



Consumer Grievance Redressal Forum, Kalyan Zone
Behind "Tejashree", Jahangir Meherwanji Road, Kalyan (West) 421301
Ph: – 2210707 & 2328283 Ext: - 122, E-mail : cgrfkalyan@mahadiscom.in

IN THE MATTER OF GRIEVANCE NO. K/E/336/378 OF 2009-2010 OF SHRI P. S. DESHMUKH (ASHA TYPING) C/O. SHRI SUDHAKAR BALKRISHNA JOSHI, AT JOSHI WADA, BRAHMIN ALI, NEAR RAM MANDIR, SHAHAPUR : 421 601 REGISTERED WITH CONSUMER GRIEVANCE REDRESSAL FORUM KALYAN ZONE, KALYAN ABOUT EXCESSIVE ENERGY BILL.

Shri P. S. Deshmukh (Asha Typing)
C/o. Shri Sudhakar Balkrishna Joshi
At Joshi Wada, Brahmin Ali,
Near Ram Mandir, Shahapur : 421 601
Dist : Thane

} (Here in after
referred to
as Consumer)

Versus

Maharashtra State Electricity Distribution
Company Limited through its Assistant
Engineer, Shahapur 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 L.T. consumer of the Licensee. The Consumer is billed as per Residential tariff. The consumer registered grievance with the Forum on 26/05/2010 regarding Excessive energy Bill. The details are as follows: -

Name of the consumer : Shri P. S. Deshmukh (Asha Typing)

Address: - As above

Consumer No. :- 210150008187

Reason for Dispute : - Regarding Excessive Energy Bill

- 3) The batch of papers containing above grievance was sent by Forum vide letter No. EE/CGRF/Kalyan/203, dt. 26/05/2010 to the Nodal Officer of the Licensee, and the Licensee through Assistant Engineer MSEDCL Shahapur Sub/Dn filed reply vide letter No. AE/Shahapur Sub.Dn./Billing/1239, dt. 10/06/2010.

- 4) The Members of the forum heard both the parties at length on 15/06/2010 @ 15.00 Hrs. in the meeting hall of the Forum's office. Shri Sudhakar B. Joshi, Consumer, Shri V. D. Kale Nodal Officer In-charge, Shri V. S. Mithe Asstt. Acctt. 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) One Sudhakar Balkrishan Joshi is the tenant in the premises owned by Shri P. S. Deshmukh. Tenant is consuming electricity from the meter

installed in the premises vide consumer number referred to above. Shri Joshi was running Typewriting Institute in the premises, however he closed it in the year 1999. As consumer Shri Joshi was not using the premises often, in the year 2005 he requested the licensee to issue him minimum consumption bills. However, due to negligence on the part of the officials of the licensee he was getting bills as per regular consumption, therefore in the year 2008 he requested to discontinue his electricity from the pole and accordingly licensee discontinue his electricity from the pole on 09/01/2008. It is alleged by the consumer that inspite discontinue of electricity from the pole he had received bill of Rs. 1680/- in Aug. 2008 for which he had to complained to the officials of the licensee and later on with great efforts and pains it was revised to Rs. 60/-. It is further alleged that in the month of January 2010 he had received bill of 491 units of Rs. 2890/-, though electricity was discontinue from the pole, for which he had to approach to the Chief Engineer, Kalyan Zone. It is contended inspite of discontinuation of electricity from the pole for the negligence, carelessness and inaction on the part of the officials of the licensee he had to run to the offices at Shahapur and Kalyan at about hundred times thereby he suffered mental agony, tourchier and financial loss. It is alleged inspite requesting the officials and brought to their notice mistakes committed, nothing happened and the officials continued to commit mistakes and that eventually in the month of April 2010 he received bill of Rs. 2530/-. The consumer complained to that effect to the officials orally and in writing also but in vain. For this harassment and carelessness on the part of the officials consumer complained to the IGR Cell, Kalyan in the month of May 2010, however it is alleged without issuing notices, Cell did not do anything,

therefore the consumer lodged the grievance with this Forum on 25/05/2010 with a prayer to direct the licensee to correct the bills and to pay Rs. 20,000/- as compensation for the harassment caused to him by the officials of the licensee.

- 6) Licensee contended that electric supply of the consumer has been discontinued from the pole, however by mistake bills have been issued. Concerned staff members viz. Mrs. Thakur, Mr. Sonawane and Mr. Mithe have been issued notices for issuing bills to consumer by mistakes and the compensation to be given to the consumer. It is further contended that notice has also been given to M/s. Mahesh Data Punching Agency for non upgrading data in connection with consumer and issuing incorrect bills. According to the licensee by the letter dated 26/11/07 Junior Engineer Shahapur was appraised on T.D. from pole and to issue bill accordingly to the consumer, however by mistake bills as alleged have been issued that in future care will be taken. In short, officials of the licensee concede the error occurred and the trouble caused to the consumer.
- 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 bills for the month of January / August 2010 to the consumer ?	Yes
b)Whether it is proper to saddle the officials of the licensee with costs/compensation to be paid to the consumer ?	Yes
c)What Order	As per Order below

Reasons

- 8) On perusal the records it is seen in the year 1999 consumer by application appraised the licensee to charge bill as per residential use, thereafter in the year 2005 consumer informed that minimum bill be charged as they have closed the Institute, however, office continued to issue incorrect bills for which the consumer had to approach the office of licensee and to make the applications to correct the bills. It is further seen that though in the year 2008 consumer's electricity was discontinued from pole, still office issued bills as per regular consumption in the month of January, April and June 2008 for this also consumer had to make applications to revise the bills and thereafter to pay revised amount in the office at Shahapur/Kalyan. Matter does not rest here, in the year 2010 also officials of the licensee in the month of January 2010 issued bill of Rs. 2890/- and in the month of April bill of Rs. 2530/-. From the applications placed on record it is vividant that for no fault on the part of consumer officials of the licensee knowing well that consumer's supply has been discontinued from the pole, blindly issued bills as above. Assistant Engineer Shahapur on the application filed by the consumer on 16/06/2010 pointed out that by mistake these bills have been issued to the consumer and now the bills are revised. Record shows bill for the month of January 2010 is revised to Rs. 30/- and bill of April 2010 to Rs. 60/- squarely point out the bills issued earlier were incorrect therefore they are corrected.
- 9) It is seen from the record consumer had approached the IGR Cell for the consistent mistakes committed by the officials of the licensee in issuing incorrect bills and to this context trouble, agony and loss suffered by the consumer but he was ignored. Had the concerned officials paid heed to the complaints lodged by the consumer, matter would have been solved

there only, however it is unfortunate that none the officials patiently heard the consumer. It is surprising when the licensee discontinued electric supply from the pole way back in the year 2008, knowingly conveniently forgetting the same, again issued regular bills in the year 2010 indicative of not only carelessness and inaction on the part of officials of licensee but apathy towards the consumers.

- 10) In the case in hand, consumer closed his Typewriting Institute in the year 1999 but still bills were issued to him of commercial use and that in the year 2005 he had requested for minimum bill for less use of electricity, however stills regular bills were issued. In the year 2008 electricity was discontinued from the pole resultantly minimum bills were required to be issued, however till 2010 regular bills were issued e.g. in the month January and April 2010 referred to supra. It is not that these bills were issued unknowingly or through oversight but knowingly and deliberately hardly can be said a mistake or error. Needless to say, deliberate mistake is not forgivable and the person concerned is liable for penalty/punishment. It is the consumer who suffered for the deliberate mistake and inaction on the part of the officials. He hails from Shahapur Dist : Thane. As depicted above he had to visit the office of licensee on and off i.e. more than hundred times, at Shahapur and Kalyan. He had to spend money on travelling on all these occasions. Consumer must have faced lot of inconvenience for this. Due to displaying a sense of apathy consumer must have suffered mental agony and a feeling of torcher. According to consumer during this big span he met many officers and also IGR Cell established under the "Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006" but in vain. Considering the events discussed supra

are squarely demonstrative of the officials of the licensee's approach of negligence and apathy that caused substantial harassment and inconvenience to the consumer. 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 is appropriate for each days default and the amount to be paid as compensation to be recovered from the department from negligent and defaulting officials. Relying on this decision considering the mistakes committed, negligence and apathy shown, mental and financial loss suffered by the consumer, we feel amount of Rs. 5000/- (Rs. Five Thousand only) is reasonable and adequate to be paid to the consumer as compensation and to award cost of the grievance application Rs. 500/- (Rs. Five Hundred only) recovering the same by the licensee from the erring officials within 90 days from the date of this decision. We also feel proper to direct the licensee to take appropriate action against the erring officials and report to the Forum. In view of the discussion supra, since grievance application carries substance apt to be allowed. Points are answered accordingly and hence the order :

ORDER

- 1) Grievance application is allowed.
- 2) Licensee to revise the bills issued for the months January and April 2010 as per rules.
- 3) Licensee to issue correct bills as per rules to the consumer henceforth .
- 4) An amount of Rs. 5000/- (Rs. Five Thousand only) as compensation and cost of grievance application Rs. 500/- (Rs. Five Hundred only) to be paid

to the consumer recovering from the erring officials by the licensee within 90 days from the date of this decision.

- 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” within 60 days from the date of this order.

Date : 22/06/2010

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

(R.V.Shivdas)
Member Secretary
CGRF Kalyan

(S.N. Saundankar)
Chairperson
CGRF Kalyan