complainant has deposited 2450/- during the intervening period and as per submission, meter is still showing progressive readings, consequently the bills issued by the N.A. after Feb-2012 needs to be revised and corrected till 04.06.2016 by taking average of 49 months from 650 units. It is also necessary that the neither there should be inclusion of interest nor penalty, in the bills and the amount Rs. 2450/- deposited by the present complainant during that period to be adjusted in those revised bills.

9. That for not taking the reading of the meter of the consumer so also not issuing the correct bills as per actual reading from Feb-2012 onward so also not taking any steps in spite making of the complaint, at least on 01.04.2013 (written grievance) the N.A. is liable to pay compensation as per MERC Regulations (2005,Now 2014) @ Rs. 100/- for the first month and 200/- per month for remaining 48 months, till June-2016 that is for 49 months, amounting to Rs. 9,700/- and SOP Compensation Rs. 100/- per week from 01.04.2013 till June 2016 amounting Rs.15,200/-for 38 months, thus totaling to Rs. 24,900/- payable to the complainant. Here it also needs to be mentioned that as per Circular No. 50 dt. 22.08.2006, there is provision for fixing of liability on reading agency, the concerned meter reader and on failing to follow these instructions of said circular also against the defaulter field officer. The N.A. has only submitted about imposing fine on the meter reading agency in the reply but the Learned Representative was unable to provide details even during course of arguments. As already observed above there are latches/negligence on the part of concerned staff/officer in dealing with the matter about issuing of incorrect bills for sufficient long period as well as showing the electric connection as P.D. though it is live, therefore this liability of compensation needs to be recovered by the Licensee from the meter reading agency as well as the erring staff/officer of the concerned office. With such observations this forum proceeds to pass following unanimous order.

ORDER

1. That the Complaint No.11/2016 is hereby partly allowed.
2. The N.A. is directed to revise the bills from Feb-2012 (Reading 324) till 4th June-2016 (Reading 974) 650 Units i.e. for 49 months, by giving slab benefits, without charging DPC/interest, and to adjust Rs.2450/- already paid by the complainant during the intervening period.
3. The N.A. is also directed to pay Rs.24,900/- (Twenty four thousand nine hundred) as SOP compensation for not following the standards of the performance prescribed in MERC regulation (2005) 2014, in view of failure to take actual meter

readings, issue of bills with services and not taking action even after receipt of complaint, in prescribed time provided therein.

4. The N.A is directed to issue regular bills hence forth to the complainant as per actual reading of consumed units.
5. That the Licensee is to recover this monetary liability imposed by way of SOP compensation from the concerned meter reading agency and the erring staff/officer of the concerned office of the N.A. as per ruling of the Hon. Supreme Court of India in the matter of M.K.Gupta Vrs Lucknow Development Authority, as well as Circular No.50 of the licensee itself.
6. That the compliance report to be submitted within period of Two month 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/ 115

Dt. 28.07..2016

TO

The Nodal Officer,
Executive Engineer
MSEDCL, Malkapur Division.

The order passed on 28/07/2016 in the Complaint No. 11/2016, is enclosed herewith for further compliance and necessary action.

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

Copy fwc to:

1. The Superintending Engineer, O&M Circle, MSEDCL, Buldhana.
2. (Late Kamlabai M. Tayade, C/o) Shri.Baliram Tryambak Paraskar,
At & Po. Madakhed Tq. Jalgaon Jamod. Distt. Buldhana

Sd/-
Member/Secretary

R.A.Ramteke
Member/Secretary

Sd/-
Member (CPO)

D.M.Deshpande
Member (CPO)

Sd/-
Chairman

T.M.Mantri
Chairman