



**CONSUMER GRIEVANCE REDRESSAL FORUM,
MSEDCL, BARAMATI ZONE, BARAMATI.**

Case No.21/2014

Date of Grievances:20/09/2014

Date of Order:09/03/2015

In the matter of Temporary Disconnection.

Complainant

Mr. Subhash Dnyandev Kamthe,
A/p- Khalad, Tal- Purandhar, Dist. Pune.

(Herein after referred as Consumer)

Versus

Executive Engineer,
M.S.E.D.C.L., Saswad O&M,
Division, Saswad.

Respondent

(Herein after referred As Licensee)

Quorum

Chairperson
Member Secretary

Mr. S. N. Shelke
Mr. S. M. Akode

Appearance:-

For Consumer: -

1) Mr. Subhash Dnyandev Kamthe

For Respondent: -
Baramati

1) Mr. S.T. Kasale, Executive Engineer (Adm.), O&M

(Rural) circle.

Division.

2) Mr. H. S. Bhirud, Dy. Executive Engineer Saswad Sub-

3) Mr. A. A. Bandal, Dy. Manager Saswad Division.

4) Mr. R. G. Kamthe, Assistant Engineer, Sub-Division.

1. The Consumer has filed present Grievance application under regulation No. 6.4 of the MERC (CGRF& E.O.) Regulations 2006.

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2. Being aggrieved & dissatisfied by the order dated 12/08/2014 passed by IGRC Baramati Rural circle, Baramati, the consumer above named prefers the present grievance.
3. The papers containing the above grievance were sent by the forum to the Executive Engineer, Saswad Division vide letter No. EE/CGRF/BMZ/No 4279 Dated 22/09/2014. Accordingly by the Distribution Licensee, MSEDCL filed its reply on 18/12/2014.
4. We heard both sides at length, gone through the contention of the consumer and reply of the respondent & documents placed on record by the parties.

On its basis following factual aspects were disclosed.

- i) The consumer is categorized as 'LT Residential consumer' in the name of Mr. Subhash Dnyandev Kamthe connected on 24/04/1996.
- ii) The consumer No is 187231822936.
- iii) In the month of August 2002, consumer received exorbitant bill of Rs. 23737.21
- iv) Hence consumer Mr. Subhash Dnyandev Kamthe filed case before the District consumer Disputes Redressal Forum, Pune bearing Consumer Case No. APDF/248 of 2003).
- v) In the above case, the Additional district consumer Dispute Redressal forum, Pune passed order on 17/09/2004. As per said order the Electricity bill was reduced to Rs. 10150/- & the complainant was asked to pay the bills by installments of Rs. 1000/- for arrears & directed MSEDCL to pay compensation of Rs. 5000/- to the consumer.
- vi) As per C.P.L. Consumer has deposited the bills as below.
Rs.2000/- Dt. 02/09/2004
Rs.2000/- Dt. 16/05/2008
Rs.1500/- Dt. 12/05/2011
Rs.1000/- Dt. 29/06/2011
Rs.1000/- Dt. 15/09/2011
Rs.500/- Dt. 15/12/2011
Rs.500/- Dt. 11/04/2012
Rs.500/- Dt. 10/12/2012
Rs.1000/- Dt. 16/03/2013

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- vii) On 24/03/2013 the Section Engineer khalad temporary disconnected the said supply.
- viii) In the month of March-2006 Electric bill of the same consumer was rectified by giving credit of Rs.16938/- & therefore outstanding bill was of Rs.10150/-.
- ix) The Licensee being aggrieved by the decision of District Consumer Dispute Forum dated 17.09.2004, approached to State Commission at Mumbai vide first appeal No.79/2005 & the Hon. commission vide order dated 8.02.2008 quashed the order of compensation of Rs.5000/- payable to the said consumer by the licensee and remaining part of the impugned order was confirmed.
- x) The consumer did not strictly obey the order dated 17.09.2004 passed by District Consumer Dispute Redressal Forum. He did not pay installment of Rs.1000/- against energy bills. He was very irregular in paying installments.
- xi) Thereafter the Licensee issued various notices to the consumer for payment of arrears as under
- i) AE/SAS/Billing/no.1184 dt.5.7.2010
 - ii) AE/SAS/Billing/No.1377 dt.26.09.2010
 - iii) AE/SAS/Billing/No.8134 dt.18.04.2011
 - iv) AE/SAS/Billing/No.0334 dt.18.02.2013
- xii) The Licensee also issued notices for Temporary disconnection (T.D.) of supply alongwith bills for the month of Feb.2013 & March-2013.
- xiii) Upon receipt of above mentioned notices the consumer executed Hami patra dt.11.5.2011 for Depositing of arrears of bills by installment.
- xiv) Licensee Temporarily disconnected the supply of said consumer on 24/03/2013.
- xv) According to Licensee the said consumer utilized the energy of 10881 units during the period from May-2002 to March-2014.
- xvi) In the month of March-2014 arrears of Rs.67370/- are due and payable by the said consumer.

5. The consumer namely Subhash Dnyandev Kamthe himself was present at the time of hearing. He submitted that action of disconnection of his supply was politically

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motivated. His supply was disconnected on the day of Government Holiday. He has deposited the installment of Rs.1000/- of bill amount on 16/3/2013 inspite of this fact his supply was disconnected on 24/3/2013. He is small holder and his supply was wrongly disconnected though he had deposited the installment of Rs.1000/-. Therefore he requested supply be restored.

6. On the other hand, Licensee is represented by Mr.S.T.Kasale, Ex. Engineer, (O&M) Baramati Rural Circle, Mr. H.S. Bhirud, Dy.E.E., Saswad Sub/Dn., Mr.A.A. Bandal, Dy.Manager, Saswad Division & R.G.Kamathe, Assistant Engineer. They submitted that the said consumer had filed the case bearing No.248/2003 before the District Dispute Redressal Forum, Pune said consumer did not deposit installments regularly as per order of District Forum.

Till March-2014 he utilized the energy of 10881 units. Deducting the amount of deposited the said consumer, he is in arrears of Rs.67370/-. He is liable to pay the amount of bills. Therefore unless the consumer clears arrears, supply cannot be restored.

7. District consumer forum vide order dated 17/09/2004 assessed the energy bill to the extent of Rs.10150/- and further directed that the said arrears be deposited by installments of Rs.1000/- each.
8. We have carefully examined the CPL record of the said consumer. It is seen that the said consumer was connected on 24/04/1998 vide consumer No.187231822936. In the month of Dec.2014 arrears of interest is shown to Rs.27662.05. Adjustment amount shown to Rs.43,184/- Interest on arrears 352/- fixed charges Rs.40/- & Net bill is shown to Rs.70,398/-. It is the case of Licensee that the said consumer was not paying the bills regularly. He committed defaults in paying bill amount. He did not follow the payment of arrears programme as fixed vide order dated 17/09/2004 passed by District Consumer Forum. The Licensee time to time issued notices to the consumer for payment of arrears of bills. But consumer failed to deposit arrears. Therefore they temporarily disconnected the supply of consumer on 24/03/2013. However it is seen that after the disconnection of supply the licensee used to issue the bills to the said consumer from April-2013 to Dec.2014. Consumption of the consumer has shown 00 units. Therefore it is clear that consumer was not utilizing energy due to disconnection from April-2013 to Dec.2014. This period is admittedly more than 6

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months. Therefore licensee should have taken appropriate steps for recovery of arrears.

9. On perusal of CPL of said consumer it is further seen that during the period from April-2014 to Dec.2014, consumption is shown to 00 units. On the contrary in the month of Oct. & Nov.2014 total consumption is shown to 160 units said 160 units are inconsistent with the record when consumption is 00 units. It is pertinent to note that after disconnection of supply on 24/03/2013, the Licensee has charged interest on arrears every month. Similarly arrears of interest are shown in every month in the CPL. After disconnection of supply it was the duty of licensee to recover the arrears of bills by following proper procedure of law. But licensee has continued to charge interest on arrears every month.

10) Similarly in the month Oct.2014 though the said connection was temporarily disconnected but the consumer was charged for 160 units with Electricity Charges Rs.699/-, Electricity Duty Rs.118/- & FCA Rs.48/- Total amounting to Rs.865/-. Similarly in the month of Nov.2014 though the said connection was temporarily disconnected, the consumer was charged for 160 units, consisting of Elect. Charges Rs.699/-, Elect. duty Rs.115/- and FCA Rs.32/- Total Rs.846/-. Hence the consumer was charged total for Rs.(865/- + 846/-=Rs.1711/-) Rs.1711/-. However in the month of December he was given credit of Rs.840/- only instead of Rs.1711/- . Therefore due to giving of less credit amount consumer was suffered. He was also suffered due to arrears of interest when figures mentioned in the CPL are not correct as mentioned above. In other words interest on arrears on the basis of incorrect charges is unjust. In this backdrop licensee has to examine and correct entire CPL record of the disputed period of said consumer and to issue correct revised bill to him.

11. Post of Chairperson, CGRF of this Zone was vacant during the period from 28.7.2014 To 7.12.2014 & CGRF member post was vacant from 1st Nov.2014 To 1st Feb.2015. Hence grievance could not be decided during a period of 2 months.


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Hence the Order

ORDER

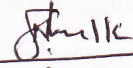
- 1) The grievance application is partly allowed with cost.
- 2) The Licensee to issue revised bill to the consumer.
- 3) Compliance be reported within one month of this order.



S.M.AKODE

9/3/2015

Member/Secretary
CGRF: BMTZ: BARAMATI



9.3.2015

S.N.Shelke
Chairperson
CGRF:BMTZ:BARAMATI

Note:-The Consumer if not satisfied may file representation against this order before the Hon'ble Ombudsman within 60 days from date of this order at the following address.

Office of the Ombudsman,
Maharashtra Electricity Regulatory Commission,
606/608, Keshav Building, BandraKurla Complex,
Bandra (East), Mumabi-51.