

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

*“Vidyut Bhavan”,  
Ratanlal Plots,  
Akola: 444 001  
Tel.No.2434476*

Dt-16/03/2013

**Complaint No.11/2013**

**In the matter of Ashwin C.Aditiya for incorrect electric bills .**

**Quorum :**

Shri T.M.Mantri,	<b>Chairman</b>
Shri P.B.Pawar,	<b>Secretary</b>
Shri A.S.Gade	<b>Member</b>

**Ashwin C.Aditiya Akot Stand C/o Chandu Sweet mart,Akola** ... Complainant  
...VS...

MSEDCL Urban Dn. Akola ... Respondent

1 The complainant has approached this forum in respect of grievance about incorrect electric bills so also claimed adjustment of the amount deposited with interest, compensation for not issuing bills as per reading for more than 10 months, cost of the proceeding etc. In substance the complainant's case is that it is a commercial consumer with connected load of 0.30 KW and regularly paid the electric bills upto Feb.12. The N.A.licensee issued electric bill dt. 28/3/12 for March,12 of 141 units arbitrarily by showing meter "Faulty", despite the fact the meter displaying current reading as "14036"" with previous reading "13987" whereby actual consumption was of 49 units only. The copy of the said bill is annexed with complaint. It is alleged that though enquiry was made with the concerned J.E. he orally advised to pay the bill with assurance to correct it, in next bill. In spite thereof neither the said bill was corrected but continued to issue faulty bills of 141 units from April,12 onwards. Copies of these bills have been annexed with complaint. It is alleged that as the complainant was indisposed for sufficient long time and hospitalized for spinal cord injury, so could not approach the authorities of licensee. Payment of these faulty bills for Rs.6,830/- has been made regularly.

2 It is alleged that complaint was lodged on 13.8.12 with CFC so also approached the concerned E.E. on 29/8/12 but had advised to pay the bill of August,12 with assurance for correction from Sept.12, by making endorsement on the said bill itself to concerned J.E. to replace faulty meter. In spite thereof no action has been taken by anybody concerned, requiring the complainant to lodge grievance with IGRC. The said authority passed order on 24.9.12 in favour of consumer. Even that order has not been complied till date for the decision of IGRC and inaction on the part of licensee, the complainant is compelled to approach this forum. The concerned documents have been annexed with complaint.

3 It is alleged by the complainant only to bring down losses, deliberately faulty bills are issued though reading was available, thereby harassed the consumer and in spite bringing this fact to the notice of the concerned officers no steps have been taken. Reference has been made to provision of Electricity Act as well as Supply Code Regulation 2005 in respect of issuing of reading bill by the licensee but in case of faulty meter supply of test report to the consumer within the time limit fixed. Claim has been made for compensation of Rs.1900/- for not issuing reading bill for ten months as per SOP.

4 Further it is alleged that the concerned Nodal Officer of the licensee had given false submission before IGRC at the time of hearing that credit of Rs.4814 towards excess recovery is given in bill of Oct.12, but that was not given and when this was pointed out before IGRC itself, the concerned Dy.E.E. immediately corrected the said bill in presence of the IGRC, showing credit of Rs.4814 thereby showing credit balance of Rs. 2284/-. Even that credit balance was also wrong. In any case the so called credit remained on paper only and not materialized in the bills issued subsequent thereto. On the contrary further bills continued "faulty" with "141" units.

5 As per complainant the meter is in order and reading as on 3/12/12 was 14531. There was consumption of 544 units from March,12 to Jan.13. The complainant's use is very meagre as the main shop has been shifted to new premises.

6 According to the complainant IGRC has not considered his grievance for residential tariff in pursuance to the order in 19/2012 by MERC, consequently there needs to be review of the tariff from 1<sup>st</sup> Aug.12. The complainant is entitled for that tariff and hence he is also entitled for compensation for not changing the tariff as per SOP, the complainant has also claimed 9.5% interest on the refund of excess recovery made from him, so also claimed compensation on account of requirement of incurring

the expenses because of harassment at the hands of staff and officers of the N.A.licensee, apart from other expenses and sought reliefs as per prayed for.

7 Notice as per regulations issued to the concerned office of the N.A.licensee for submitting its comments to the complaint. In the meantime the complainant approached this forum, in view of receipt of notice of disconnection with electric bill of Feb.13 for Rs.8010/-. In view of urgency and after hearing the complainant , this forum has passed ad-interim order to not to disconnect the electric supply.

8 Reply to the complaint came to be filed on behalf of the concerned office of the N.A.licensee admitting therein that “faulty” bills @ of 141 units per month have been issued to the consumer from March,12 to Feb.13 as per CPL. As per photo image of Feb.13 the bill has been corrected as per meter reading of 14571 with further averments that the initial reading of March,12 was 13987 and that of Feb. 13 was 14571, whereby 584 units have been taken into consideration and adjustment of Rs. 8127/- for 1108 units has been given in the bill. Further it is stated that meter of the consumer has been changed on 1.3.13 and henceforth the bills will be issued as per actual meter reading. Alongwith reply copies of certain documents such as CPL, complainant’s application, assessment calculation sheet with credit bill of Feb.13 have been filed.

9 Heard Mr.D.M.Deshpande, the learned representative for the complainant and Mr.Shrungare, Dy.E.E. the learned representative on behalf of the N.A.licensee. From the reply of the concerned office of the N.A.licensee, submissions made during course of arguments, it is a fact that though the meter concerned was showing reading all the time, the bills have been issued @ 141 units per month with remark “Faulty”. Admittedly the complainant’s past record is clean and there are no arrears and dispute has arisen from bill issued in March,12 The copy of CPL filed on record also establishes these facts. As against this the copies of bills filed by the complainant as annexure to the complaint clearly show that the photo image is displaying the various readings for different months and the bill ought to have been issued on the basis of the photo meter reading but that has not been done. It is surprising and shocking to see that though the complainant had approached the authorities of N.A.licensee, simply correction has been made in the bill of August,12 by E.E.Akola with endorsement to concerned J.E. but the fact remains that it was only remarks on the paper and the same have not been

implemented in any respect. The subsequent bills issued continued with the same mistake and without considering the changes made by the concerned E E in the bill of August,12. Here it is pertinent to note that on 13<sup>th</sup> August,12 the complainant had also lodged complaint with the concerned office of the N.A.licensee. The acknowledgement thereof is at Annexure A/7 with the complaint. Issuing of incorrect bills continued, resultantly the complainant had made payment of these bills as he was in disposed. The complainant had approached IGRC the copy of order of IGRC is on record and recitals of the said order clearly supports the grievance made by the complainant in the complaint about incorrect statement made by J.E. of giving adjustment of Rs.4814.56 from the bill of Oct.12. On the basis of such statement without seeing that it is implemented the IGRC has passed the order incorrectly observing that the incorrect bills issued to the complainant have been corrected and thereby his complaint is resolved. The fact is otherwise, neither there was correction in the bills nor the grievance/complaint of the complainant was resolved, even by that time or subsequent thereto. The record clearly shows that similar incorrect bills of 141 units with remark of the "faulty" continued to be issued to the complainant showing enhancement in the bill amount. Having left no other alternative and under compulsion the complainant had approached this forum for the grievance and reliefs sought for.

10 The matter does not end here even after the complainant approached this forum, notice under Section 56(i) of Electricity Act dt. 14<sup>th</sup> Feb. came to be issued, calling upon the complainant to deposit the amount mentioned therein else line will be disconnected. The letter clearly shows that the concerned officer/staff has not at all considered the records of the N.A.licensee, orders including that of correction made in the bill by E.E. Akola, order of IGRC and gone to the extent of issuing of notice of disconnection, as referred to above. Here it is also pertinent to note that the meter at the premises of the complainant has been changed on 1/3/13 i.e. during pendency of the present complaint. The complainants submission that without intimation and without giving any notice and without obtaining his signature, the said meter has been replaced. The copy of the report of change of meter dt. 1.3.13 is on record, which is incomplete. All details are not given therein. So also there is no signature of the complainant. However, it has been admitted during course of submissions that the complainant has shifted his shop to new place and practically there is no use of the premises in question. From the reply of the concerned office of the N.A.licensee in the present proceeding as well as submission made by the learned representative, the bill of Feb.13 has been corrected by giving adjustment of Rs.8127/- whereby credit of 117 to the complainant's account is

thus shown therein. When this was pointed out that earlier also such corrections were made they were not actually implemented, the learned representative of the N.A.licensee, has referred to the assessment calculation sheet and submitted that the same has been signed by the concerned authorities. So according to him the bill has been corrected by taking into consideration the reading on the meter.

11 The said reply and the documents came to be submitted on the date of hearing. The complainant had no objection thereof. When query was made with the learned representative of the N.A.licensee on the basis of observations in the order of IGRC and direction therein, it has been admitted by him that the named J.E. therein has made incorrect statement before IGRC and in fact no adjustment of the amount as mentioned therein was given. He has further submitted that he is not aware whether any action has been initiated against the person concerned for recording incorrect reading, for which direction was given in order of IGRC. So as on today on the basis of available material on record, it is clear that the complainant is fully justified in seeking reliefs specially when his all efforts for Redressal of grievance from time to time, have not been taken care at all . The record clearly shows that all the concerned officers/staff of the N.A.licensee have made endorsement on paper only than actual making implementation thereof and allowed the issuing of incorrect bills subsequent thereto also. This is continued for about a period of one year. The complainant had deposited the amount, as referred to above. He had to face the music only because of lethargical attitude/negligence on the part of the concerned officer/staff of the N.A.licensee. As per regulations the provision is made for taking reading of the meter so also in regulation 2005 more particularly in Appendix A 7(i) provision is made for compensation payable by the N.A.licensee on account of failure in SOP, provided therein. The record clearly shows that without taking actual meter reading, the bills have been issued exorbitantly that too with the remark "faulty" and though complainant had made grievance time and again, none bothered to rectify the same. Consequently the complainant is entitled for compensation therefor as claimed.

12 From the record, as well as submissions it is clear that the past reading of bill of March,12 was 13987 whereas the reading of Feb.13 was 14571. From the reply as well as assessment statement, the concerned office of the N.A.licensee has given adjustment of Rs.8127/- so the complainants grievance in respect of the bill amount has been taken care of and as per the said bill the amount of Rs.117/- has been shown to the credit side

of the complainant. But it is only after approaching him and even at the time of the hearing of the matter and prior thereto.

13 The meter in question has been replaced, for the reasons best known to the N.A.licensee. Apprehension of the complainant that the N.A.licensee may claim under pretext of fault in meter, would be said to be baseless, more particularly considering all the above referred background in the matter. The learned representative of the licensee has also admitted that in the report of change of meter, there is nothing adverse about the position of the seal, reading etc. consequently observations are here in the present proceeding that there is no defect or man-handling in the said meter by complainant.

14 Admittedly the tariff has been fixed as per order in 19/12 w.e.f. 1/8/12. Considering the actual consumption of electricity, the complainant will be entitled for tariff and as the record clearly shows that as it is too less, the N.A.licensee to issue the bills at the tariff fixed in 19/12 here in, after by issuing correct bill of the meter reading as per actual consumption.

15 The complainants claim for costs needs to be considered appropriately, in the background that the complainant had been required to undertake all exercises for getting just and proper bills, by approaching various authorities including IGRC and inspite orders/directions, the same have not been complied with by concerned officer/staff. Consequently complainant is entitled for reasonable costs. Needless to say that the monetary liability arisen out of this order is because of of sheer negligence/lethargic attitude of the concerned officer/staff of N.A.licensee and in fact they are responsible. The N.A.licensee to take proper steps against them including that of direction of IGRC n the concerned for incorrect bills. With such observations, this forum proceeds to pass following order, unanimously.

### **ORDER**

1) Complaint 11/2013 is hereby partly allowed. The N.A.licensee is directed to pay compensation of Rs. 1900/- to the complainant in view of failure in SOP as per Regulation 2005.

2) The N.A.licensee is directed to issue correct bills of actual consumption of electricity as per meter reading to the complainant in time, henceforth, by applying tariff as fixed in MERC order 19/12 .

- 3) The N.A.licensee is also directed to pay cost of Rs.1000/- of the present proceeding to the complainant.
- 4) The N.A.licensee is to recover the monetary liability arising out of this order from the concerned officer/staff of the concerned office of the N.A.licensee and take appropriate action against them as per regulations apart from taking action against the concerned for commission of mistakes in meter reading as directed in the order of IGRC.
- 5) Compliance report to be submitted within a period of three months from the date of receipt of this order.

Sd/-

(A.S.Gade)  
Member

Sd/-

(P.B.Pawar)  
Secretary

Sd/-

(T.M.Mantri)  
Chairman