

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

*“ Vidyut Bhavan ” Ratanlal Plots,Akola. Tel No 0724.2434475*

**ORDER**

**Dt. 25/07/2016**

**Complaint No.13/ 2016**

**In the matter of grievance pertaining to threat of disconnection, incorrect & excessive billing etc.**

**Quorum**

**Shri T.M.Mantri, Chairman**  
**Shri. R.A. Ramteke ,Member-Secretary**  
**Shri. D.M.Deshpande-Member (CPO)**

Sau. Sushma Sunil Jangid, Kalachabutra, Akola :- Complainant  
Consumer No. Comm. 310078953933

**.....Vrs.....**

Executive Engineer MSEDCL, :- Respondent  
Urban Division,Akola

**Appearances: -**

Complainant Representative :- Shri. Umesh Joshi

Respondent Representative :- Shri. S.S.Hage, Add. Executive Engineer

1. The complainant approached this forum for alleged action of the N.A. in issuing notice of disconnection of the electricity supply. In substance the case of the complainant is that bill for 3122 units for Rs. 32570/- was received for Feb-2016, which is much excessive than the earlier monthly consumption, hence complaint was lodged on 26.02.2016 & as demanded necessary charges for meter testing have been deposited. Neither the complainant has been intimated about alleged checking of the meter nor called at the time of testing. Even testing report has not been furnished, thereby in absence of complainant the acts were done, so again written grievance was made and the bills for Feb, March-2016 deposited under protest. Fresh bill of April-2016 was received containing units of old meter as well as new meter totaling to 4857 units. The complainant therefore raised objection and sought for correction of the bills with request for average bill of last six

months consumptions and getting the meter tested. Instead of doing the same, bill of May-2016 inclusive of disputed consumption came to be issued alongwith 15 days notice of disconnection supply. The complainant further asked to not to disconnect the supply and take necessary action. Inspite submission of the grievance with the IGRC but nothing was done. Hence approached this forum in view of illegal acts on the part of N.A. alongwith copies, bunch of documents.

2. Upon hearing the side of the complainant interim order was passed in respect of the, disconnection of electric supply. Upon hearing the representatives of the complainant coupled with the documents filed of behalf of complainant as well as acts of the N.A. an interim order dt.02.06.2016 came to passed as far as disconnection of electric supply of consumer. On behalf of complainant copies of certain documents came to be filed.

3. After receipt of notice of this forum reply of the N.A. came to filed narrating history of the bills since FEB-2015. As per N.A. from July-2015 the billing was going on correctly, so also given the details of Jan, Feb-2016 bill and issuing of bill of Rs.32630/- asking the complainant to make the payment, thereof. The meter was changed on 27.02.2016, on making of application by the complainant.

4. It has been stated that in the subsequent bills of average consumption, as per computer, have been drawn, giving credit of Rs. 9426/-. As there was grievance about the earlier meter & on inspection of the said meter it was found to be Ok. Though the Test Report was found to be Ok, the complainant had not agreed and sought for reinspection, hence the N.A. asked for Rs. 9500/- for TAQ Lab. at Nagpur for meter inspection fees. The complainant has not complied with the same so far. Documents came to be filed with reply.

5. Heard Shri.Umesh Joshi, representative of complainant & Shri.S.S.Hage, Add. Executive Engineer, of N.A. Gone through the oral submission & documents on record. Admittedly in view of urgency & threat of disconnection of electric supply, an interim order came to passed on 02.06.2016. Admittedly the electric connection is since Jan-2015. The

learned representatives of the complainant has submitted about no grievance for the earlier period till receipt of bill of Feb-2016 for 3122 units. The record clearly shows about replacement of meter by N.A on lodging complaint by the complainant. Though it is the defense and submission of the N.A. that on testing, the meter in question was found to be ok. However on going through the record as well as submission made on the behalf of the parties that there appears to be some substance in the grievance of the complainant that neither any intimation/notice was given to the complainant for testing nor the complainant was called to remain present at the time of testing and meter was not checked in presence of the complainant. On behalf of the N.A. meter testing report is filed on record, it is pertinent to note that copy of the said testing report was not given to the complainant and only on getting reply of the N.A. in the present proceeding, copy of the said test report is supplied with reply to the complainant. This has not been disputed from the side of the N.A. so apparently it is clear that the N.A. has not complied with the provisions of the regulation applicable in such matters.

6. Now if one considers the said test report filed by the N.A. on record, it also does not support the case and defense of the N.A. It is for the N.A. to explain the details mentioned in the said test report for recording remarks "that the meter is found ok.". When the learned representative of the N.A. has been queried as to how that conclusion has been drawn on the basis of alleged details, such as Constant-1200, Load-4 KW , Pulses taken-20, % of error as 0.38%. for alleged consumption of 1 unit with percentage error as 0.10% , He was unable to explain and establish that on the alleged pulses such reading can be recorded. The report also referred to the method of checking as " Accu Check". The learned representative of the N.A. has admitted that " Accu Check" could have been done at the premises of the complainant itself. It is important to note that in the said report, it is mentioned " एम.डी. येत नाही. ". When question was put to the learned representative of the N.A. that in view of the alleged details and non recording of M.D., how he can say that the meter in question was ok and there was no fault. His answer was, "only column " Remark" is required to be considered " and there is no need to see the other details mentioned in the said report.

According to him the remark “ Meter is found Ok’ of the said report is only to be looked in to. This forum is not at all convinced with such submission. It seems that upon considering the details given in the said report, the meter appears to be fast. In any case, the N.A. is unable to make out and establish that the meter in question was Ok. If one considers the consumed readings of earlier period, taking in to consideration the provision of the MERC regulation, the average monthly consumption is about 550 Units, consequently the bills of Feb-2016/ March-2016 needs to be issued as per monthly average consumption of 550 Units by making necessary correction in these bills and bill from April-2016 onwards to be revised as per actual consumed units of new meter without addition of alleged समाविष्ट युनिट्स ( Adjusted units) and to revise/ the subsequent bills from April 2016 onwards as it has been submitted on behalf of the complainant that all current bills have been paid, by getting corrected from the concern authority of the N.A. as the alleged arrears included there in. That carrying forward of the “alleged arrears” in the back ground and reasons above is not correct. That as per Learned representative of the complainant there is no grievance of consumed units shown in the bills, after change of the meter.

7. That upon considering the above observations and conclusions, the N.A. is also required to refund RS.900/- collected as meter testing fees from the complainant and after revising the bills in terms of the order whatever balance remains with, it needs to be adjusted in the forthcoming bills payable by the complainant, as amount has been deposited under protest by the complainant. Here it need to be mentioned that though the complainant has raised grievance about the excess reading and billing and though after making payment under protest, was asking for issuing of bills of consumed units and readiness to pay current bills, the N.A. has issued notice of disconnection dt. 18.05.2016 totally ignoring the letter issued by the complainant, so also readiness to pay the current bill, the said action of the N.A. about intending disconnection of the electric supply being not correct and not in terms of provisions of law, this forum was required to pass interim order in terms of order dt.02.06.2016. The complainant’s representative during course of oral submission submitted for granting SOP compensation but when pointed out that there is no pleading in this respect in complaint he has not persuaded such argument. This also clearly

shows that without considering the grievance of the complainant, and without making any attempt to resolve the grievance of the complainant, though approaches were made, the N.A. has acted which is not in the consonance with the Preamble, Letter and Spirit of the statute and the regulation. The N.A. through its officers to look in to the grievance of the consumers by applying mind instead of acting mechanically/technically, with such observations this forum proceeds to pass following unanimous order.

### **ORDER**

1. That the Complaint no. 13/2016 is hereby partly allowed.
2. The N.A is directed to rectify the impugned bills of Feb & March-2016 on the basis of past of average of monthly consumption 550 Units per month, so also to issue bills from April-2016 onwards as per actual meter readings of new meter without including the alleged arrears therein by making adjustment of the same from the amount paid by the complainant under protest and balance if remains thereafter the same needs to be adjusted in the forthcoming bills payable by the complainant. The N.A. to issue bills of actual consumed units to the complainant, regularly.
3. The N.A. is also required to refund the amount of Rs.900/- collected from the complainant as meter testing fees.
4. That the N.A. through its concerned officers to look into the grievance of the consumers in terms of the provision of Statute 2003 & MERC Regulations, instead of taking steps technically , mechanically and try to resolve the grievances.

5. That the compliance report to be submitted within period of one 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

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**No.CGRF /AKZ/ Akola/ 114**

**Dt. 25/07/2016**

**TO**

The Nodal Officer,  
Executive Engineer  
MSEDCL, Urban Division,Akola.

The order passed on 25 /07/2016 in the Complaint No. 13/2016, is enclosed herewith for further compliance and necessary action.

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

**Copy fwc to:**

1. The Superintending Engineer, O&M Circle, MSEDCL, Akola.
2. Sau. Sushma Sunil Jangid, Plot No. 203/1,Sheet No.39- B, Kabra Complex  
Kala Chabutra Akola. Distt. Akola.

R.A.Ramteke  
Member/Secretary

D.M.Deshpande  
Member (CPO)

T.M.Mantri  
Chairman