

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

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

Dt-05/06/2013

**Complaint No.24/2013**

**In the matter of Navinchandra B.Gadia, for faulty bills**

**Quorum :**

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

**Navinchandra B.Gadia,Akot motor-stand Akola**

... Complainant

...VS...

MSEDCL Urban Division ,Akola

... Respondent

1 The complainant has approached in respect of his grievance of faulty bills received from March,12 onwards so also sought for setting aside faulty bills issued from June,2012, refund of excess amount recovered from him with interest 9.5% alongwith, replacement of faulty meter and issue of correct bills as per reading. The complainant has also claimed for applying LT-I residential tariff, as per tariff order in 19/12 from 01/08/2012 and also claimed compensation of Rs.2300/- for not receiving reading bill, apart from compensation of Rs.3200/- for not changing the tariff from 01/08/12. The complainant has also claimed cost and other reliefs as may be deemed fit. In substance the complainants case is that he has lodged complaint with CFC Centre in respect of faulty bills and issuing of arbitrary average 113 units bills against 55 units on the basis of 12 months consumption preceding Feb.12. The complainant is a consumer of the N.A.licensee since 1980 and promptly paid the energy bills up to Feb.12. However, faulty bills for March,12 has been issued for 113 units as against average of 55 units and though the complainant approached the J.E .for correction but he insisted for payment with assurance to replace the meter. But nothing was done inspite approach made to the authorities. On the contrary faulty bills of 113 units have

been issued, so the complaint was lodged on 20/10/12 with CFC centre. In spite of lapse of time of 4 months nothing was done hence complainant has to approach the forum.

2 Reference has been made to tariff order in 19/2012 by MERC lodging that complainant's consumption for the financial ending March,12 is 660 units hence entitled for applicability of LT-I residential tariff and by making reference of SOP regulation 2005 it is alleged that the N.A.licensee is liable to pay compensation of Rs.100/-per week. It is alleged that the tariff has not been changed.

3 Further reference has been made to provisions of supply code 2005 in respect of stopped meter, alleging that the complainant has to be billed for maximum period of three months, based on average meter consumption for preceding 12 months. According to the complainant the average consumption is 55 units, accordingly for March,12 to May,12 the applicant is liable to pay as per 55 units, whereas bills from June,12 are to be nullified without any liability on the part of the complainant. The complainant has also claimed cost and 9.5% interest for excess amount recovered from him and sought the reliefs prayed for vide the complaint. Along with copies of complaint the documents filed by the complainant.

4 On behalf of the N.A.licensee reply to the complaint came to be filed, after receipt of notice but belatedly, admitting that complainant is consumer since long and there was no dispute about bill till Feb.12. It is stated that from March,12 bill of 113 units per month have been issued showing status as faulty. Filing of complaint by the complainant through C.F.C has not been disputed. It is stated that during Feb.13 the bill was corrected as per actual meter reading i.e. 17,870 and credit of Rs. 5023.51 was given to the consumer in bill of March,13. It is also referred to in CPL. The bill revision sheet has been annexed with reply.

5 It is stated that as per CPL record the consumption of the complainant is below 300 units and as per tariff order under 19/12 relief is given to the categories, subject to conditions laid down in the tariff schedule. Reference has been made to commercial circular 175 and 177 in respect of procedure for change of tariff. It is stated that accordingly the consumer has to apply for change of category with NOC of local authority. As the complainant has not applied for change of category, his category has not been changed. It is further stated that the complainant is not entitled for change of tariff as he is using the supply only for commercial shop. For all the reasons the complaint is liable to be dismissed.

6 Heard Shri D.M.Deshpande, the learned representative for the complainant and Shri Ghorude, Dy.E.E. the learned representative for the N.A.licensee. It is clear from the record that till Feb.12 the complainant has promptly paid electric bills and there was no grievance though the complainant is consumer since long. The controversy has arisen thereafter in view of issue of incorrect and faulty bills. It is clear from the submissions and documents filed on record that the meter in question has been replaced in April,13 and revised statement came to be filed revising the bill of complainant from the side of the N.A.licensee, from the said revision sheet it is clear that credit of Rs.5316.16 till Feb.13 has been shown therein. The learned representative of the complainant has submitted that the complainant is agreeing with the said revision wherein credit of amount is shown, however, the complainant has not received the bill. The learned representative of the N.A.licensee has submitted that it will be issued soon. With this the complainant is satisfied as far as that claim is concerned.

7 The learned representative of the complainant has submitted that though at the relevant time the meter was running, faulty bills have been issued, arbitrarily for 113 units and though approach has been made to the authorities but nothing has been done and the complainant has been asked to remit the amount as per bills. The complainants representative vehemently submitted that the complainant is entitled for compensation as claimed for such deformity and the concerned officer of the N.A.licensee is personally liable and N.A.licensee should recover the amount from him, by making reference to circular 50. Issuing of incorrect bill inspite making grievance renders the liability against the N.A.licensee as far as claim made by the complainant in that respect for Rs.2300/- appears to be as per provisions made under the standard of performance regulations and complainants claim other ground for nullifying further monthly bills cannot be accepted as even according to him the meter was not stopped. In case the bills has been revised as per revision statement and complainant's representative has accepted the same.

8 As far as the claim for making applicability tariff as per tariff order under 19/12, it is not in dispute that the complainant's consumption for the preceding year was much below than the limit fixed there-under i.e. 300 units per month i.e. 3600 units per year. According to the learned representative of the N.A.licensee as per circular 175 and commercial circular 177 certain formalities are required to be completed by the

consumer such as obtaining of NOC of the local authorities with other requirements. When query was made with the learned representative of the N.A.licensee as to whether in the tariff order fixed by MERC vide 19/12, any such conditions of obtaining NOC etc. have been laid down, the reply was negative. Upon considering the said tariff order coupled with the admitted bill consumption than prescribed therein, the complainant is entitled for benefit of that tariff order. The complainant has claimed compensation from 1/8/12 for not making that tariff applicable to him. Suffice to say that the submissions made on behalf of the N.A.licensee that some period was required to receive the said tariff order and thereafter commercial circular referred to above have been issued and hence there was non-application of that tariff for some time, hence no compensation is liable to be paid. One has to understand the official procedure and specially in view of issuing of commercial circular referred to above the local authority had to take further instructions but at the same time the submission made on behalf of the N.A.licensee that complainant had not applied for change of tariff is not just and proper defence. Making applicability of the tariff as per MERC order is the responsibility/duty of the N.A.licensee. When the learned representative of the N.A.licensee has been given example that if the tariff would have been increased by MERC, whether the N.A.licensee would have implemented it as per tariff order or would have awaited for application to be submitted by consumer, he could not give any reply. This in itself speaks the situation. In any case as per regulations the N.A.licensee has to make applicability of the tariff and consumer has no role therein. The learned representative of the complainant has submitted during course of arguments that the commercial circular No.175 and 177 have been asked to be revised by the MERC. Nothing has been submitted from the side of N.A.licensee in that respect.

9 The complainants claim for interest at 9.5% has not been justified in any manner. In any case, as per bill revision statement, credit of Rs.5316/- as referred to above, is already given and the said amount is to be adjusted from the forthcoming bills of the complainant. As far as claim of the complainant for costs, though it has been opposed from the side of the N.A.licensee but considering entire circumstances appropriate relief in that respect needs to be granted. That inspite approach made by the complainant to the concerned office staff about his grievance, nothing was done, on the contrary the deficiency has been continued, which resulted in present litigation and monetary liability against the N.A.licensee. The N.A.licensee may take steps for taking action including that of recovery of monetary liability from such erring officer/staff of the

concerned office of the N.A.licensee. Hence this forum proceeds to pass following unanimous order.

**ORDER**

1) Complaint 24/2013 is hereby partly allowed. The faulty bills issued to the complainant from March,2012 onwards are hereby set aside and credit of Rs.5316.16 as given in bill revision statement of the complainant needs to be adjusted in the forthcoming bills of the complainant.

2) The complainant is entitled for compensation of Rs.2300/- for not issuing reading bills to the complainant as per SOP regulations. This amount is also to be adjusted in the electric bills of the complainant payable in future. The complainant is also entitled for cost of Rs.500/- of the present proceeding in view of the fact that he has been required to approach various authorities including the forum.

3) The N.A.licensee is at liberty to take steps for recovery of monetary losses it required to incur on account of inefficiency/latches on the part of the concerned officer/staff from them, apart from taking action as per regulations.

4) 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