

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

Case No. CGRF / AZ / AUR / U / 596 / 2016 / 27

Registration No. 2016090162

Date of Admission 27.09.2016

Date of Decision 01.12.2016

Shri Laxman L. Gatla,
Mukundwadi, Main Road,
Aurangabad 431 001

COMPLAINANT

VERSUS.

The Executive Engineer(Admn),
Nodal Officer,
O/O Superintending Engineer,
MSEDCL, Urban Circle,
Aurangabad

RESPONDENT

CORAM

Shri Dr.Bhaskar G. Palwe

Chairman

Shri Uttam M. Urkude,

Member/Secretary

Shri Vilaschandra S. Kabra

Member.

CONSUMER GRIEVANCES REDRESSAL DECISION

Shri Laxman L. Gatla, Mukundwadi, Main Road, Aurangabad has filed a complaint against the Executive Engineer(Admn), Nodal Officer, MSEDCL, Urban Circle, Aurangabad under Maharashtra Electricity Regulatory Commission (Consumer Grievances Redressal Forum and Electricity Ombudsman) Regulation 2006 in Annexure 'A' on 27.09.2016.

The brief details of the complaint are as under.

The complainant having residential connection has started Small Tailoring shop below his residence, where the use of electricity is limited to light and fan only. The average consumption of the electricity is below 300 units per month and 3600 units per year. The complainant has submitted that he received a bill of Rs. 25120/- for the month of May 2016 . The units consumed were 246 units. The monthly bill amount was shown as Rs. 2513/-, however the bill includes debit bill adjustment amount of Rs. 22605/- The complainant tried to obtain the details of the bill. However no details were provided to him. Therefore complaint was lodged on 21.06.2016, no response was received inspite of various reminders. Respondent sent his Lineman for disconnection on 14.09.2016. The complainant received a letter No. 2169 dtd. 20.09.2016, which states that, since the supply is used for shop purpose, the amount of Rs. 22579/- included in the bill is as per provision of section 126 of Electricity Act 2003.

The complainant has submitted that Hon. MERC through its tariff order dated 16.08.2012 directed MSEDCL to apply residential tariff to small shop owners, who are operating their business from residence. MSEDCL through its Circulars has also directed all the

Field Officers not to charge the tariff of small shops in case the average consumption is below 300 Units per month and 3600 units per year.

The average consumption of the complainant is below 300 units per month and 3600 units per year. The Respondent has no authority to change the category of the complainant or any authority to issue a bill under Section 126 of the Electricity Act 2003. Moreover the complainant has also submitted that In this case Complainant authorized to Mr. Dubba, the ex-employee of MSEDCL as consumer representative, but Shri Khanapure UDC and concern officer giving mental agony by demanding bill by way of commercial rate.

In view of the above complainant has prayed as under.

- 1) The complaint may be allowed.
- 2) The Respondent may be directed to withdraw the debit bill adjustment amount alongwith interest etc from the bill.
- 3) The respondent may be directed to pay compensation of Rs. 5000/- towards mental harassment and cost of filing grievance petition.
- 4) Any other relief as deemed fit by Hon'ble Forum.

Say of Executive Engineer(Admn), Nodal Officer, MSEDCL
O&M Urban Circle, Aurangabad – Respondent

Respondent, MSEDCL, vide their letter dated 04.10.2016 has submitted on dtd. 25.10.2016 that, the complainant has been provided single phase residential Electricity connection with respect to complainant's application dated 15.10.2013. On dtd. 16.05.2016, Assistant Engineer of Mukundwadi Branch inspected the Meter of the complainant. It was reported that the residential connection is being used for a Tailoring Shop. Therefore the consumer was charged Rs. 22681/- under Section 126 of the Electricity Act 2003 for the period of May 2015 to April 2016.

The complainant has filed a complaint on the bill of Rs. 22681/- on 21.06.2016. The above complaint was investigated, the complainant has a shop on the main Road and he resides behind the shop. There is a separate way for going to the residential area. The complainant has connected load of 985 watts in the shop and 223 watts in the residential area. The complainant is using the Electricity in the shop for commercial purpose. Therefore the bill given to the complainant is correct.

Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulation 2006, its Section 3.8 does not allow cases under Section 126/135 of the Electricity Act 2003 to be proceed by the CGRF, hence complaint may please be rejected.

Observations of the Consumer Grievance Redressal Forum.

- 1) The average consumption of the complainant is below 300 Units per month and 3600 per annum.
- 2) Hon. MERC, through its tariff order directed MSEDCL to apply residential tariff to small shop owners who are operating their business from residence. MSEDCL, through its circular has also directed all his Field Officer not to charge the tariff of small shops in case the average consumption is below 300 Units per month and 3600 units per year.
- 3) The negligence has been observed on the part of respondent for attending the hearing conducted by Forum. The respondent was absent on 18.10.2016, 09.11.2016. Shri Ashish Khanapure, UDC (A/c) attended on 09.11.2016, without any authorization and orally asked Forum to extend the hearing with rude, manner-less and arrogant behavior with the Forum. Another respondents representative Shri Rajendra Rathod, Assistant Engineer attended on dtd 18.11.2016 &

requesting to adjourn for the final argument. Hence final argument was decided on 30.11.2016 but nobody is found present from the side of respondent.

- 4) It is argued by the complainant on 09.11.2016 that, the respondent, on first hearing i.e. 05.10.2016 submitted its reply and admitted that the bill issued under 126 is wrong and respondent also shown his readiness to withdraw the same, of which copy of reply dtd. 04.10.2016 is provided alongwith the argument and also requested to take the action against respondent for not attending the hearing regularly and harassment to the complainant.
- 5) The Respondent failed to adhere with the provisions under Section 126 of EA 2003 amendment 2007 to issue provisional bill & hearing thereupon, to issue final order alongwith the assessment sheet, spot panchanama reports & other provisions u/s 126 of EA2003.
- 6) The concerned UDC(account) and Engineer has harassed and given the mental agony to consumer with prejudice mind instead of following the MERC Tariff Order.

In view of the above, this Forum passed the following order.

ORDER

- 1) The grievance petition is allowed.
- 2) The grievance does not fall under section 126 of EA 2003 hence MSEDCL shall withdraw the debit bill adjustment amount alongwith interest from the bill, levied u/s 126 of EA 2003.
- 3) MSEDCL shall pay the compensation of Rs. 1000/- towards mental harassment to the complainant.
- 4) Shri Ashish Khanapure, UDC (A/c) shall be fined Rs. 2000/- towards rude, manner-less and arrogant behavior with the Forum.
- 5) The disciplinary action shall be taken against the respondent (concerned authorized person) for not attending the Scheduled hearing deliberately.
- 6) The compliance of the order shall be submitted within 30 days.

Sd/-
Dr.Bhaskar G. Palwe
Chairman

Sd/-
Uttam M. Urkude
Member / Secretary

Sd/-
Vilaschandra S.Kabra
Member