

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

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

Dt-09/04/2013

Complaint No.15/2013

In the matter of Shri Atul Shankarlalji Jaiswal, Washim for incorrect electricity bill

Quorum :

Shri T.M.Mantri,	Chairman
Shri P.B.Pawar,	Secretary
Shri A.S.Gade	Member

Shri Atul Shankarlalji Jaiswal, Washim

... Complainant

...VS...

MSEDCL Division Office,Washim

... Respondent

1 The complainants present complaint is in respect of issuing of incorrect bills, cancellation of incorrect bills, adjustment of Rs.4670/- with interest for the disputed period Sept.11 to June 12 so also adjustment of Rs. 150/- which has been incorrectly recovered for illegal disconnection, along-with claim of compensation under SOP Regulations 2005 apart from cost of Rs.5000/- with any other relief. The complainants case in brief is that he is a residential consumer and though approached IGRC in respect of his grievance having not been satisfied with the order, compelled to approach this forum seeking the reliefs prayed for in the complaint. It is alleged that since 2007 the complainant is a consumer and was paying energy bills regularly. As per reading in the CPL of the complainant the past reading for August, 2011 was 7140 whereas the current reading is 7290 which means there was consumption of 150 units.

2 According to the complainant the N.A.licensee has issued bills at the rate of average 180 units per month from Sept.2011 to Jan.2012 under the pretext “RNA/INACCESS”. It is alleged that in Feb.12 the bill of 1670/- was issued by mentioning

meter status "Faulty" and by giving lock credit 3855.71 the complainant has made payment of Rs.1670/- on 21/3/12. It is alleged that as per CPL the current reading of August,11 was 7290 whereas that of Feb.12 also as 7290 from which it appears that the meter is faulty. In spite of such state of affairs the N.A.licensee has recovered @180/- units. Reference has been made to issuing of average bill as per Regulation 15.4 of 2005 and on that basis the average comes to 126 units. However the N.A.licensee has incorrectly charged the complainant in the bill of March,2012. So also this practice has been continued in April and May,2012 also. It is alleged that in June,2012 the N.A.licensee has replaced the faulty meter with new one, so also issued bill for Rs.16,460/-. The complainant was not given any intimation or meter replacement report. According to the complainant since the meter was found to be faulty he is liable for payment for 126 units as per reply, however the N.A.licensee has issued lock bill for 2360 units from Sept.11 to June 12. The complainant has then given the details of user from July,12 onwards till Dec.12. In fact complainant is liable for bill of 126 units per month, instead thereof the N.A.licensee has issued bills and recovered bills of 3740 units, which means that there was excess recovery for 2480 units. In spite of making grievance/complaint, no cognizance was taken. The complainant has then given details of the various payments deposited earlier with the N.A.licensee.

3 It is alleged that in the intervening period without giving any notice as per the provisions, the electric supply was disconnected on 3/1/2013 thereby the image of the complainant has been tarnished. Not only this much instead charging Rs. 50/- for reconnection charges, Rs. 150/- has been recovered from the complainant by issuing receipt and the reconnection was made on 05/01/2013. It is alleged that during pendency of the matter before IGRC the N.A.licensee has disconnected the electric supply, note of which be taken by this Forum and sought the reliefs prayed for.

4 Notice as per regulations issued to the concerned office of the N.A.licensee for its reply to the complaint. The reply came to be filed on behalf of the said office, wherein practically the various averments made by the complainant in the complaint have been admitted, including that of adjustment of Rs.3855/- towards lock credit. It is stated that though the complainant's meter was shown as faulty from Feb.12 but in fact it was not faulty. The meter reading from Sept.11 to Feb.12 displays 7290 whereas in March,12 the reading displays 8370 which clearly means in fact the meter was not faulty. At the same time it is stated that on 6/6/12 the meter of the complainant was replaced and as per meter replacement report signed by J.E. Washim (I) the last reading was 10696 and

accordingly the bill was issued to the consumer of 2360 units (10696 – 8370) = 2326 units and 34 units as per in the meter totaling to 2360 units. It is stated that after the complaint filed by the complainant before IGRC the said 2360 units have been distributed in 10 months and an amount of Rs. 11909/- has been adjusted from the entire bill. As the complainant has not remitted the amount of current bill from 22/11/12 hence the supply was disconnected for current bill. Lastly it is stated that the bill has been issued as per meter reading and after replacement of the old meter. On the basis of last reading 2326 units have been distributed in 10 months.

5 The documents came to be filed on behalf of both the parties. Heard Mr. D.M.Deshpande, the learned representative for the complainant and Shri Dhadke, E.E. the learned representative of the N.A.licensee. Certain vital facts in the matter are worth to notings. Admittedly till August,11 bills have been regularly paid by the complainant after receipt thereof, however, the controversy started from the bill of Sept.11. The copies of the CPL and other documents placed on record clearly show that though the reading for 4/5 months continued as 7290 however the consumed units mentioned as “180” so also with the endorsement of “RNA/INACCESS” later on endorsement was shown as “faulty”. This has been continued upto Feb.12. Copy of the CPL further clearly shows that even subsequent thereto there were incorrect recording therein, but everywhere the status of the meter has been shown as “Normal”. Fact remains that all the time complainant was making grievance orally as well as in writing but to no effect. The documents in that behalf are on record. It is also an admitted position that the complainant even approached IGRC Washim in respect of his grievances with expectations of correction of bills issued to him. The main bone of contention on part of complainant is that it is residential user and if past consumption is taken into consideration it is clear that there was never any such excess consumption as shown in the bills in dispute. The bill for June,12 is for 2360 units wherein the consumed units is shown as 35 and adjusted units shown as 2326 totaling consumed units as 2360 . The entries in CPL clearly show that they are not tallying with averments and submissions made on behalf of the N.A.licensee. Here it is pertinent to note that the old meter has been replaced by new meter in June,12. From the CPL the meter No. of the old one and new one are apparent. Though it was alleged that the earlier meter was faulty, hence it was replaced however in the reply filed in the present proceeding it has been specifically averred that in fact the meter was not faulty though it was so shown as “faulty”. One cannot understand as to what actual defence is being raised on behalf of the N.A.licensee. At one stroke theory of adjustment on average basis, is being

put-forth on the ground that meter was faulty whereas in reply the stand is totally otherwise. If it was not faulty then what was the necessity to replace it. Here, it is pertinent to note that neither the complainant/consumer was given any intimation about replacement of the meter nor reading therein were shown by him. There is no documentary evidence produced on record in respect of the replacement of the meter and reasons therefor. It is thus clear that there was total failure in making with compliances from the side of the N.A.licensee in that respect. The reply filed in the present proceeding as already observed above contains different stand. At the same time in the 5th paragraph of the reply it has been stated that the meter of the complainant/consumer was replaced on 6/6/12 so also it is averred that as per meter replacement report of J.E Washim (1) the last reading therein was 10696. As already observed above no document in that respect is produced on record. When the complainant was making grievance about the bills issued to him, it is necessary on behalf of the concerned office of the N.A.licensee to take cognizance thereof and to resolve the grievance, that has not been done, on the contrary, the meter has been replaced, that too, without making compliances and even without intimating the complainant. Last reading as referred to in reply was never mentioned at any place. The entries in CPL also do not support the said defence. In view thereof the stand and submissions made on behalf of the concerned office of the N.A.licensee cannot be accepted, specially, for want of production of best documentary evidence available in its possession. For non production of such best documentary evidence adverse inference needs to be drawn against it.

5 It is pertinent to note that the complainant approached the Internal Grievance Cell making grievance in respect of exorbitant bill of Rs.16,460/- copy thereof is on record with acknowledgement so also copy of order dt. 4.1.13 of IGRC Washim is placed on record. If one goes through the said order it is clear that in fact it is not an order. The grievance of complainant has not been resolved under the said order but seems that as per reply filed on behalf of the concerned office of the N.A.licensee the alleged units of 2360 have been distributed amongst ten months and though it is stated in reply that the amount of Rs. 11909/- has been adjusted therefrom but nothing has been placed on record in that respect. There is no document produced on record to substantiate the consumption. In fact what was the basis for such alleged adjustment ought to have been placed on record. On the contrary it is clear from record that the complainant had made grievance in writing about non receipt of the bills vide letter dt. 1.11.12 which bears seal and signature of Dy.E.E. of the concerned office of the N.A.licensee. The

complainant has been compelled to make payment of Rs. 3500/- as per receipt dt. 22.11.12 filed on record, in view of endorsement made on the bill for Rs.20150/-. In spite making payment of Rs.3500/- on 22.11.12 as is clear from record and raising dispute in respect of the grievance of the bill the electric supply has been disconnected, that too, without making any compliance. No notice as per statutory requirement was issued to the complainant. Even an amount of Rs. 150/- has been recovered from the complainant towards reconnection charges as per receipt dt. 5.1.13 as per bill dt. 4.1.13. During course of arguments the learned representative of the N.A.licensee has submitted that amount of Rs. 150/- has been incorrectly recovered instead of Rs. 50- so admittedly on this ground also there was excess recovery of Rs. 100/- but record clearly speaks that as the complainant had been making grievance by issuing excessive bills without getting any details, making illegal disconnection of supply, recovery of excess amount for reconnection charges clearly depicts that it is only with a view to harass him. As already observed above the concerned office of the N.A.licensee has utterly failed in justifying its action on the contrary it is clear that it was totality against the regulations/provisions. By contravening the regulations and provisions so also by recovering excess amount, complainant has been harassed. There seems to be much substance in the grievance of the complainant that as he has been making complaint in writing and approaching the authorities, this mode has been adopted so as to teach him lesson. In fact it was obligatory on the part of concerned office of the N.A.licensee to issue correct bill as per consumed units and to follow other statutory compliances before taking any action, that has not been done. It is thus apparent that there was non compliance of the statutory provisions and regulations, though the complainant has made payment during the intervening period, nothing has been brought on record to substantiate as to how it has been adjusted. In the light of available material on record it is fit case to issue proper direction to the concerned office of the N.A.licensee. The complainant himself has averred that as per provisions he is ready to make payments of electricity charges on average basis of last consumption. The controversy has started from bill of Sept.11 when even according to the N.A.licensee the meter was not faulty it ought to have been issued bills, as per reading therein of actual consumption. That has been not done, on the contrary the meter has been replaced in 2012 by making averments on assumption that the last reading in the earlier meter was 10696. The N.A.licensee to take appropriate steps by issuing average bill , as per average of the previous consumption of the complainant, by making adjustment of the amount paid by the complainant during intervening period and if any amount is in due then the bill thereof to be issued to the

complainant who shall pay the same immediately and If any excess payment found then it be adjusted in the forthcoming bill.

6 Needless to say that the action of disconnection of electric supply is without making statutory compliances and contrary to the provisions so also recovery of excess amount under pretext of reconnection charges. The complainant is entitled for appropriate reliefs on that count also. Though the complainant has claimed Rs. 50/- per hour towards compensation for such illegal disconnection, this forum is not inclined to grant relief in terms accordingly but at the same time is of the view that reasonable compensation needs to be awarded.

7 Next claim of the complainant on the grounds cost of proceeding, though nothing has been said from the side of the N.A.licensee it is to be kept in mind that all the while complainant had been approaching the authorities of N.A..licensee, IGRC and ultimately to Forum. He is resident of Washim, naturally must have incurred expenses in perusing the matter, consequently it will be just and proper to award appropriate relief in that respect also. That it is clear that because of negligence/latches on the part of the concerned office/staff of the concerned office of the N.A.licensee the complainant is required to undergo all these circumstances which resulted in disputation of N.A.licensee so also incurring of monetary liability, consequently they are liable for appropriate action at the hands of N.A.licensee with such observations the forum proceeds to pass following order, unanimously.

ORDER

1) Complaint 15/2013 is hereby partly allowed. The N.A.licensee is directed to issue correct bills for the period Sept.11 onwards to the complainant, on the basis of actual consumption of the energy by him, by adjusting the amount paid by him in the intervening period and if any due the correct bill to be issued, otherwise if any amount in excess the same should be adjusted in the forthcoming bill. N.A.licensee to issue correct bills of actual consumed units to the complainant, herein after regularly and the complainant to pay the same promptly.

2) The N.A.licensee is liable to pay an amount of Rs. 1000/- (One Thousand only) for illegal disconnection of the electric supply of the complainant so also liable to refund

excess amount of Rs. 100/- recovered towards reconnection charges, by giving adjustment in the forthcoming electric bills of the complainant.

3) The N.A.licensee to take appropriate steps as per regulations against the concerned officer/staff of concerned office of the N.A.licensee for latches/negligence on their part which resulted in present litigation and consequently monetary liability on the N.A.licensee, which may be recovered from them apart from taking other action.

4) The N.A.licensee is also liable to pay Rs. 500/- towards the cost of the present proceeding to the complainant.

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