



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
Ph: – 2210707 & 2328283 Ext: - 122

IN THE MATTER OF GRIEVANCE NO. K/E/313/350 OF 2009-2010 OF SHRI R. D. BHIKARU, VIRAR (EAST) , REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT EXCESSIVE ENERGY BILL.

Shri R. D. Bhikaru
Siddharth Apartment,
Flat No. 114, Third Floor,
Nityanand Nagar. Chandansar,
Virar (East), Dist : Thane

} (Here in after
referred to
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its Dy. Executive
Engineer, Virar East Sub-Division

} (Here in after
referred to
as Licensee)

- 1) Consumer Grievance Redressal Forum has been established under regulation of "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2006" to redress

the grievances of consumers. This regulation has been made by the Maharashtra Electricity Regulatory Commission (MERC) vide powers conformed on it by section 181 read with sub-section 5 to 7 of section 42 of the Electricity Act, 2003. (36 of 2003).

- 2) The consumer is a single phase LT consumer of the Licensee. The Consumer is billed as per residential tariff. The consumer registered grievance with the Forum on 21/12/2009 regarding the Excessive energy Bill. The details are as follows: -

Name of the consumer : Shri R. D. Bhikaru

Address: - As above

Consumer No : 001880291617

Reason for Dispute : - Regarding the Excessive Energy Bill

- 3). The batch of papers containing above grievance was sent by Forum vide letter No. EE/CGRF/Kalyan/988, dt. 21/12/2009 to the Nodal Officer of the Licensee, and the Licensee through Dy. Executive Engineer MSEDCL Virar East Sub-Division filed reply vide letter No. DYEE/Virar (E)/107, dt. 05/01/2010.

- 4) The Members of the forum heard both the parties at length on 06/01/2010 @ 15.00 Hrs. in the meeting hall of the Forum's office. Shri R. D. Bhikaru Consumer, Shri R.K.W.Jain and Shri S.R. Sapkale Consumer Representatives, Shri N. P. Chaudhary Dy. Ex.Engr., Shri , C. R. Tallarwar Jr. Engr., representatives of the licensee, attended hearing. Minutes of the hearing including the submissions made by the parties are recorded and the same are kept in the record. Submissions made by the parties in respect of grievance since already recorded will be referred to avoid repetition.

- 5). It is the grievance of complainant consumer that he regularly pays bill of consumption of electricity, however, all of a sudden he received bill for the amount of Rs. 47,990/- stating as category changed from residential to construction purpose for the period from Sept. 08 to April 09. According to consumer bill as above was not of the premises in which his meter was installed and that the bill does not pertain to the consumer number allotted to him. It is contended that on receipt of the bill, he enquired the same with the office of licensee at Vasai where he learnt that the Flying Squad Unit on 01/04/09 found electric supply from the residential meter was taken illegally for the construction of one Hira Patil from the meter RL – 1617 per month 217.5 KWH and for eight months total consumption was 1740 KWH and therefore, the bill was issued as per the panchanama dt. 01/04/09. This position was informed by the Sub-Engineer DF Squad to the Dy. Ex.Engr. Virar East Sub/Dn. by the letter dt. 02/04/09. It is contended that based on the said bill, electricity of complainant/consumer was disconnected and meter was removed on 08/09/09 and later on knowing the mistake the officials of the licensee restored the supply on 16/10/09. According to the consumer the bill in question concern to the meter installed in the chawl of one Chanderswamy to the construction of one Hira Patil, 500 feet away from his residence and that he is not concern with illegal extension. Consumer further averred that he tried his level best to bring the mistake to the notice of the officers of licensee but none bothered. By detail letter dt. 01/10/09 consumer reminded the mistake but the Dy. Ex. Engr. also did not pay attention and as such according to complainant officers of the licensee ignored his grievance in toto. Consumer contended that for the mistake on the part of the officers of the licensee he suffered mental

agony as well pecuniary loss which he has quantified to Rs. one lakh. Complainant therefore prays to direct the licensee to punish the erring officers for the mistake committed by them and he be awarded compensation mentioned supra.

- 6) By the reply dt. 05/01/2010 Dy. Ex.Engr. Virar East Sub-Division contended that in the light of the complaint he sought report from the Jr. Engineer and that the engineer concerned by his letter dt. 16/11/09 pointed out that the electricity was taken illegally for construction from the consumer No. RL-1765 and not from RL-2576. Consumer No. RL-2576 is of complainant and that illegal electricity supply was taken from consumer No. RL-1765. It is the contention of the licensee that since complainant consumer consumed electricity for residential use and not for construction purpose, by mistake bill was issued in his name and that bill is under revision for which report has been submitted to the authority concerned. In short, licensee contended that by mistake the bill was issued and it will be corrected.
- 7) On perusal of the record and hearing both the parties following points arise for the consideration of Forum and findings thereon for the reasons recorded below :

Points	Findings
a)Whether the officials of the licensee erred in issuing bill of category change for the amount of Rs. 47,990/- to the consumer complainant ?	Yes
b)Whether it is proper to saddle the officials of licensee with costs/compensation to be paid to the consumer ?	Yes
c)What Order ?	As per Order below

Reasons

- 8) At the outset it is to be noted that the Sub-Engineer Flying Squad Unit by letter dt. 02/04/09 apprised the Dy. Ex.Engr. Virar East Sub/Dn. on illegal supply of electricity to the construction from Consumer No. RL – 001880291617/5. Whereas panchanama of spot dt. 01/04/09 indicates the consumer No. 00188029161/5 meter No. B-800597 of total consumption 0.5361 KWH from which the illegal supply was made. This panchanama mentions the supply of electricity to the construction of one Hira Patil which is at a distance of 70 feet from this meter. According to complainant consumer his flat situates at a distance of 500 feet from the place shown in the panchanama. In application dt. 01/10/09 page 3 of clearly depicted the situation and the position of his meter and the meter mentioned in the panchanama. Dy. Ex. Engr. Virar East Sub/Dn. by his letter dt. 05/01/2010 pointed out that from the consumer number RL-1765 electricity was taken for construction and that consumer number RL-2576 consumes electricity for residential purpose. RL-2576 is of complainant consumer as clearly seen from the electricity bill. Thus according to the officials of licensee complainant consumer did not supply electricity for construction and therefore, the bill issued for the amount of Rs. 47,990/- ipso facto illegal and will have to be quashed, obviously complainant is not liable to pay this amount.
- 9) According to complainant/consumer though he did not supply electricity from his meter for construction his meter was permanently disconnected in the month of Sept. 09 and was restored on 16/10/09. By letter dt. 05/01/2010 and before this Forum also Dy. Ex.Engr. Virar East sub/Dn. by

the letter dt. 06/01/10 concede the mistake occurred and also disconnection of meter. Assuming for a movement, bill issued to the complainant consumer for the amount Rs. 47,990/- as mentioned above was correct, principle of natural justice demands that licensee to give 15 days notice for disconnection as per Section 56 of Electricity Act 2003 however, record shows licensee all of a sudden, without giving notice disconnected electricity supply of complainant consumer, is apparently matter of injustice and insult to the complainant consumer.

10)The CR inviting our attention to the documents placed on record especially detail application dt. 01/10/09 urged with force that complainant consumer not once but repeatedly putforth his grievances before the officials of the licensee but none took pains to hear him and make a glance to the recitals in his applications resulting in causing injustice. He further urged that it is not a matter of oversight mistake but intentional blunder on the part of the officials of licensee therefore, it is high time to saddle them with heavy costs and compensation. On perusal the record it is seen complainant consumer in his application dt. 01/10/09 clearly pointed out as to how he is innocent. Had any of the officials atleast turn to the application would have come to know the apparent mistake but with regret we have to say that they have neglected the complainant consumer, the part and parcel of the company. It seems complainant made various visits to the offices of the licensee but with no result. It appears that the negligent staff has not bothered for the harassment done to the poor consumer. There was gross deficiency in service. Hon. National Consumer Disputes Redressal Commission New Delhi in Revision Petition No. 604 of 03, in case Chandrakant Mahadeo Kadam V/s. Assistant Engineer MSEB Aatpadi observed grant of Rs. 500/- per day as compensation for miscarriage of

justice is insult to the consumer and in this context ruled Rs. 500/- per day is appropriate for each days default and the amount to be paid as compensation, to be recovered by the department from it's negligent and defaulting officials. Relying on this decision and considering the grave mistake committed by the officials and the fact that admittedly the supply of complainant/consumer was disconnected on 08/09/09 and restored on 16/10/09 thereby complainant/consumer was forced to be in dark for about 38 days, we find proper to direct the licensee to pay Rs. 19,000/- (500 X 38 = 19,000/- Rs. Nineteen Thousand only) to the complainant consumer as compensation and this amount to be recovered by the licensee from the negligent defaulting officials. This amount of compensation to be paid to the complainant within 90 days from the date of this decision. We also feel proper considering the admitted mistake, the licensee to take appropriate action against the erring officials and accordingly report to the Forum. In view of the discussion supra, we unanimously allow the grievance application, points are answered accordingly and hence the order :

ORDER

- 1) Grievance application is allowed.
- 2) Electricity bill of category charge of the amount of Rs. 47,990/- issued by the licensee to the consumer is quashed and set aside.
- 3) Licensee to pay Rs. 19,000/- (Rs. Nineteen Thousand only) as compensation to the consumer within 90 days from the date of this decision.
- 4) Licensee to pay Rs. 1,000/- (Rs. One Thousand only) to the complainant/consumer as cost of this application.

- 5) Licensee to initiate appropriate enquiry against the erring officials and to report to this Forum within four months from the date of this decision.
- 6) The Consumer can file representation against this decision with the Ombudsman at the following address.

“Office of the Electricity Ombudsman, Maharashtra Electricity Regulatory Commission, 606/608, Keshav Bldg, Bandra Kurla Complex, Mumbai 51”

Representation can be filed within 60 days from the date of this order.

- 7) Consumer, as per section 142 of the Electricity Act, 2003, can approach Maharashtra Electricity Regulatory Commission at the following address:-

“Maharashtra Electricity Regulatory Commission, 13th floor, World Trade Center, Cuffe Parade, Colaba, Mumbai 05”

for non-compliance, part compliance or delay in compliance of this decision issued under “Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulation 2003”

Date : 08/01/2010

(Mrs. S.A. Jamdar)
Member
CGRF Kalyan

(R.V.Shivdas)
Member Secretary
CGRF Kalyan

(S.N. Saundankar)
Chairperson
CGRF Kalyan