

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

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

Dt- 09/07/2013

**Complaint No.55/2013**

**Complaint in the matter of grievance about the electric bills, illegal  
disconnection of supply and compensation.**

Quorum :

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

Shri Vishwanath Narayan Mankar. (Con.No.290020109562) ... **Complainant**

...VS...

Executive Engineer, Dn. Office, Malkapur. ... **Respondent**

**Appearances:**

Complainant representative Shri Pramod Khandagale.

Respondent representative Shri M.P.Dahake, AE Jalgaon Jamod.

1) The complainant who is residential consumer of the N.A. licensee has approached this Forum in respect of his grievance about the electric bills, illegal disconnection and compensation. The complainant has further alleged that the bill of Rs.1620/- given with letter dated 15/3/2013 by the Deputy Engineer, Pimpalgaon Kale to be allowed to be paid in three installments. In substance the complainant's case is that he has been provided with electric connection under BPL category in the month of January, 2010, however, without keeping any record the complainant has been issued wrong bills in the name of Shivhari Narayan Mankar till November, 2012. It is alleged that though, time and again, the complainant had approached the concerned

officer and made query in respect of the said bills, but he has been advised to pay the bill and further bill will be issued correctly in his name. The Deputy Engineer, Pimpalgaon Kale is fully aware of this mistake. It is alleged that, thereafter, by issuing the bill, showing arrears of Rs. 5170/- (January-2012 to November-2012), the supply has been disconnected on 16/12/2012. The complainant has made grievance on 17/12/2012 and 20/2/2012 (which ought to have been 20/02/13) but no appropriate reply has been sent to the complainant. The complainant was compelled to approach the IGRC on 27/2/2013. It is alleged, even, the Deputy Engineer, Pimpalgaon Kale was contacted alongwith the paid bills by which the payment was made in the name of Shivhari Narayan Mankar. The said officer has retained all the original bills and issued a letter dated 15/5/2013 to Assistant Engineer, Jalgaon Jamod, alongwith the corrected bill of Rs. 1620/-. The original of the said letter was issued to the Assistant Engineer on 25/3/2013 at the time of hearing before the IGRC.

2) It is alleged that during the hearing before IGRC, no copy of any document was supplied from the side of the N.A. licensee and without making any verification the IGRC has passed the order. Having not been satisfied with the said order, the complainant is approaching this Forum. The complainant is therefore seeking the relief prayed for. Alongwith the complaint, the copies of documents have been filed.

3) As per the regulation notice was issued to the concerned office of the N.A. licensee. The reply came to be filed from its side to the complainant wherein it has been denied that the bills of Shri Shivhari Narayan Mankar have been issued to the complainant. It has been denied that without issuing any notice the electric connection has been disconnected. As the complainant did

not make the payment of bills upto December, 2012, hence the supply has been disconnected on 16/12/2012 as per the notice dated 1/12/2012. The IGRC has passed the order correctly. In respect of letter of Deputy Engineer, Pimpalgaon Kale dated 15/3/2013, it has been admitted to have been received during the hearing, however, it is stated that no such letter was received from the said office. The various averments made by the complainant have been denied. As the complainant is alleging making of payment of bills of Shivhari Narayan Mankar and if he has done so then it is his personal matter. Complainant electric supply was disconnected, as per regulation. Lastly, pressed for dismissal of the complaint. Alongwith reply no documents have been filed. The matter was then posted for arguments.

4) Heard Shri Khandagale, the learned representative of the complainant and Shri O.T.Tayade alongwith Shri Dahake Incharge Assistant Engineer, the learned representative of the N.A. licensee. At the time of arguments written notes of the arguments came to be filed on behalf of the complaint alongwith certain documents whereas additional reply came to be filed on behalf of the concerned office of the N.A. licensee with copies of certain documents. During the course of hearing it was thought proper to ask the N.A. licensee of getting Shivhari Mankar present alongwith that electric bills and receipts and to file the copies of CPL. Copies of CPLs in the name of Shivhari Mankar and Vishwanath Mankar have been filed. But, it is pertinent to note that the CPL of complainant Shri Vishwanath Narayan Mankar, is filed from January, 2012 onwards only whereas that of Shivhari Narayan Mankar from the beginning i.e. August, 2010. From the CPL of the complainant it is clear that the supply date is mentioned as 26/8/2010. When query was made as to why CPL prior to January, 2012 has not been produced, there was no reply from the side of N.A.

This Forum, when asked about the bills and receipts from said Shivhari Narayan Mankar, he has stated that the bills of December, 2012 onwards only are with him. From the documents brought by him it is clear that his name is Shivhari Shriram Mankar and not Shivhari Narayan Mankar as he has also brought original receipts of initial payment towards the Security Deposit for Rs. 15/-, it is of July, 2010. From the documents which he has brought clearly show that all were bunched in a file alongwith this original receipt in the file. When query was made with him, he has stated that for about 2½ years he was out of village.

5) If one considers the averments made by the complainant, it is clear that it is the case of the complainant that bills in the name of Shivhari Narayan Mankar have been issued to him and he has made the payment thereof. After receipt of bill of Rs. 5170/- the complainant approached the authorities. It has been categorically averred in para (h) of the complaint that when the complainant had been to the Deputy Engineer, Pimpalgaon Kale, alongwith the paid bills in the name of Shivhari Narayan Mankar, the said officer has retained all those original documents and issued him correct bill of Rs. 1620/- on 15/3/2013 alongwith a letter. Copies of the same have been filed on record and it is not disputed that during the course of hearing before the IGRC the complainant has handed over the said letter to Assistant Engineer, Jalgaon Jamod. During the course of arguments, it has been admitted that the said letter and the bill of Rs. 1620/- bears the signature of the officers of the N.A. licensee. The recitals of the letter dated 15/3/2013 are very clear stating that Shri Vishwanath Narayan Mankar has made payment of bills for Rs. 3600/- of Shri Shivhari Narayan Mankar, hence the said amount to be credited to his account (Vishwanath Mankar). It has been further mentioned in the said

letter, that much amount be debited to the account of Shivhari Narayan Mankar.

6) As is clear from the record there is apparent mistake in the name of the consumer. According to him his name is Shivhari Shriram Mankar. The CPL is in the name of Shivhari Narayan Mankar. Here it is pertinent to note that the complainant's specific averment in para ('h') of the complaint, as referred to above, have not been specifically denied in the reply of the N.A. licensee. In the legal terminology, as well as settled principles it amounts to admission. It is further to be noted that the said officer who has issued letter dated 15/5/2013 alongwith correct bill of Rs. 1620/- was in the employment in the same office of the N.A. licensee till his death recently in June, 2013. When query was made with the learned representative of the N.A. where they had made any contacts with the said officer, the answer was in negative. It is the complainant's case that he has been issued the bills in the name of Shivhari Narayan Mankar and he has deposited the same. Though he has asked for the same, it was informed to him that it would be corrected subsequently, but he should deposit the amount. This is also not been specifically denied in the reply. In any case, the recitals of the letter written by the officer of the N.A. are very much material. That statement or say of the said officer who was dealing with the matter on the spot and had actual knowledge of the events took place could have thrown light on the matter. The matter before the IGRC was heard when the said officer was alive. Even when the present complaint was filed and reply came to be filed, till that time he was alive. Considering the available material on record there appears to be some substance in the statement made on behalf of the complainant. Why the CPL prior to January, 2012, of complainant is not filed on record. There is no correspondence made

from the side of the N.A. The N.A's contention that if the complainant has remitted amounts for Shivhari Mankar then it is his look out and he has to take steps of recovery from him, cannot be said to be just/proper. The observations of the IGRC in para 5 of its order that it is for the complainant to take responsibility of recovering/demanding the amount if paid by him for the bills in others name. When the concerned officer who is on field has admitted this factual position orally as well as in writing and when the complainant's averments in para(h) of the complaint remained undisputed, the said observation of IGRC as well as the submission on behalf of N.A are not at all correct.

7) Here it is pertinent to note, that according to the N.A., the complainant's electric supply has been permanently disconnected on 16/12/2012 as per the notice dated 1/12/2012. Copy of which is filed on record. The recitals of the said notice clearly show that the last date for payment of the November-2012 bill was 1/12/2012. The said notice is issued from the office of the Sub-Division office Jalgaon, on 1/12/2012 itself and it bears the hand written endorsement at the bottom that the consumer has refused. When query was made with the learned representative of the N.A. as to whether the said notice was sent to the complainant as per legal provisions, the answer was NO. Admittedly, neither the notice by Registered AD was issued to the complainant nor it was affixed at the premises of the complainant. So apparently there is non-compliance of the statutory provisions.

8) Here it is pertinent to note that, in additional reply the N.A. has pleaded that since the date of connection (since inception) the complainant has not made the payment of any bill. Admittedly, even as per the record of N.A. date

of connection is of 26/8/2010. In the original reply even this was not the stand of the N.A. on the contrary it was silent. In that respect even, copy of the CPL filed on record does not support the contention of the N.A. From the CPL it is clear that for January, 2012 and February, 2012 the current and previous readings have been shown as 1-1. No other CPL has been filed and CPL prior to January,2012 has not been filed.

9) Here, it is further to be noted that though the defense of the N.A. is that on 16/12/2012 the supply has been permanently disconnected. However, the documents filed on record shows that there is one spot inspection report dated 5/1/2013 wherein the details of the meter status as FAULTY is shown and not only this much but it also mentioned that user of 51 units per month. When the supply was permanently disconnected, even the learned representative of N.A. has submitted that in that case, the meter is taken away so also the supply line is disconnected. But the said document speaks otherwise. In any case, even, there is no signature of the complainant thereon. So over all material clearly depicts that everything is not well, there is something fishy. Non production of the best available evidence in the custody of the N.A. compel this forum to draw adverse inference. The complainant's specific allegations in the complaint have not been denied and the concerned officer was though available in the same office till his death in June, 2013, no enquiry was made from him clearly supports the case of the complainant and this Forum has to accept the same, more particularly in view of letter of the concerned officer dated 15/3/2013 and bill of Rs. 1620/-.

10) It is an admitted position that even the complainant has not made payment of Rs. 1620/-.The learned representative of the complainant has tried to submit that though attempt was made to make the payment from the

complainant side of the said bill of Rs. 1620/-, it was not accepted. There are no averments to that effect in the complaint and when this was pointed out to the complainant's representative, he has admitted that there no such averments, however, according to him, it was a fact. This Forum, in view of the absence of averments in the complaint, is unable to accept such contention. The learned representative of the complainant has submitted that the complainant was and is ready to pay the said amount of Rs. 1620/- but at the same time, compensation for illegal disconnection as per the regulation be awarded in favour of the complainant. It is pertinent to note, when even, according to the complainant there were admittedly dues of Rs. 1620/- and his claim for compensation, how far it is justified is to be considered.

11) No doubt, from the record it is clear that the statutory compliance for disconnection of supply of the complainant has not been followed by the N.A. As observed above and even that has been admitted by the learned representative of the N.A. So, apparently it seems that both the sides are at fault. In such circumstances, this Forum is of the considered view to pass the appropriate order so as to meet the ends of justice. The learned representative for the complainant has submitted that the complainant be given time for making payment of Rs 1620/- in three installments, that has been opposed from the side of the N.A. licensee. Even according to the complainant that much amount was due by December- 2012, how his request for installments can be justified. By keeping in mind the above observations and conclusions, this Forum proceeds to pass the following unanimous order.



## ORDER

1. That on payment of Rs. 1620/- immediately by the complainant, the N.A. licensee to restore the electric supply immediately on such payment.
2. The N.A. licensee to issue correct bills in the name of the complainant as per the actual consumption of the electric by the complainant, henceforth and the complainant to remit the same regularly.
3. The claim of compensation of the complainant for illegal disconnection of electric supply and the claim of the N.A. licensee for interest on delayed payment and other charges etc. are to be appropriated against each other and nothing is payable on these counts from each other.
4. Parties to bear their own costs.
5. The compliance report to be submitted within one month period from the date of this order.

Sd/-  
(A.S.Gade)  
Member

Sd/-  
(P.B.Pawar)  
Secretary

Sd/-  
(T.M.Mantri)  
Chairman