

CONSUMER GRIEVANCE REDRESSAL FORUM,
AKOLA ZONE, AKOLA.

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

ORDER

Dt. 07/ 10/2016

Complaint No.19/ 2016

In the matter of grievance pertaining to incorrect bills,SOP Compensation,non compliance of circular No.50 etc.

Quorum

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

Late, Rambhau Bapuna Ingale, :- Complainant.
Through son - Shri Kashinath.Rambhau Ingale,
At. Awadha Po. Narkhed
Tq. Nandura Distt. Buldhana .
Consumer No.RL-294280055119

.....Vrs.....

Executive Engineer MSEDCL, :- Respondent.
Malkapur Division.

Appearances: -

Complainant Representative :- Shri. Pramod Khandagale.

Respondent Representative :- Shri. D.R.Misal, Dy. Executive Engineer.

1. Being not fully satisfied with the order of IGRC Buldhana, present complaint has been filed seeking the reliefs prayed for. In substance the grievance is, since 1995 the residential connection has been provided. That without taking meter reading, monthly bills

for 62 units came to be issued during the period March-2015 to Feb-16 & subsequently the bill of March-2016 of Rs. Ten Thousand for 2166 units shown as consumed units, which is totally incorrect. Reference has been made to MSEDCL circular No. 50 Dt. 22.08.2006 for such contingency directing the difference of amount to be recovered from, the contractor, billing agency and not from the consumer. However the said circular has been also contravened and in spite request made by the complainant on 13.04.2016 for correction in the bills, nothing has been done. It has been further alleged that provision of MERC regulation-2005 and 2014 have been contravened . The complainant is therefore entitled for SOP compensation as per MERC regulation.

2. Reference has been made to approach made to IGRC Buldhana in respect of grievance so also to the order of IGRC Buldhana awarding compensation of Rs.471/- totally ignoring the other reliefs sought for, as per regulations. Alongwith complaint copies of documents, came to be filed.

3. After receipt of notice the N.A. failed to submit reply so the matter was proceeded further for hearing and in the mean time application for adjournment for time to file reply received, after that date fixed accordingly, N.A. was communicated the next date of hearing, on the date of hearing reply came to be filed with application, admitting fact/ actual position including that of March-2016 bill of 2166 units, filing of application dtd. 13.04.2016 for correcting the impugned bills. It is also admitted that since March-2015 electric bills on average basis have been issued to the consumer however It is stated but no grievance has been made. If the grievance would have been made, it could have been resolved and the electric bills as per actual meter reading would have been issued. After receipt of written grievance of the complainant enquiry was made with M/S Lekha Enterprises, billing agency in May-2016, reference has been made about stand of the meter reading agency with further averments that said agency has never pointed out the said stand earlier. The N.A. made an attempt to justify bill of March-2016. It is further stated that, presently electric bills with actual meter reading are being issued, hence the

complaint is liable to be dismissed. Alongwith reply copies of 3 documents came to be filed.

4. Heard Shri Pramod Khandagale, & Shri D.R.Misal, Dy.E.E., the learned representatives for the parties, upon going through the available material on record, it is cleared that in spite the meter in question was showing meter readings of consumed electricity, however without taking the actual reading, monthly bills have been issued for sufficient long time, i.e. about 13 months. The complainants submission about orally pointed out this difference has not been controverted, it is admitted that after receipt of written application from consumer for correction of electric bills, the office of the N.A. taken cognizance. The letter dt. 07.05.2016 written by Dy.E.E. Nandura asking explanation from said meter reading agency specifically mentioning “ Though consumer meter is in running condition but without taking photo of meter reading issued bills of 62 units for 12 months and therefore why action should not be taken against it as per MSEDCL circular No. 50 Dt. 22.08.2016.” In the like manner the concerned Dy.E.E. has given letter dt. 18.07.2016 & 28.07.2016 seeking guidance from the Executive Engineer Malkapur as per circular No. 50 against the billing agency but nothing has been done there after. Neither the concerned Executive Engineer Malkapur given any instructions/suggestion nor taken in steps as per the provision under circular No.50 referred to above.

5. The defense raised by the N.A. in reply to the complaint an attempt has been made to blame the consumer without considering the provisions of the regulation, circular No.50 etc. Even after approach by the consumer to IGRC Buldhana, the said authority without going through the provision of statute/ MERC Regulation, MSEDCL circular No.50 etc has passed vague order giving direction of payment of Rs. 471/- only to the complainant. The said authority has not only contravened the provision of statute, MERC Regulation, but also circular No.50 of the licensee itself. This clearly shows the lethargic attitude while looking and dealing with grievance of simple nature. The N.A. is not taking action as per circular No.50 against the erring officer of the N.A. but also not taken

in any action against the meter reading agency much less as mentioned in circular No.50 of MSEDCL itself. So there is contravention of said circular of the licensee itself. The complainant is therefore right in seeking reliefs. Had the concerned staff/officer of concerned office of the N.A. acted promptly, things would not have been repeated. The IGRC Buldhana has only considered part relief, totally ignoring the facts, contingently the said order of IGRC being not correct, cannot be referred and relied upon.

6. Here it needs to be mentioned that even circular No.50 is on record and the N.A. has failed to take cognizance. Though from the record it is clear that at least after application letter of the consumer in April-2016, the Dy.E.E.Nandura sought instructions /guidance from Executive Engineer Malkapur such as letter dt.07.05.2016,18.07. 2016 & 28.07.2016 specifically making reference of MSEDCL circular No.50 for taking action against the erring meter reading agency. The concerned Executive Engineer Malkapur has neither given any instructions/guidance to the Dy.E.E.Nandura, nor taken any action as mentioned in circular No.50 against the said meter reading agency who has committed contra mentioned of MERC Regulations. It has been admitted during course of arguments that while making contract of appointing meter reading agency there are clauses of taking action against the meter reading agency for not performing the work allotted properly. When enquiry was made with the learned representatives of N.A. as to whether any action has been taken against such meter reading agency the answer was "No". Above referred MSEDCL's circular No.50 also given direction/guidelines for taking action against erring meter reading agency, even that has not been done. Not only this much but it is further clear from the record that direction of the IGRC Buldhana for payment of Rs. 471/- towards SOP Compensation for delay, cost has not been paid to the consumer. The said direction was given in July-2016 & even after lapse of about 3 months time, nothing was done. It has come on record and admitted position that the bill of March-2016 is incorrect, consequently the same needs to be set aside with direction to the N.A. to issue correct bills of actual consumed units without DPC & interest to the complainant. It is also necessary to direct the N.A. to pay SOP Compensation for not taking actual meter reading for months together. The regulation 2014 provides for rate of compensation upon failure to meet the standards of the performance as prescribed

under the regulation i.e. Rs. 100/- for 1 st month & Rs.200/- for remaining months, it comes to Rs.2500/- for 13 months as referred to above. As per circular No.50 the amount of impugned bills has to be recovered from the erring meter reading agency as provided under circular No.50 and not from the consumer, so N.A. to recover the said difference of amount from said meter reading agency M/S. Lekha Enterprises & not from the consumer, it also needs to be mentioned here that the consumer is also entitled for compensation as referred to above, awarded by IGRC Buldhana With such observations this forum proceeds to pass following unanimous order.

ORDER

1. That the Complaint No.19/2016 is hereby partly allowed.
2. The N.A. is directed to revise the impugned bill of March-2016 for 2166 units by slab benefits without charging interest/DPC & by adjusting whatever amount paid by the consumer during the intervening period and difference of bill amount to be recovered from meter reading agency and not from consumer as above, as per circular No.50.
3. The N.A. is also to pay compensation of Rs. 2500 +471 as awarded by IGRC Buldhana as SOP compensation as per MERC regulation & further directed to issue regular monthly bills as per actual consumed units.
4. The N.A. is also directed to recover this monetary liability for compensation from the concerned meter reading agency & the erring officer/staff 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, reported in 1994(i) SCC page 243) has laid down principle in that respect.

5. 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 /AKLZ/ AKL/ 138

Dt. 07.10.2016

TO,
The Nodal Officer,
Executive Engineer
MSEDCL, Malkapur Division.

The order passed on 07/10 /2016 in the Complaint No. 19/2016, 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. Shri Kashinath Rambhau Ingale, At. Awadha Po. Narkhed Tq. Nandura Distt. Buldhana .