

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

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

January 31,2014.

Complaint No.97/2013

In the matter of grievance about wrong & excessive billing

Quorum :

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

Shri Dagdu Ukandi Khandare, Washim ... Complainant

...VS...

The Executive Engineer, Washim ... Respondent

Appearances:

Complainant Representative: Sarvashri Uttam Idhole & Dagdu Ukandi
Khandare

Respondent Representative: Shri P.D.Kolkar, Dy.E.E. Washim

1. The complainants case in brief is that as per demand note , amount has been deposited on 20/2/2010 along-with testing report. On 18/4/10 meter No.193922 was installed and supply was given. It is alleged that inspite demand and visit to the office of the N.A., bill was not issued for months together. On 9/9/11 the then J.E. Shri P.K.Chavan, and Asstt.Engineer Shri Rajesh Patil have orally informed that the bill is of Rs.36,000/-. When the bill was demanded it was informed that it will be issued after the amount is

brought. It is alleged that when the reading on meter was seen it was 2555. The meter was changed on 26/6/10 on the pretext that there is less reading. In the changed meter the reading was 155-205 so in all, user reading as per reading unit was not more than 3000 and in any case the bill for the entire period could not have been exceeded Rs.12000/-. It was realized that there was some mistake hence again the concerned officer were contacted for the bill when the demand of Rs.10,000/- was made under the pretext for reducing the bill by Rs.5000/- and for 5000/- towards the bill.

2. That it has been alleged that complaint was made to the office of the Anti Corruption Bureau as he will ready to give bribe and on 29/9/11 the said Rajesh Patil was trapped red handed by the officers of the ACB. On the same day payment of Rs.5000/- was made by the complainant. It is alleged that inspite thereafter no regular bills have been issued and again on 19/1/12 bill of Rs.36.440/- has been issued which was totally wrong. The complainant has lodged grievance in writing against the said excessive bill but no steps have been taken by the concerned officer. Even the complainant was required to undertake and as per the letter of the Sub Dn. office the complainant has not taken any steps however, the bill has not been credited till date, on the contrary J.E. Mr.Chavan made false complaint to the police station about misplacement of the meter after about two years with malafied intention.

3. It is alleged that as per requirement the meter replacement report ought to have been submitted but it was not done and after lodging of complaint of excessive billing by the complainant, false report has been prepared showing therein on 30/5/11 the meter was changed and the changed meter has been burnt. No signature of the complainant was obtained on said report thought it

was alleged to be prepared on 2/6/11 but submitted to the office of the SDO in Jan.12. In fact the meter was replaced on 26/9/10 however wrongly the date of eight months ahead was shown therein.

4. It is alleged that because of such incorrect reports there was problem in correction in the bill when the complainant has demanded for change in meter and he was aware that the meter was not burnt but it could not be shown. Though the complainant was pursuing time and again and only after submission of application under right to information act, the copy of the report was given after 54 days but the meter was not shown at all. It is alleged that when direction was issued to produce the meter in the higher office for inspection of the complainant, the said Chavan has lodged false report with the police station in June,13 about misplacement of complainant's meter only from the office. The said complaint was totally false. Having left no other alternative the complainant is approaching this Forum for giving direction for issuing correct bill of actual consumption since date of connection. The order of IGRC Washim is not correct. It is further alleged that either the complainants burnt meter be shown else the date of change of meter to be treated as 26/6/10 and sought the reliefs prayed for. Along-with complaint copy of documents came to be filed.

5 Even after receipt of notice of this forum by the N.A. for submitting reply, it was not filed and the matter was kept for hearing. Belatedly, reply came to be filed on 31/12/13 stating that the connection is in the name of consumer Shri Bharat Ukandi Khandare for flour mill with load of 3 HP and connection has been provided on 23/8/10. It is stated that bill of fixed charges for 13 months

of Rs.1945/- was thereafter issued in Sept.11 again in Oct.11 bill of fixed charges of Rs.150/- was issued. Reference has been made to CPL.

6 It is stated that as the meter was burnt, in Nov.11 as per letter of J.E. West dt. 2/12/11 bill of Rs.6834/- units @402 units per month for 17 months i.e. date of providing connection till Dec.11 was issued deducting Rs.5000/- paid by the complainant and the bill of Rs.36,390/-. Reference has been made to letter dt.2/12/11 of the J.E. so also meter replacement report dt. 30/5/11 of the J.E.

7 It is stated that on 30/5/11 when the meter was changed the initial reading was 0001 and in Jan.12 the reading is 2555 which shows that total consumption was 2554 units which comes to 319/-units per month so the earlier bill @402/- units per month has been corrected by deducting the amount of Rs.3000/- deposited by the complainant by deleting amount of interest and fine. The corrected bill of Rs.25320/- came to be issued. Reference has been made to working sheet in that behalf, the said corrected bill was issued as per letter dt. 10/2/12. The complainant has not deposited the amount and till Nov.13 amount of Rs.69800/- is due.

8 As per complainants demand, Dy.E.E.Washim letter dt. 4/6/13 was issued for showing the said meter to the complainant and when it was tried to trace by the J.E. it was found that it was misplaced, hence on 6/6/13 complaint was lodged with the Washim police station about misplacement of the meter. The complainant was informed accordingly by letter dt. 7/6/13. Lastly it is stated that as the complainants bill has been corrected, it is expected that the amount under the bill should be deposited immediately. Copies of documents came to be filed along-with the reply.

9 The matter was then posted for arguments , parties have filed additional documents at the time of arguments. Heard Shri Uttam Idhole, alongwith Dagkdu Ukandi Khandare, the brother of the complainant and on behalf of the licensee Shri Kolkar, Dy.E.E. the learned representative. It is pertinent to note that Shri Bharat Ukandi Khandare has submitted in writing that the complaint is filed in the name of real brother Dagdu Ukandi Khandare, being elder of joint family and is looking after all the matter of flour mill. The authority letter in writing in that respect has been filed. During course of arguments vaguely the plea has been raised on behalf of the N.A. about untenability of the complaint, however the fact remains that the N.A. has dealt with the complainant and the consumer Bharat Khandare, the real brother of the Dagdu Khangare has given authority in writing, consequently it seems that the objection is too technical. The grievance is very much tenable.

As far as grievance of the complainant in respect of non-issuing of the bills for sufficient long time, replacement of meter on the pretext that it was burnt and objection to the date of change of new meter etc. are concerned one has to look at the background. Admittedly consumer has deposited the amount as per demand note on 22/2/10, though according to him after about 2/3 months supply was provided however inspite approaches time and again no electric bill has been issued. The record clearly shows that for sufficient long time i.e. more then 15 months no electric bill was given, there appears to be some substance in the grievance of the consumer about demand made by Asstt. Engineer. It has not been disputed that complaint was lodged with Anti Corruption Bureau and one of the officer concerned named in the complaint has been trapped. The said dispute was arisen on account of alleged demand and non issuing of electric bills for sufficient long time. Inspite specific

allegations made by the complainant in that respect, there is no denial to the same including that of trap of ACB, consequently the forum finds this fact as significant one.

10 As is clear from record even thereafter the electric bills have not been issued to the complainant. The record clearly shows that sometime in Jan.12 the bill for Rs.36440/- came to be issued which has been disputed from the side of the consumer. The record clearly shows that time and again consumer has approached the authorities, making oral grievance as well as by making correspondence, copies of which are on record, bearing seal and signature of the recipients on behalf of the office of the N.A. and other authorities of the licensee. There appears to be substance in the consumers submission that in view of harassment even letter dated 3/1/11 was issued for disconnection of the supply that has not been also acted upon. From the record it appears that sometime in Jan.12 only the bill for Rs. 36000 and odd came to be issued which was disputed by the complainant. The said bill was corrected but again exorbitantly, in the letter dt.14.2.12 the consumer has averred that the meter reading on that date is 2715. In the said letter also the consumer has expressed his apprehension for such exorbitant bill on account of harassment at the hands of officer of N.A. in view of lodging of complaint to Anti Corruption Bureau and action taken against one of said officer. As already clear from record so also re-iterated that by that time, consumer has deposited Rs.8000 (Rs.5000& Rs.3000).

11 According to the N.A's defense and submission the earlier meter of the consumer was burnt and therefore it was replaced. It is also averred that as per report of the J.E. the bill @402/-units per month was issued. The N.A. has

relied upon the meter replacement report, copy of which is filed on record. During course of submissions the consumer's representative has pointed out that the said report is though dated 2/6/11, no just and sufficient reason has been placed on record for abnormal delay in submitting the report sometime in Jan.12. Further from the copy of the said replacement report on record, it is clear that neither it has been sent to the consumer nor it bears signature of the consumer. The said report bears only signature of J.E. At this state it is pertinent to note that by letter dt. 2/12/11 the J.E.(RW) Washim has given information to the Dy.E.E.O&M Sub Dn.Washim stating that the meter of consumer No.327010001579 i.e. of the present consumer, has not been replaced from the said office. In view of availability of said letter on record it was necessary for the N.A. to bring cogent material on record about alleged replacement of the meter for the ground alleged in arguement. On the contrary the record clearly shows that Dy.E.E. Sub Dn. Washim by letter dt. 3/6/13 has informed in writing to the consumer that the J.E. (RW) was asked to produce the said meter in the office and the said office of the J.E. has informed that the said meter is misplaced and report to that effect has been lodged with police station Washim on 6/6/13. It has been also mentioned therein that after receipt of the meter the consumer would be informed.

12 On behalf of the complainant serious objection has been raised about alleged misplacement of meter and show of making complaint with Washim police station, the controversy in the stand as per letter dt.2/12/11 about non-replacement of any meter from the said office and giving information otherwise to Dy.E.E.Washim clearly speaks that there is something fishy. During course of arguments, on seeing these anamolies, this forum has directed the N.A. to produce on record the stock register of the meter so also

inward and outward register. During course of arguments it has been admitted that every office has to maintain records, in respect receiving and outgoing of the meters. Even if the meters are scrapped, the entries thereof are taken in the records in order to assess the factual position. This forum has given direction. That by letter dt. 17/1/14 Dy. E.E. Sub Dn Washim has informed that after making search no register as asked for, was traced so also no register/documents has been traced in the office about scrapping of meters. As already observed above concerned office has to maintain registers/documents about incoming and outgoing of meters. From the record there appears to be substance in the submission made on behalf of the consumer that things were not going properly in the said office.

13 During course of arguments on behalf of the consumers submission has been made that there has been practice/incidences of misplacement of meters and user thereof at other places. By way of example it has been submitted that in the records it has been shown that the meter of Bhagwan M. Idhole consumer No.327010538881 and meter No.11492284 has been shown as permanently disconnected in March,10but the said meter is still working and showing meter reading. In support of such submissions the consumer has filed on record photos of the said meter showing present reading as 1338. It has been submitted on behalf of the consumer that all this has been done by the concerned J.E. and thereby the licensee is being put to loss. The copy of CPL of said Bhagwan Idhole is also produced on record which clearly shows that in the CPL the said meter is shown to be PD from March2010 onwards.

14 The record further clearly shows that for sufficient long time no bill was issued to the complainant. In fact as per regulations the bill of energy charges

is required to be issued which clearly shows that provisions have been contravened by the concerned office of the N.A. and all of a sudden bill of Rs.36000 and odd came to be issued, which has been disputed from the side of the complainant. In the background of such facts and circumstances on record there appears to be some substance in the grievance of the consumer. The record clearly shows that the IGRC has not at all looked into the facts, more particularly documents on record and plainly given the findings on the basis of CPL as well as the said meter replacement report dt. 2/6/11. The record further clearly shows that if there has been variance in the average monthly consumption of the consumers meter. In the letter dt. 2/12/11 of J.E.(RW) Washim the assessment of 402 units per month has been made whereas letter dt.10/2/12 of Dy.E.E. Sub Dn.Washim the average monthly user has been shown at 319.33 units. It is pertinent to note that said figure has been arrived at on the basis of alleged replacement of meter on 30/5/11. The said letter clearly shows that as per CPL, the meter reading till 31/1/12 is taken as 2555 i.e. for eight months and on that basis monthly consumption of 319.33 units has been calculated. Here it is to be noted that the alleged date of replacement of meter on 30/5/11 is under serious dispute. Even from the CPL it is clear that it is from Sept.11 onwards only. From Sept.11 to Dec.11 for each month the reading has been shown as 1 & for first time in Jan.12 the current reading is shown as 2555. From the said CPL it is further clear that till Dec.11 there is entry of earlier meter No.065-01963922 and in the column of Jan.12 the entry of new meter No.053-MS-327815 is entered. When the said meter replacement report of 2/6/11 has been seriously disputed and it clearly shows that neither it is signed by the complainant or anybody else nor copy thereof was sent to the complainant, the same cannot be relied upon. In view of the

observations made earlier & having left no other alternative, in such controversial background, this forum feels it just and proper, so as to end the controversy, by taking into consideration the current meter reading and consumption shown therein, on the basis of average consumption of last 12 months prior to Nov.13. The average monthly consumption appears to be that of about 280 units, which will make it just and proper to set aside the impugned bill of Jan.12 of Rs.36000 and odd and the N.A. to issue bill on the basis of this monthly average consumption of 280 units for that period. Needless to say that whatever amount the consumer has deposited i.e. Rs.8000/-(Rs.5000+Rs.3000) needs to be deducted from that figure. Here it is pertinent to note that as per understanding between the parties, keeping this controversy pending till decision, the complainant was asked to deposit the current bill and it has been informed during course of arguments that bill of Dec.13 has been issued on that basis and the consumer has deposited the same.

15 Here it is necessary to bring on record and to bring to the notice of the licensee that the controversy has been arisen on account of the mis-deeds and action on the part of the concerned J.E. of the concerned office of the N.A. licensee including that of trap by ACB and initiating of the action against him . Non issuing of bills for sufficient long time to the consumer by the concerned office is beginning of this controversy The licensee to take appropriate action against the concerned officer/staff, including that of recovery of monetary liability which the licensee is required to suffer, apart from taking other disciplinary action as per regulations . With such observations, this forum proceeds to pass following order.

ORDER

- 1 The complaint No.97/2013 is hereby partly allowed. The impugned bill of Rs.36,440/- has been set aside and the concerned office of the N.A. is directed to issue bill to the complainant at the monthly assessed consumption of 280 units p.m. for the disputed period, by making adjustment of Rs.8000/- deposited by the complainant and complainant to make payment of the said revised bill, immediately, after receipt thereof within 15 days.
- 2 The N.A. is also liable for payment of cost of Rs.500/- for the present proceeding to the complainant.
- 3 The N.A. licensee is directed to take appropriate action against the concerned officer of the concerned office of the N.A. for his action, which resulted in this litigation including that of recovery of monetary liability /losses suffered by N.A. licensee, apart from taking disciplinary action as per regulations.
- 4 That the compliance report to be submitted within one month from this order.

S/d
(A.S.Gade)
Member

S/d
(P.B.Pawar)
Secretary

S/d
(T.M.Mantri)
Chairman