

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

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

Dt-11/06/2013

Complaint No.18/2013

In the matter of Jitesh Tarchand Majethiya,Akot for applicability of proper tariff

Quorum :

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

Shri Jitesh Tarchand Majethiya,Akot	...	Complainant
	...VS...	
MSEDCL Rural Division ,Akola		... Respondent

1 The complainant has approached to this forum in respect of his grievance about issuing of incorrect bill under wrong tariff so also for compensation along with cost . The complainant’s case in brief is that he is owner of Jayant STD PCO located within the residential premises but it is being charged at LT-II (commercial). It is further alleged that because of recession in STD business the applicant has closed down the said activity and communicated to the Non applicant about receipt of energy bills of electric consumption though there is no use, even in writing, such grievance was made. The complainant has also claimed for making applicability of residential tariff as per order of MERC in case No.19/2012 dt. 16/8/12. However no cognizance has been taken by the non applicant. The complainant did not make payment of energy bills being wrong. Though the complainant was requesting for issuing of correct bill for discharging his liability but to no effect. Ultimately A.E. Akot thereafter visited the premises on 01/03/13. He has prepared inspection note, specifically mentioning therein that there is no user of the consumer. In fact after the spot inspection the A.E. Akot was supposed to take corrective steps but it has issued notice under section 56(i) of electricity act dt. 27/2/13 posted on 7/3/13 which the complainant has received on 8/3/13 which clearly shows that abuse of power, being in monopoly trade of electricity.

2 It is further alleged that since Feb.12 onwards without taking meter reading the bills are being issued and has given details in tabular form based on the CPL. Copy of which is annexed. It is alleged that thus during last 13 months bill for 884 units have been raised whereas the actual consumption is 407 units i.e. average monthly use of 31.30 units. The complainant has been thus billed for 477 excess units, that too, at commercial tariff. The complainant is entitled for getting compensation as per SOP regulations i.e. for not changing tariff and non taking of reading hence the complaint as the grievance though made and acknowledged on 31/8/12, but not taken any steps. The complainant is a senior citizen hence sought reliefs as prayed for. The complainant has filed documents in support.

3 On behalf of the N.A.licensee reply came to be filed after receipt of the notice, belatedly. That interim order was passed by the forum to not to disconnect electricity supply of the consumer. The N.A. has admitted about receipt of application dt. 31/8/12 of the complainant for change of tariff to the residential tariff. As per commercial circular dt. 25.9.12 the complainant was asked to produce NOC of the local authority thereafter it will be considered vide letter dt.4.11.12 but as the premises of the complainant is always locked no acknowledgement of the said letter could be obtained. The complainant has also made request for endorsing objection in respect of the electric bill seeking correction therein. The complainant did not mentioned the meter reading as the premises is always locked when reading can be taken or alternative arrangement has been made has not been informed so also his contact number. Continuously for 13 months the bills have been issued with the endorsement locked and it was not informed by the complainant hence no immediate steps could be taken.

4 It is stated that at the time of inspection on 1.3.13 it was found that there is no user of the connection, including that of residential use. The meter reading at the time of inspection was 1562 and accordingly bill for Rs.7920/- for 14 months of 407 units has been issued. This was informed to the complainant about the said situation by letter dt.12/3/13 and also called upon to submit NOC of local authority. The complainant did not responded properly but approached to the authority.

5 The non applicant has referred to commercial circular No.175 dt. 5.9.12, so also the MERC order and submitted that the circular issued is correct. The circular No.177 has been issued by the N A licensee so that undeserving consumer should not take disadvantage of the tariff order. In the said circular powers have been delegated to the

C.E. so also laid down the procedure therein. As the complainant did not respond to the demand made by the non-applicant, the steps could not be taken. In any case at the time of inspection it was found that there was no user of the electricity and as the bill on the basis of meter reading having been issued, the complaint needs to be rejected. Documents came to be filed in support of the defense.

6 Heard Mr.A. C. Chandarana, the learned representative for the complainant and Mr.Prashant Kalore, A.E.Akot, the learned representative of the N.A.licensee. It is pertinent to note that this forum has passed interim order wherein the complainant was directed to deposit Rs.4000/- and the N.A.licensee was directed not to disconnect the electric supply. Admittedly the complainant has deposited the above said amount of Rs.4000/- receipt of which is filed on record and the same has not been disputed. It will not be out of place to mention that the written notes of arguments came to be filed on behalf of the complainant, copy of which is given to the other side and the N.A. has preferred to make oral submissions as already referred to above. In substance the grievance of the complainant is for not taking reading, not issuing of correct bill and non applicability of the proper tariff. Reference has been made to order of MERC 19/12 since 01/08/12 wherein it has been claimed that the residential tariff ought to have been made applicable, as the user was much less than the prescribed in the said tariff order. The record clearly shows that even during the spot inspection made by the officer of the N.A.licensee it was noticed that there is no user of energy in the premises for any purpose. The complainant has already submitted that earlier business of STD/PCO in the premises, which is residential, used to be carried out, however because of recession in the said business it has been stopped. The spot inspection carried out by the N.A.licensee in fact supports the contention of the complainant however the fact remains that the bills have been issued for sufficient long time. From the copy of the CPL filed on record, it is clear that from Feb.2012 till Feb.13 the bill at the rate of 68 units per month, with opening and closing reading at 1155 only for the entire period have been issued. As per the inspection carried out (i.e. on 1.3.13) that time meter reading was 1562, so apparently the bills issued with the endorsement locked and for units of 68 per month, from Feb.12 to Feb.13 are incorrect. During this entire period, even as per meter reading, the consumption was 407 units only. The forum also do find substance in the submissions made on behalf of the complainant that inspite making grievance by the complainant, orally, as well as in writing, no effective steps have been taken from the side of the concerned office of the N.A.licensee. In the letter dt. 31/8/12 the complainant has made grievance in respect of

correction in the bill which has been incorrectly issued, calling upon the correct bill so also sought for applicability of tariff as per order in 19/2012. The same has not been replied . Admittedly on the contrary the spot inspection was carried out on 1.3.13 , copy of report is filed on record and recitals therein are very material. It is mentioned therein that the average monthly consumption is zero units, so also it is mentioned therein “ सदर कनेक्शन 01 मार्च 12 पासून बंद आहे तसे दुकानातील साहीत्यावरून व इतर फर्निचर वरून दिसत आहे तसेच कुठलाही व्यवसाई वापर दिसत नाही ग्राहकाचा वापर नाही.”

7 It is pertinent to note that inspite of making correction in the bills, notice under section 56(i) of Electricity Act has been issued to the complainant and submission made by the complainant that the said notice was posted on 7/3/13 and received by him on 8/3/13 has not been contraverted from the side of the N.A.licensee. Inspite of taking corrective steps, the concerned office of the N.A.licensee has issued notice in question. The record clearly shows that thereafter the bill dt. 19/3/13 came to be issued for 407 units giving credit of Rs.6228.82. That the bill is for 407 units, the complainant did not accept the same. Inspite above referred correction bill for 7920.00 has been raised. From the record it is clear that bill of 407 units has been billed in one month whereas the said bill ought to have been for the period of Feb.12 to Feb.13. Submission made by the complainant that on the basis of said reading, the monthly consumption comes to about 31.30 units per month, has not been seriously disputed from the side of the N.A.licensee. Admittedly the complainant has produced bunch of documents showing that the premises was residential, such as election voter list, ID cards, certificate of Municipal Council, Akot etc. & this has not been contraverted from the side of N.A.licensee. In view of such material on record and the tariff order in pursuance to case No.19/12 there seems to be substance in the complainant’s grievance.

8 As far as the submission made on behalf of the N.A.licensee on the basis of Circular 175 and 177 suffice to say that they cannot override the tariff order. In any case, nothing has been pointed out from the tariff order which supports the submission made on behalf of the non applicant licensee. The available material on record clearly supports the contention of the complainant that LT-I residential tariff is applicable to the complainant’s premises, in pursuance to the tariff order of 19/12. Needless to say that it is w.e.f. 1/8/12 so for the earlier period from Feb.12 to July,12 the bill ought to have been issued at commercial tariff for 31.30 units per month whereas for the remaining period i.e. from 1st August,12onwards the bills ought to have been issued as per new

tariff order under Case No.19/12. Consequently the complainants claim for setting aside the incorrect bills issued, needs to be accepted. The complainant has already deposited Rs.4000/- the same needs to be adjusted in the bills payable by the complainant.

8 The complainant has also claimed compensation. The complainant's claim is that it was responsibility of the N.A.licensee to issue bills as per reading , taking of meter reading is the responsibility of the N.A.licensee. If according to it, the premises was locked, it ought to have taken the steps. issuing of notice etc. but nothing to that sort has been made. In the like manner, new tariff order in pursuance to case No.19/12 is to be made effective from 1/8/12. The complainant vide letter dt.31.8.12 has sought for the implementation of the said tariff but no cognizance thereof has been taken. Though the complainant has claimed benefit as per SOP for these latches on the part of N.A.licensee, however this forum is of the considered view that if suitable and proper order in that respect is passed, it will meet the ends of justice. It is pertinent to note that even according to the complainant the premises is locked and he has also not raised objection or taken steps so as to have correct meter reading at proper time. The conduct of the complainant also does not befit him. He has not given intimation in that respect. The forum therefore has to take appropriate view, in respect of claim of the compensation, in the order.

9 The complainants claim is also for cost of Rs.2500/-. No doubt the complainant is required to make correspondence and approaches with the authorities of the N.A.licensee and has to spent time, amount in doing so, including approach to the forum and IGRC, however the claim of Rs.2500/- appears to be exorbitant. This forum will take care of that claim in the order. The N.A.licensee to take appropriate steps against the erring concerned officer/staff of the concerned office of for their lethargic attitude resulting in monitory liability against the N.A.licensee. With such observations the forum proceeds to pass following order, unanimously.

ORDER

- 1) Complaint 18/2013 is hereby partly allowed. The N.A.licensee is directed to issue correct bills as per meter reading of the complainant from Feb.12 to July,12 at commercial rates and from August,12 onwards as per LT-I residential tariff, by making adjustment of the amount paid by the complainant, in terms of above order.
- 2) The N.A.licensee is also liable to pay compensation of Rs.2000/- for not issuing the bills as per reading and for not making applicable proper tariff, inspite the demands made by the complainant. This amount of compensation is also to be adjusted in the forthcoming bills of the complainant.
- 3) The N.A.licensee is also liable to pay cost of Rs.1000/- towards the litigation.
- 4) The N.A.licensee to take appropriate steps against the concerned officer/staff of the concerned office of the N.A.licensee for not taking effective steps so as to avoid litigation.
- 5) Compliance report to be submitted within a period of three months from the date of this order.

Sd/-
(A.S.Gade)
Member

Sd/-
(P.B.Pawar)
Secretary

Sd/-
(T.M.Mantri)
Chairman