

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

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

Dt- 16/08/2013

Complaint No.61/2013

**Complaint in the matter of grievance for issuance of energy bill without
taking meter reading etc.**

Quorum :

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

Shri Sitaram baba Guru Bajrang baba (Con.No. 366470011470) ... Complainant

...VS...

The Executive Engineer, Urban Dn. Amravati ... Respondent

Appearances:

Complainant Representative: Shri Girish Mehta

Respondent Representative: Shri M.R.Farkade, Dy.Executive Engineer &
Shri Upadhye, Asstt.Law Officer

1. Being not satisfied with the order of IGRC, Amravati dated 8/2/2013, the complainant has approached this Forum alleging that the IGRC has not considered the submissions made on behalf of the complainant. In Annexure-A that is the only ground made for filing the complaint. Alongwith the complaint the complainant has filed certain documents such as bills, grievance letter dated 27/2/2013 etc.

2. As per the regulations notice was sent to the N.A. for submitting reply to the complaint. The reply came to be filed, belatedly, from the side of the N.A.

stating that the bill of the complainant has been revised and corrected. Similarly, credit of Rs. 3575/- was to be given to the complainant against the interest and compensation and revised bill has been issued to the complainant with letter dated 7/3/2013. The matter was then posted for arguments. Subsequently, the additional reply came to be filed from the side of N.A. referring to the original complaint filed by the complainant before the IGRC. It is stated that, as per CPL from September, 2011 to June 2012 the bills have been issued under RNA status giving details and issuing of bill for 6376 un its divided in 11 months. The complainant has objected against this bill of July, 2012 to the IGRC, in December, 2012. It was properly replied. The meter was changed as per the grievance of the complainant. It is further stated in view of the spot inspection it was found that the average consumption is of 343 units month and as per the endorsement it was correct. There is more consumption of electricity during the festival celebrated, in the temple. Even, as per the new meter, the average monthly consumption is of 407 units. Amount of Rs. 3575/- as per the order of IGRC has been deducted. Care is being taken that the consumer should not be put to harassment. It is further stated that as per the regulation the complaint ought to have been filed within 60 days against the order of IGRC, but has been belatedly filed on 2/7/2013, hence it is liable to be dismissed. Apart from adjustment of Rs. 3575/- as per the order of IGRC, process of taking action against the erring employee/officer is going on and the amount in question will be recovered from him/them. Copies of certain document also came to be filed. On behalf of the complainant also rejoinder came to be filed making comments against the reply filed on behalf of the N.A.

3. Heard Shri Girish Mehta, the learned representative of the complainant and Shri M.R.Farkade, Dy.Executive Engineer alongwith Shri Upadhye,

Assistant Law Officer on behalf of the N.A. So, from the record as well as submissions, it is clear that for a period of about 11 months without taking meter reading the bills have been issued to the complainant. The matter went before the IGRC and IGRC has passed order as referred to above. In the rejoinder dated 10/8/2013 came to be filed on behalf of the complainant it is clear that according to the complainant the N.A. has contravened the regulation of not taking the meter reading properly, not attending the grievance of the complainant and therefore has sought for compensation/fine of Rs. 200/- per day, apart from taking disciplinary action and the amount so recovered be deducted from the current bill. For the plea of defense raised on behalf of the N.A. same argument has been advanced from the side of the complainant. When the complainant is making reference of regulations for claiming compensation/fine of Rs. 200/- per day, it was necessary for it to point out the same. There is no such provision under the regulations of MERC (standards of performance of distribution licensee, period for giving supply and determination of compensation), Regulation 2005. As per the said regulation in Appendix-A, Clause 7 is relevant which deals with reading of consumer meter. Standard is prescribed there under, so also compensation payable. As is clear there from, it is Rs. 200/- per month compensation provided for delay in meeting out the standards of performance. So apparently, there is no basis for claim of Rs. 200/- per day, as has been claimed on behalf of the complainant.

4. It has been submitted on behalf of the N.A. that no doubt, there was mistake and laches on the part of the N.A. for few months for not issuing the bill as per the meter reading, with further submission that even the complainant has not taken any steps during that period and it kept mum. It is

submitted that only after receipt of the bill in question, hue and cry has been made. If the complainant would have raised voice at that proper time, the matter would have been sorted out, according to N.A. As per the regulations, it is for the N.A. to issue bill on actual consumption of electricity by taking proper meter reading. So this Forum is not much impressed with such submissions. However, fact remains that after raising the said grievance before the IGRC, that authority has passed order dated 8/2/2013 whereby Rs. 2000/- has been awarded for not taking readings as per regulations and Rs. 1575/- towards interest levied against the complainant from August-2012 to December-2012. With further directions that the said amount be paid/adjusted to the complainant or adjusted in the forth coming bills and revised bill has to be reached to the complainant, within 15 days.

5. It is pertinent to note that the complainant has issued letter dated 27/2/2013 to the N.A. referring to the order of IGRC and requesting that it be given 4 installments for payment of the current bill. So also, it is requested that no interest be levied in forthcoming monthly bills, as the complainant has already put to sufferance. The complainant has asked the bills within 3 days. Here it is pertinent to note that though the N.A. is submitting about compliance of the order of IGRC, but in fact it was not complied with, as is clear from the documents filed by the N.A. itself. Alongwith the authority letter of the learned representative, XEROX copy of CPL came to be filed on behalf of the N.A. which is for the period from January-2011 to June-2013. On going through the same it is clear that there is no entry of adjustment of Rs. 3575/- as referred to above. So it is clear that till June-2013 such credit/adjustment was not made. But with reply hand written letter dated 7/3/2013 has been filed, alongwith the bill of February,2013. In the said bill

there is endorsement of making adjustment of Rs. 1575/- towards interest and Rs. 2000/- towards fine, as per the order dated 11/2/2013. The alleged bill has been alleged to have been revised. However it is clear that it was not sent to IT department/ billing department, therefore in the CPL the same has not been reflected till June-2013. It is apparent from the copy of the CPL filed by the N.A. itself.

6. Here it is pertinent to note that the complainant has filed complaint on 12/7/2013 and the N.A. has received notice there of. It is clear from the documents filed by the N.A. itself, XEROX copy of the Office Note mentioning therein that the guidance be given as to whether the amount of Rs. 3575/-, as per the order of IGRC dated 8/2/2013, is to be deducted or not, from the bill of July,2013. On the said Office Note there is hand written remark

“ Pl. comply the order of IGRF”

Sd/- 30/7.

So also there is further remark “ Feeded in B-80 July 13”. So also copy of bill of July,2013 is filed on record, wherein adjustment of Rs. 3575/- has been shown. It is further to be noted that XEROX copy of register “ Adjustment to”July 2013 is also filed and at Sr. No.34, this entry of Rs. 3575/- towards adjustment made, is mentioned with consumer No. of the complainant. So it is apparently clear from the documents filed by the N.A. itself that in substance and in fact the order of IGRC was complied with in July,2013. It is clear from the above referred documents, such as CPL and the bill of July 2013 that the Interest and DPC charges have been levied on the alleged arrears. In fact the N.A. has failed to make the compliance of order of IGRC in time, but it was given effect too late i.e. in the bill of July,2013. So this needs to be considered by this Forum.

7. From the CPL as already observed above, the complainant has deposited an amount of Rs. 17000/- in February-2013 and Rs. 20000/- on 29/3/2013. It also revealed that the interest has been levied, from time to time. The complainant has requested for four installments for the payment of revised bill as per the order of IGRC as referred to in the above referred letter of 27/2/2013.

The learned representative of the complainant has sought for such relief. However it could not be pointed out as to on what basis said 4 installments could be granted? The learned representative of N.A. has opposed for such request submitting that there is no such provision in the regulation. This Forum has to consider the rival submissions of the parties in that respect also.

8. Though it is tried to submit on behalf of N.A. that IRGC order was complied with in March,2013 as per letter dt. 7/3/13, but in fact it was only paper work and no feeding thereof was given to I.T. Deptt. / Billing Deptt. That was made in July,2013 only, hence it was so reflected in C.P.L. The levying of interest and other charges continued is also clear from the CPL/Bill. So it is clear that there was no compliance. Similarly, though the complainant has deposited Rs. 300/- for Meter Testing on 23/8/2012, there was no delay in taking steps in that regard from the side of N.A. i.e. till 12/12/2012.

9. On behalf of N.A. it is submitted that the complaint is time barred and not filed within 2 months of order of I.G.R.C. Suffice to say that it is not a correct submission. As per provisions under the regulations it cannot be said that the complaint is time barred. Even the Hon'ble High Court has held

“cause of action” starts from the date of order of I.G.R.C. So that objection of N.A. is of no use.

10. Considering the available material and the facts that there was delay in making compliance of the order of IGRC from the side of N.A. i.e. in July 2013. Similarly there is delay in Meter Testing etc. and appropriate order needs to be passed so as to meet the ends of justice. Needless to say that earlier there was non-compliance of the regulations which resulted in passing of order of fine by IGRC. Again the said order has not been complied with in time, so it is clear case of lethargy/ negligence on the of the concerned employee/officer resulting in monitory liability against the N.A. The N.A. licensee to recover this monitory liability from the concerned employee/officer, as per the order in the judgment of Lucknow Development Authority Vs. M.S.Gupta (1994 SCC (1) 247 page), apart from taking action under Service Regulations. With such observations, this Forum proceeds to pass the following unanimous order.

ORDER

- 1) Complaint No. 61/2013 is hereby partly allowed.
- 2) The bill of July,2013 issued to the complainant be revised, in respect of levying of interest and other charges in terms of this order. Similarly an amount of Rs. 1000/- be adjusted in the forth coming bill of the complainant for delay in compliance of the order of IGRC and regulations, by way of fine. This amount of fine of Rs. 1000/- alongwith difference amount of interest/ other charges levied against the complainant for the intermittent period, be recovered from the concerned employee/officer.

- 3) Apart from recovery of fine of Rs. 1000/- , difference of interest/ other charges amount from the erring employee/officer, action as per service regulations be taken against such erring persons.
- 4) That the complainant to make payment of the amount due against it in two monthly equal installments alongwith next regular bill .
- 5) Compliance report be submitted within a period of one month.

Sd/-
(A.S.Gade)
Member

Sd/-
(P.B.Pawar)
Secretary

Sd/-
(T.M.Mantri)
Chairman