

O/o. Chief Engineer, (BMTZ) Zone office, Plot No. P.34, Above Bank Of Maharashtra MIDC Area,
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NO.EE/CGRF/BMTZ/ No - 47 17

Date: 25 SEP 2013

Case No. 01/2013-2014

Date:- 30 MAY 2013

In the matter of

Shri. Shivaji Sambhaji Vankade
480, Kumthegaon -
Tal. Solapur, Dist- Solapur
Pin 413224

Applicant (Complainant)

Versus

Executive Engineer
Electricity Distribution Co. Ltd. -
Respondent)
Solapur division
Solapur.

Opponent
(Here in after referred As

Quorum

Chair person
Member Secretary
Member

Mr. S.D. Madake
Mr. S.R.Chitale,
Mr. Suryankant Pathak

- 1) Complainant Shri. Shivaji Sambhaji Vankade filed the complaint for deficiency in service by Maharashtra State Electricity Distribution company limited. He made a grievance for harassment by employee of MSEDCL for their misbehavior with him.
- 2) The brief facts may briefly be stated as under complainant was earlier residential consumer of opponent vide Con.No.0771951 having meter No. 127391. The consumer applied for new connection and earlier connection was permanently disconnected.
- 3) Complainant now is having consumer No. 330242223501 having residential connection since 28/02/2010 . According to complainant since the installation of new connection from Feb-2010 till Feb-2013 the total

S.D. Madake

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bill excesses towards consumption is Rs. 21394.00(Rupees twenty one thousand three hundred and ninety four) Consumer stated that initial reading in Feb-2010 was 00003 and the reading in Feb-2013 was 07407. Consumer made complaint specifically for past reading of the meter and for non availability of meter reading.

- 4) Complainant filed complaint before IGRC on 18/02/2013 . It appears that during the pendency of the complaint before I.G.R.C. Deputy Executive Engineer, informed to complaint regarding the meter reading and bills, stating that meter reading was not taken properly in Sept-2012 due to which bills issued in Oct-2012 was incorrect .The said bill was corrected to direct erring staff of MSEDCL for misbehavior with complainant Shri. Shivaji Sambhaji Vankude as well as directed for **installation of I.R.Meter.**
- 5) On perusal of the order of I.G.R.C. it appears that whether the electricity bills are to be paid by monthly quarterly or other installments. There is no finding as to whether MSEDCL employees threatened complainant for recovery of bills.
- 6) We have perused complaint filed before this forum, the say filed by opponent, CPL and the electricity bills issued to consumer, meter testing report dt. 05/03/2013.
- 7) The complainant has made a grievance in respect of bills during the period between 1998 to 2013 in the application filed in "A" form before this forum. However the forum is entitle to take cognizance of the complaint if the same is filed within two years. We reproduce the relevant part of M.E.R.C. (C.G.R.F. & Electricity Ombudsman) Regulation 2006 as under.
Clause 6.6 The forum shall not admit any grievance unless it is filed within two (2) years from the date on which the cause of action has arisen.
- 8) The I.G.R.C. vide order dated 16/04/2013 permitted to the consumer to pay the bill by four installments. IGRC further directed to warn the staff of opponent for their misbehavior with complainant. The forum further directed to install I.R.Meter in the area where consumers meter is installed.
- 9) We have perused the order of IRGC and noticed that there is no mention regarding the duration of installments. Secondly there is no finding regarding the misbehavior on the part of MSEDCL staff to the complainant.

Sandeep

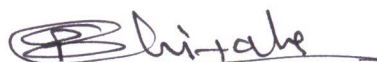


Prithvi

- 10) Heard both parties at length. Perused complaint in "A" form, say filed by opponent dated 23/07/2013, copy of CPL (Consumers personal Ledger). Meter testing report dated 05/03/2013 and the electricity bills issued MSEDCL, since Feb.2010 to Jan.2013.
- 11) The Complainant had made a grievance in respect of bills during the period between 1998 to 2013. As per Clause 6.6 of MERC (CGRF & Electricity Ombudsman) Regulation 2006. The forum shall not admit any grievance unless it is filed within 2 years on the date on which the cause of action has arise.
- 12) In the present case grievance is made in respect of bills issued form 1998 and opponent produced on record CPL for period communing form 1998. However this form has no jurisdiction to entertain the complaint in respect of the grievance for a period exceeding 2 years form the date of cause of action. As per the Law of Limitation, the complaint shall be dismissed if filed after the prescribed period of limitation although limitation has not been set up as a defense. Therefore this forum shall not entertain the grievance in respect of the bills issued form 1998 onwards as barred by limitation.
- 13) The complainant made a grievance that meter is running fast and meter reading is not taken properly and meter reading is not visible.
- 14) We have perused the meter testing report dated 05/03/2013, the report shows that meter is working within permissible limits. This shows that meter is in proper condition and it is not correct that meter is running fast as contended by the complainant. Complainant alleged that, meter reading is not taken properly. The submission of the Complainant is supported by letter issued by Deputy Executive Engineer addressed to complainant dated 01/04/2013. In this letter it is admitted that in Sept.2012, wrong meter reading was taken and due to this excess bill was issued in Oct.2012. This is further corroborated by the contents of the say filed by the opponent on 23/07/2013. MSEDCL avered that during the month of Aug.2012 & Sept.2012 the reading of consumer was not taken properly by the newly appointed agency. On perusal of the bills for the respective months it is clear that bills were not properly issued for two months. Record further shows that opponent corrected the bill by giving credit of an amount in the bill issued in Feb.2013. The forum is of

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considered view that, consumer is entitled for compensation for issuance of bills without proper reading admittedly for 2 months as per the standard of performance.

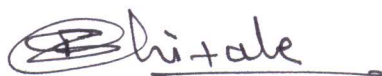
- 15) The complainant alleged that, employees of MSEDCL threatened the complainant for the payment of bill. It is further alleged that they misbehaved with him and caused mental harassment. It is further alleged that, the staff threatened the female members. This fact has not been denied by the opponent in the reply filed on 23.7.2013. On the other hand the opponent stated that, responsible employee who misbehaved with the consumer was warned by issuing letter dated 23/05/2013. IGRC also in its order dated 16/04/2013 directed to take action against the employee who misbehaved with complainant. It is unfortunate that opponent has taken the law in their hands and acted in violation of law. The opponent is entitled to take steps as per the law in case consumers fail to pay the bill. However threatening the consumer for payment of bill and also to his family members is violation of norms of behavior as expected by the employee of reputed organization. This resulted in causing mental agony to the consumer. The consumer is entitled to the compensation for mental agony due to harassment by employees of opponent to himself and to his family members. It is also necessary on the part of the opponent to take appropriate action to avoid such incidents in future.
- 16) Considering the facts and circumstances complainant is entitled for compensation for issuing bill without reading and for mental agony and harassment. We quantify the total amount of compensation of Rs.2000/- which is just and proper. This amount of compensation is required to be adjusted in future bills in the interest of justice.

ORDER

- 1) MSEDCL is directed to pay the compensation of Rs.2000/- (Rupees Two thousands only) for deficiency in service and mental agony and harassment.


complainant




Authority

- 2) The amount of compensation to be adjusted in future bills.
- 3) The complainant is directed to pay the arrears of bill by four monthly installments with current bill amount.
- 4) The opponent shall pay the cost of Rs.500/- to the complainant which should be adjusted in future bills.
- 5) The complainant may file representation against this order before the Hon. Ombudsman within 60 days from the date of this order at the following address.

**" Office of the Electricity Ombudsman,
Maharashtra Electricity Regulatory Commission,
606/608, Keshav Bldg., Bandra Kurla Complex,
Mumbai-51."**



Mr. S.D. Madake
(Chairperson)



Mr. S.R. Chitale
(Member Secretary)



Mr. Suryankant Pathak
(Member)

Date:- 30 AUG 2013

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