

**BEFORE THE CONSUMER GRIEVANCE REDRESSAL
FORUM , AURANGABAD ZONE, AURANGABAD**

Case No. CGRF/AZ/AUR/U/ 38/ 2007/ 07

Date of Filing: 29.03.07

Date of Decision: 16.05.07

Shri Arun Dalal

Plot No. A-10, New Madhuban HSG Society

N-3 Cidco,Aurangabad.

Consumer

Complainant.

V/s

Maharashtra State Electricity Distribution Co.Ltd.

Urban Circle, Aurangabad.

Sub: Grievance under the Maharashtra Electricity Regulatory Commission,(Consumer Grievance Redressal Forum and Ombudsman) Regulations 2006.

1. The consumer has filed his grievance in Annexure " A " before this Forum on **29.03.07** under regulation No. 6.10 of the Regulations referred to above. A copy of the grievance was forwarded on 29.03.07 to the Nodal officer and Executive Engineer (Adm) in the office of the Superintending Engineer, Urban Circle , Aurangaabd with a request to furnish his response on the grievance within a period of fifteen days and hearing in the matter was fixed on **19.04.07**
2. The grievance of the consumer, in brief, as per consumer, is as stated below..
The consumer is having residential connection for his residence situated at plot No. A-10, Madhuban Coop.Housing Society N-3, Cidco, Aurangabad. He is regular payer of electricity bills issued by the Distribution Licensee (hereinafter called as D.L.). He has paid all the electricity bills till June 2006.

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He received bill for the moth of July 2006 which shows the units consumption as 6044 units and the bill amount was Rs. 31560/. He therefore did not pay the said bill. In the month of August 2006 he again received bill showing monthly consumption of 1025 units and the bill including previous arrears was for Rs. 37520/ . He therefore tried to contact at D.L.'s Mukundwadi office but was asked to go to MIDC Chikalhana office. He submitted application for revision of bill on 23.9.06 along with copies of disputed bills .On the same day i.e. on 23.9.06 , a technician was sent to his premises for inspection .The technician inspected and prepared his report in which the meter number and reading were not matching . Therefore the consumer signed the report with remark that meter number and reading are not matching. He did not receive any bill for the month of Sept. 06. Thereafter he received bills for Oct.& Nov.06.Both the bills were issued showing that reading not taken and showing all the previous arrears outstanding. The consumer on 22.12.06 filed another application requesting correction in bills .The consumer also requested office of D.L. orally many times but no heed thereof was taken. However on one day behind the back of consumer his supply was cut off without giving any notice . This was done when his two representations were pending before the D.L. After the disconnection the consumer contacted the concerned official on phone and thereafter his supply was reconnected after six hours. Thereafter he received bill for the month of Jan, Feb & March 2007 in which no correction was made. It is further contended that till the bill for Oct.06, the meter number shown on the bill is different. In earlier bills it was shown to be 9010187075 and now it is shown to be 9001232268. It is not known as to when the meter was replaced and if at all it was replaced at whose instance it was done. On 23.3.07 , some technician has come to his premises for disconnection of his supply without any notice .As his family members prevented them for doing so , they went back but with warning that they will come for disconnection next day. The consumer on next day i.e. 24.3. 07 contacted the officer of the D.L. who told him to pay the entire bill and nothing could be done in the matter and or else the electricity supply will get disconnected.

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On 25.3. 07 two officers came to his residence and told him that they want to change his meter and accordingly changed his meter and new meter was installed.

After completing the formalities the consumer was asked to sign format in which new connected meter number and initial reading is mentioned. This format, it is mentioned discloses that his old meter to be bearing number 9001232268 and its last reading as 8384. The consumer signed on the format but with remark that old meter number is not accepted to him. The replaced meter was sealed in consumer's presence with the intimation to the consumer that the same will be tested on 26.3.07 at 11.00 hrs at company's testing office and asked the consumer to remain present at the time of testing. On the very day, i.e. on 25.3.07 the officer of the D.L. handed over the notice mentioning the meter reading and outstanding amount by Feb 07 end. It is further stated that as per company rule Rs.19240/ are deducted and the consumer has to pay Rs. 20470/ It is also further mentioned that if he fails to pay the said amount before 10.4.07 , his electricity supply will be disconnected . On 26.3. 07 he remained present for meter testing and meter was found to be O.K. Aggrieved by the action of the D.L. the consumer has filed his grievance in the Forum. The consumer requested the Forum to direct D.L. to cancell all incorrect bills and to issue revised correct bills, to quash and set aside the notice dt.24.3.07 regarding disconnection and grant interim stay till final disposal of his grievance and also direct the D.L. to pay Rs.5000/ towards cost of application , inconvenience caused etc.

On 19.4.07 i.e. on the first date of hearing , the consumer was present. The Nodal officer and Shri Vycos, Dy. Executive Engineer, MIDC, Chikalthana were present on behalf of D.L. No response was filed by the Nodal officer even at the time of hearing. On his request the case was adjourned to 23.4.07.

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On 23.04.07 , the consumer was present, Nodal officer and Shri Vycos, Dy Ex. Engineer were present. The Nodal Officer filed response on the grievance of the consumer. A copy of the response was given to the consumer. The Nodal officer also filed revised uptodate bill , copy of the CPL from July 2000 , bill revision note dt.11.10.06, test result of meter No. 9001232268 , meter replacement report dt.25.3.07 and electricity bill of Rs. 18150/ . The copy of the same is given to the consumer. . The case was adjourned to 30.4.07.

The consumer filed his reply on response of the Nodal officer on 24.4.07 . The copy of the reply filed by the consumer was send to Nodal officer on 24.4.07 for his reply thereon, if any.

On 30.4.07, the consumer was present, Nodal officer was not present No reply was received from the Nodal officer on the reply filed by the consumer. Irrespective of reminder new service connection report and CPL from beginning was not filed by the Nodal Officer. The matter was kept for decision.

We have gone through the complaint and the documents filed by the consumer. We have also gone through the response of the Nodal officer and the documents filed by him.

The Nodal officer has stated that the consumption of 6044 units in the month of July 2006 is accumulated consumption as the meter reader has not taken correct reading from time to time and considering the connected load of the consumer the accumulated consumption is bifurcated for the period August 05 to July 06 and credit of Rs.21470 is given to the consumer. It is further sated that the consumer is charged at an average of 1025 units for the period of August 06 to Oct.06 and the consumption of 687 units for the month of Nov.06 as per recorded consumption. The recorded units 687 are bifurcated for the period of Aug.06 to Nov.06 and credit of Rs. 13465/ was given to the consumer. It is also mentioned that due to oversight wrong meter number i.e. 10187075 is considered by the accounts staff but it makes no difference with the consumption on the meter and hence consumer is not affected. The uptodate revised bill filed is for Rs. 18150/

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We have gone through the CPL which starts from July 2000. On going through the CPL carefully we find that right since July 2000 till Dec.04 the meter status is shown as Faulty. The previous reading and the current reading mentioned in the CPL during this period that is July 2000 to Dec.04 , at most of the places , is the same. We are surprised to notice that the faulty meter status and the meter reading did not attract the attention of any of the concerned officer of the D.L. , but on the contrary the consumer is billed on average basis for this period. On going through the CPL we do find that the consumer has been charged for units ranging from 209 to 321 for the period July 2000 to Dec.04, the bills for this period being bimonthly. In other words it would mean that the monthly consumption for which the consumer was charged ranges between 104 to 160 units. On going through the CPL from Feb.05 till June 2006 the consumer is charged for monthly units ranging between 31 to 81 units, the bills being for one month only. It is this period in which the consumer is charged between 31 to 81 units per month forms the ground of complaint of the consumer. The bill for July 06 in which initial and current reading is shown as 1102 and 7146 respectively has given rise to the complaint. The consumer is charged for 6044 units. In August, Sept & Oct. 06 , though the meter status is shown to be Normal the previous and current reading being the same , the consumer is charged for 1025 units per month and as stated by the Nodal officer for Nov.06 , the consumption recorded i.e. 687 units were bifurcated between Aug.06 to Nov.06 and necessary credit given. On going through the entire CPL we are of the firm opinion that the entries in the CPL lack credibility and the CPL can not be considered in any way except as stated below.

The previous reading mentioned in CPL for July 2000 is 597 .The intermittent readings thereafter , can not be considered as stated above. Because of the complaint of the consumer the inspection of the meter was carried out on 23.9.06 .The meter reading on that date was 7418. The meter inspected bears Sr.No. 900123 2268 and the officer of the D.L. has mentioned thereon that the electricity supply to the consumer is through this meter but some other meter number is mentioned on the bills of the consumer.

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The consumer has stated thereon that the above meter number is wrong and not acceptable to him as it is not as per mentioned on the bill. On going through the CPL we also find that till Sept.06 , the meter number mentioned is 9010187075. It is from the month of Oct.06 the meter number 900123 2268 is mentioned in the CPL and even on bills . It is infact the inspection dt.23.9.06 which has caused the correction of meter number in the CPL and also on the bills. Even this meter number i.e. 9001232268 is replaced on 25.3.07 by meter number 029993. Even on this replacement report the consumer has mentioned that old meter number and old meter reading is not acceptable to him. We do not find the contention of the consumer worth any consideration as this meter No. i.e. 2268 is replaced by meter number 29993 and the electricity supply of the consumer is intact .It only goes to show that the meter through which the consumer was getting his supply till 25.3.07 was actually from meter number 2268 and not from meter 7075 though the latter meter number appeared on the bills of the consumer.

As mentioned above the previous and current reading mentioned on the CPL for July 2000 is 597 .Though the meter number 7075 appeared on the bills of the consumer, the electricity supply was through meter number 2268 only appears to be correct in light of the facts stated above. The meter No. 2268 at the time of replacement on 25.3.07 discloses reading 8384. This means the consumer has consumed electricity from July 2000 to 25.3. 07 to the extent of 8384-597 units i.e. 7787 units. Even this reading at the time of replacement is also mentioned on meter testing report. Here it would not be out of place to mention that the consumer has accepted that when this meter was removed for being replaced , the same was sealed in his presence and he was issued a notice of the intended testing of the meter and was asked to be present the next date for this very purpose, which he did . This also would confirm the facts that the meter through which the consumer was getting supply was 2268 and not 7075 as claimed by him though the same was mentioned on his electricity bills. The Nodal officer in his response has also confirmed that the wrong meter number appeared on the bills is due to wrong feeding .

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In light of the facts stated above we do not approve the reasoning behind the revision of the bill submitted by the Nodal officer. The entries in the CPL , barring the two figures i.e. 597 in the month of July 2000 and 8384 at the time of replacement of meter on 25.3.07, can not be given any weight and credibility. As stated above the consumer from July 2000 onwards till Dec.04 has been charged on average basis and the total units for which the consumer has been charged has been totally lost sight of by the Nodal officer while revising the bill.

We are therefore of the opinion that considering that the consumer has consumed $8384 - 597 = 7787$ units from July 2000 to 25.3.07, the units for which the consumer is already charged and which the consumer has paid will have to be deducted from the total consumption till 25.3.07. Needless to say the bill for July 2006 and all subsequent bills including the revised bill of Rs. 18150/ deserve to be quashed hence the following order

ORDER

1. The bills from July 2006 and all subsequent bills including the revised bill of Rs. 18150/ are here by quashed. The D.P.C. and interest in these bills also stands quashed.
2. The D.L. is directed to prepare a revised bill in light of the observations made above.
3. The D.L. is directed to issue revised bill to the consumer within a period of one month from the date of this order and the consumer is directed to pay the same within 21 days from the date of receipt of the same .
4. The D.L. is directed to pay compensation of Rs. 500/ for wrongful disconnection of the consumer.

The D.L.& the consumer shall comply with the above order and report compliance to the Forum.

Inform the parties and close the case.

(H.A.Kapadia)
Member

(V.G.Joshi)
Member Secretary

(R.K.Pingle)
Chairman
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Shri Arun G.Dalal
N-3 Cidco, , Aurangabad.

Vs.

M.S.E.D.C.L. Urban Circle, Aurangabad.

Sub: Grievance under the Maharashtra Electricity
Regulatory Commission (Consumer Grievance
Redressal Forum and Ombudsman) Regulations
2006

INTERIM ORDER

The Distribution Licensee is directed not to disconnect the electricity supply of the consumer complainant till the decision in the matter of grievance.

(H.A.Kapadia)
Member

(V.G.Joshi)
Member secretary

(R.K.Pingle)
Chairman