

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

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

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Dt- 29/08/2013

**Complaint No.63/2013**

**Grievance in respect of issue of incorrect and excessive bill**

Quorum :

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

Shri Ganesh Pralhadrao Gaikwad (Con.No. 322220051738 ) ... Complainant

...VS...

The Executive Engineer, Washim ... Respondent

***Appearances:***

Complainant Representative : Complainant in person

Respondent Representative : Shri A.S.Chandekar, Asstt.Engineer

1. The complainant has approached this forum in respect of his grievance of issuing of excessive bill of Rs. 15,000 and odd for 24 months by change of category and enhanced rate. In substance, the complainant's case is that since the date of connection, the complainant has remitted the electricity bills regularly till November, 2012. The complainant's case is that he is running a grocery shop since 1992 and all relevant documents in that respect including that of report of Lineman are available. While providing the electric connection in October, 2010, It was issued under residential category. In December, 2012 a bill of Rs. 15,290/- showing arrears of Rs. 15098/- apart

from regular consumption, came to be issued and though the complainant approached the authorities concerned, time and again, including the written applications, but no satisfactory reply has been received. On the contrary by taking undue advantage that he is physically handicapped, an amount of Rs. 7500/- got deposited without giving the details. No proper intimation about such enhanced bill was given to the complainant, on the contrary since March, 2013 the category has been changed from residential to industry. According to the complainant, his monthly consumption is below 50 units, therefore even charge at commercial rate cannot be made applicable as per rules. But this unjust activity has been carried out causing not only financial loss to the complainant but also mental harassment.

2. It is alleged that as none of the requests/applications submitted by the complainant were replied, so the complainant approached IGRC on 8/4/2013. But here also his grievance was not satisfied properly and the said authority has maintained the said view. The amount of Rs. 13,624/- mentioned in the order of IGRC is incorrect. The complainant has objection/ grievance in respect of the original bill issued. The complainant has been put to harassment and though local employee of the N.A. used to take reading for all the months, they have not pointed out any mistake. Though the complainant has asked for Survey Report as well as copy of assessment, but it was not supplied. Hence the complainant is compelled to approach this forum seeking the reliefs prayed for, such as setting of bill of Rs. 15,098/-, change of category and compensation of Rs. 2000/- for loss caused to the complainant. In support of the complaint, the complainant has annexed copies of documents.

3. Considering the urgency and request made on behalf of the complainant the forum had passed interim order in respect of disconnection of the supply on depositing Rs. 5000/- by the month end.

4. In response to the notice issued by the forum the reply came to be filed on behalf of the N.A. admitting the issue of connection on 6/10/2010. It is stated that on 19/11/2012, the Flying Squad Washim had made inspection, the supply was used for Ashirwad Kirana i.e. for commercial purpose hence the said authority has made assessment as per 126 for use of 1299 units for Rs. 7089.60 and it was doubled to Rs. 14179/- apart from electricity duty, fixed charges totaling to Rs. 19134/-. The bill was accordingly issued for Rs. 13624/- by deducting Rs. 5510/- .

5. It is stated that as per the commercial circular 175 dated 5/9/2012 the residential tariff is applicable, if the commercial activities are carried out from the residence. But in the present case, there is no residence of the complainant and it for commercial use. Hence since February, 2013 the bills are issued at commercial rate. Further it is stated that though the meter is in the name of the complainant, but at the time of inspection Santosh Sudhakar Gajare has signed the inspection report and he is using the energy, so also the shop license is in his name. Alongwith reply copies of some of the documents came to be filed. The matter was then posted for arguments. Additional reply came to be filed on behalf of the N.A. justifying its stand whereas on behalf of the complainant written submissions came to be filed, copy of which is given to the learned representative of the N.A.

6. Heard the complainant in person and Shri Chandekar, Assistant Engineer, the learned representative of the N.A., so also gone through the

written submissions filed on record. From the record and submissions, it is clear that the grievance is in respect of assessment and issuing of bill made on the basis of inspection report by Flying squad, so also change of category. From the records it is clear that, the premises in question, where the electricity supply is provided, is a shop i.e. commercial and there is no residence at all. The complainant has admitted the same and has also produced documents to show that it is a shop premises. From the side of N.A. the documents came to be filed such as the application, test report etc. filed at the time of availing the connection. These documents clearly show that the demand was for residential use so also in the electric Contractor test report, it is mentioned as "DL" which means for residence. Other documents are also filed but they are in respect of providing connection only without specifying the category as residential or commercial. In any case, during the course of arguments the complainant has categorically stated that since beginning the premises is being used for commercial purposes being shop and this was well within the knowledge of the concerned, including that of the employees of the N.A. According to him the premises is on the prominent place in front of Bus Stand, and at no point of time, it was pointed out that there was some mistake about issue of bills in residential category inspite of taking of meter reading monthly for more than 2 years. His grievance is that though he has asked for details of the disputed bill time and again, but the same has not been provided. The copies of the correspondence made are on record, bearing the signatures of the office of the N.A., this has not been rebutted. Nothing has been filed on record from the side of N.A., that the said letters were replied from its side. During the course of arguments the complainant has submitted that as the premises was and is used for commercial purposes, he has no grievance for levying commercial charges for the electricity consumed, but

without giving any intimation and without granting an opportunity, the bill has been enhanced under the pretext as if the complainant alone is at fault. According to him the N.A. and its concerned staff is also responsible, had this mistake would have been pointed out in the beginning while taking the meter reading and issuing of bills, this could have been avoided.

7. On behalf of the N.A. the argument of the complainant has been objected and it has been submitted that even the complainant did not pointed out any time earlier about issuing of “residential bill”, so he is also at fault and the flying squad has made correct assessment. On behalf of the N.A. reliance has been placed on assessment alleged to have been done under section 126 of the Electricity Act. Here it is pertinent to note that the spot was inspected by the Flying Squad on 17/11/2012 and the assessment was made on 19/11/2012. The bill came to be issued on 19/11/2012 itself for Rs. 14829/-. Not only this much, the CPL filed on record clearly shows that this amount has been included therein in December,2012. It is, thus clear that without making compliance, the amount has been debited to CPL and the bill. The reliance placed on section 126 of the Electricity Act even does not support the submission made on behalf of the N.A. If one goes through Section 126 of the Electricity Act, it provides the procedure for making assessment, initially provisional and then final assessment. Opportunity of hearing needs to be granted. Here in the present case nothing of that sort has been done. The provision u/s 126 clearly requires reasonable opportunity by N.A., after passing provisional order and then to pass the final assessment. Thus, the prescribed time is provided therein. Without making compliance of the provisions, the flying squad itself on 17/11/2012 has prepared the bill at double rate of the amount which was calculated, on the basis of commercial

tariff. The record clearly shows that the complainant's attempt to get all the documents and information proved to be futile. There is no response from the side of N.A. In view of the provisions u/s 126 and the manner in which the amount has been debited to CPL and the bill, on the very next date of the alleged assessment, this forum is of the view that the said action on the part of N.A. was not just and proper. So in view thereof, this needs to be considered while passing final order.

8. On behalf of the complainant he has submitted that, as the usage of the electricity by the complainant in the premises, being less than 300 units per month or 3600 units in the preceding year, no commercial tariff could be applied and he is entitled for residential tariff. According to him Rs. 7500/- has been got deposited from him under the threat of disconnection and consequently he has deposited Rs. 5000/- in terms of interim order. The same needs to be considered. This submission made by the complainant on the basis of tariff order in case No. 19/2012 is of no help to the complainant as admittedly, the premises is being used for commercial purpose exclusively, it is not a part of residence. If one goes through the tariff order in case No. 19/2012, it is clear that it is not applicable of applying residential tariff to the complainant's premises in question, as it is exclusively being used for commercial purpose. Therefore the complainant's submission cannot be accepted. However, record clearly shows that there were also latches on the part of the N.A. which continued issuing of bills under the residential tariff for more than 2 years. In the like manner, it has been already observed above the charging of electricity bill at double rate of commercial tariff in the assessment is not correct. So this forum is of the considered view that the bill

in question needs to be revised by assessing it at commercial rate since beginning.

9. The complainant has also claimed Rs. 2000/- towards the compensation/fine as he has been put to losses. Suffice to say that, the said claim made by the complainant is not justified on the contrary because of mistake and latches on the part of N.A. he has been charged at residential tariff for about 2 years, which later on rectified. So in fact no loss has been caused to the complainant. Consequently this forum is of unanimous view that the following order will meet the ends of justice.

### **ORDER**

- 1 The complaint NO. 63/2013 is hereby partly allowed as far as the assessment dated 17/19-11-2012 is concerned. Consequently the bill of December, 2012 is hereby set aside. The N.A. is directed to issue the revised bill to the complainant, at commercial tariff since 6/10/2010 by adjusting the payments made by the complainant, including that of Rs. 7500/- and Rs. 5000/- and to go on issuing the electricity bills to the complainant at commercial tariff.
- 2 The complainant's claim for issuing of electricity bills under residential tariff in view of tariff order in case No. 19/2012 is hereby rejected. So also the claim of the complainant for compensation/fine is also rejected.
- 3 In the circumstances the parties to bear their own cost.
- 4 That the Compliance report to be submitted within a month.

Sd/-  
(A.S.Gade)  
Member

Sd/-  
(P.B.Pawar)  
Secretary

Sd/-  
(T.M.Mantri)  
Chairman