

BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM AURANGABAD,

Case No. CGRF / AZ / AUR / U/ 408/ 2012 /41/

Date of Filing 30.10.2012

Date of Decision 05.02.2013

01) Shri Baburao S/o Shankar Pawar, Complainant  
Age 35 Years, Occ. Business,  
R/o Plot No.17, Gat No.126/2,  
Satara Parisar, Beed Bypass,  
Aurangabad.- 431 005

VERSUS.

01) The Executive Engineer (Admn.) Respondents.  
Nodal Office, O&M Urban Circle, MSEDCL,  
Aurangabad.

02) The Dy. General Manager,  
GTL Ltd., MIDC, Chikalhana,  
Aurangabad.- 431 003

CORAM:-

Shri V.B. Mantri. Chairperson.

Shri S.K. Narwade. Member/Secretary.

Shri V.S .Kabra. Member.

01) The complainant has submitted his grievance against the disputed bill issued by the respondent dated 24.03.2012 for the sum of Rs.6,32,105=00,(Rs. Six lakhs thirty two thousand one hundred five only) payable due date on 07.04.2012. The copy of the said bill is enclosed with the complaint at Page No.28.

- 02) The case of the complaint in brief is that, the complainant is the owner of Hotel Nandini Executive. He has taken two electricity connections for his hotel. The first connection bears consumer No. 490011983526. The another connection bears consumer No.490011870331. Both the meters are installed at one place, adjacent to each other.
- 03) The respondent is taking meter reading regularly and issuing the bills regularly with respect to consumer No.490011983526. The complainant is also making payment of the bills regularly regarding consumer No.490011983526. There is no dispute or grievance regarding the said consumer No.490011983526.
- 04) The grievance of the complainant is regarding taking of meter reading all the while irregularly and issuing bills illegally with respect to his another meter, installed just adjacent to his former meter and as such irresponsible, and illegal bill of Rs.6,32,105=00(Rs. Six lakhs thirty two thousand one hundred five only) has been issued for consumer No.490011870331, allegedly accumulated for 15 months, directing the complainant to make payment, due date on 7<sup>th</sup> April 2012, charging the bill with interest on arrears and delay payment charges. The bill is claimed for 88890 units, without any basis. The complaint was served the bill of Rs.6,32,105=00, (Rs. Six lakhs thirty two thousand one hundred five only) claiming to be the bill of 15 months, on 03.04.2012 and conveyed to the complainant that, in case the said bill is not paid till 07.04.2012, then both connections would be disconnected. The complainant has given the details of previous

reading and current reading in his complaint to point out how irregular, irresponsible, and illegal bills are being issued.

05) The complainant stated that, he has pointed out the irregularities those were being occurred regarding consumer no. 490011870331 and already submitted to the concern authority that, the bills are being issued without any basis and meter reading since 2009, but no action or cognizance has been taken. The respondent has failed to follow, rules, regulations and mandatory provisions framed by MERC. The complainant, presumed that, the assessment of disputed bill was made u/s 126 of the Act and therefore, he preferred appeal u/s 127 of the Act. The appellate, authority as such declined to accept the appeal. The complainant then filed his complaint before the District Consumer Redressed Forum, but his complaint was rejected on the ground that, it was not maintainable. The complainant then approached to Hon'ble High Court, by filing writ petition No.3817/2012. The Hon'ble High Court, was pleased to grant interim relief on the condition that, the complainant should deposit the sum of Rs.100000 (One Lakh only) with D.L. and the sum of Rs.2,16,000=00 (Rs.Two lakhs sixteen thousand only) in the Hon'ble High Court. The complainant has accordingly deposited the respective amount as per the order of Hon'ble High Court. The Hon'ble High Court ultimately disposed of the writ petition on 11.09.2012, granting liberty to the complainant to approach this Forum for redressal of his grievance. Hence the complaint before this Forum.

- 06) The notices have been issued to MSEDCL and its franchise, GTL Ltd. for redressal of grievance or to file Para-wise reply to the complaint.
- 07) The Nodal Officer of MSEDCL has submitted reply and pleaded that, actual meter reading was not available for the period from Sept.2010 to Oct.2011, therefore adjustable reading of 2185 units was given to customer.
- 08) It is pleaded by MSEDCL that, the complainant by playing mischief obtained two connections in the same premises and for the same purpose. Actual meter reading for consumer No.490011870331 was taken in November 2011 and it was recorded to be 88890 units. The said recorded 88890 units have been bifurcated equally for 15 months consumption. The complaint be decided accordingly.
- 09) The Nodal Officer for GTL has submitted its separate reply. It is pleaded by GTL that, it is the MSEDCL, which granted two connections to the complainant. The first bearing consumer No. 490011870331 was made operative on 01.07.2008, where as the second bearing consumer No. 490011983526 is made operative on 18.12.2009. Both the connections are in the same name, place and for same purpose and same category. The respondent is entitled to recover electricity charges from same or later connection holder. The disputed meter is installed at obscure place, which caused difficulty in taking meter reading. The disputed meter of consumer No. 490011870331 was burnt. The new meter was then installed at

accessible place and thereafter bills are being issued as per actual meter reading w.e.f. July 2012.

- 10) It is pleaded that, meter was burnt by the end of November 2011. The meter was replaced. The meter reading at the time of replacement was 133571 units. The said reading is recorded in report of meter replacement which is duly signed by the complainant. It is stated that, photo meter reading recorded was 131443 units but erroneously recorded to be of 129348 units. Thus the bill for ( 133571 – 129348) 4223 units are not reflected in the bill. The respondent GTL has thereby prayed to dismiss the complaint.
- 11) The complainant has submitted rejoinder to reply filed by GTL Ltd. and then submitted written arguments.
- 12) This Forum heard submissions of both the Nodal Officers. The Forum heard submissions of the complainant in a addition to his written arguments we perused the documents, and more particularly CPL.
- 13) There is no dispute that, the complainant is the owner of Hotel Nandini. He has taken two electric connections. The first connection was taken on 01.07.2008. The second connection was taken on 18.12.2009.
- 14) It is pertinent to note that, both the connections were taken in the same name address, purpose, premises and category. It is not known and explained, as to how MSEDCL was pleased to accord sanction to two connections on the same premises, & for same purpose and continued to operate. It is further pertinent to note that; both the meters are installed

adjoining to each other. The meter reading is being taken regularly with respect to first connection i.e. regarding consumer No.490011983526, however no reading is being taken with respect to another meter. The reason put forth by GTL for not taking reading of meter is further more interesting & absurd. It is pleaded by GTL, that, meter is installed at obscure place, so it caused difficulty in taking down meter reading. The said explanation given by GTL for not issuing bills as per meter reading can not be accepted. The GTL itself is responsible for delay in payment or non-payment of bill, till the bill is issued as per meter reading. The GTL as such is not entitled for interest or delay payment charges The GTL Ltd. as such should deduct interest and DPC charges from the disputed bills.

15) On perusal of CPL with respect to disputed consumer no. 490011870331, it would reveal that, meter reading was taken in the month of August 2010. The meter reading was recorded to be 40458 units. It reveals that no meter reading was taken there-after till November 2011. The meter reading for November 2011 appears to be of 129348. The very facts of records of meter readings for months of August 2010 and November 2011 to be 40458 units and of 129348 respectively has not been disputed. This Forum therefore accepts the facts that the meter readings for the month of August 2010 to be of 40458 and for the month of November 2011 to be of 129348. It does implicitly clear thereby that the consumer has consumed energy of (129348 – 40458) units during the period of August 2010 to November 2011. The only irregularity, error, that can be appreciated that

the respondent has failed to take meter reading regularly to each month and bills are not issued on the basis of such actual meter reading, but simultaneously it can not be said, for such irregularity that, the consumer/complainant did not consume energy at all, more particularly, the meter readings of respective months have not been disputed. This Forum therefore concluded that the complainant has consumed electricity of 129348 – 40458 units during 15 months. The respondents have bifurcated the said units in 15 months equally giving slab benefit. The only mistake that, this Forum notice is that, the respondent GTL has charged interest and D.P.C. also while issuing the bill, to which this Forum, find that respondent GTL is not entitled. This Forum is not in agreement with the grievance of the complainant to the effect that the bill issued for such 88890 units is in any way erroneous, illegal or arbitrary. This Forum therefore does not find any merit in the grievance on this point. The complaint should be therefore dismissed on this point. The respondent should however be directed to issue revise bill by deducting interest & D.P.C. charges. The disputed bill issued for the sum of 6,32,105 (Rs. Six lakhs thirty two thousand one hundred five only) should be set aside for the said reason. The grievance is thereby partly allowed.

16) The respondent GTL did not issue bill by actual recording meter reading for 15 months. The reasons submitted for such omission are absurd and not acceptable. The GTL then issued abrupt bill of Rs.6,32,105, (Rs. Six lakhs thirty two thousand one hundred five only) on dated 24.03.2012,

which is received to consumer on 03.04.2012 making due date payable on 07.04.2012, under further threat to consumer that, in case the bill is not paid within due date, then supply would be disconnected, which forced the consumer to prefer writ petition for interim relief.. Such act, action, method and procedure adopted by the GTL Ltd., forced this Forum to observe harassment to consumer to impose compensation of Rs.5000/- (Rs. Five thousand only) payable or deductible from payable bills of the complainant. This Forum therefore inclined to impose compensation of Rs.5000/-(Rs. Five thousand only) on the GTL Ltd. receivable to complainant. The sum of Rs. 1,00,000/-( Rs. One Lakh only) deposited by the consumer on 27.04.2012 as per Hon'ble High Court direction be adjusted in the bills. The sum of Rs. 2,16,000/-(Rs.Two lakhs sixteen thousand only ) so deposited by the complainant in Hon'ble High Court on 28.08.2012 could be adjusted in the arrears of bill, in case the Hon'ble High Court pleased to pass order accordingly. With these reasons, this Forum proceeds to pass following order.

#### ORDER

- 01) The grievance is partly redressed as follows:
- 02) The disputed bill dated 24.03.2012 issued for the sum of Rs 6,32,105/- (Rs. Six lakhs thirty two thousand one hundred five only) payable due on 07.04.2012 is hereby set aside.



- 03) The respondent GTL Ltd. shall issue revised bill in its disputed aforesaid bill ( for 88890 units) by deducting interest and D.P.C. by giving slab benefit of 15 months.
- 04) The respondent GTL Ltd. shall give the compensation of Rs.5000/-(Rs. Five thousand only) to the complainant or the said sum of compensation be adjusted in the outstanding bills.
- 05) The sum of Rs. One Lakh so credited by the complainant in response to the order passed by the Hon'ble High Court and the bills amount so paid during the disputed period of 15 months shall be adjusted in outstanding bills.
- 06) No order as to costs of this grievance petition.

Sd/-  
(V.S. Kabra)

Sd/-  
(S.K. Narwade)

Sd/-  
(V.B. Mantri)

