

CONSUMER GRIEVANCES REDRESSAL FORUM; NAGPUR (RURAL)

COMPLAINT NO. 354/2011

Shri Pundlik Yashwantrao Uike,
At Post Nandori,
Taluka Samudrapur,
District - Wardha.

.. Complainant

„VS..

1. Executive Engineer,
MSEDCL, O & M Division,
Hinganghat.
2. Executive Engineer/Nodal Officer,
I. G. R. C., Circle Office,
MSEDCL, Wardha.

Respondents

Applicant Represented by Mr. B.V.Betal. .

Respondents represented by 1) Shri S.V.Fadanvis, Asstt. Engineer, Samudrapur.

CORAM:

Shri T. M. Mantri, Chairman.

Shri M. G. Deodhar, Member.

Ms. S. B. Chiwande, Member-Secretary.

ORDER
(Per Chairman Dtd. 17th January, 2012)

The complainant has submitted application for 3 H.P. Ag.Pump Connection on 30/12/2010, Demand Note was late issued to him on 13/06/2011, amount deposited Rs. 4300/- on 13/06/2011 and Test Report given but till date no supply of electric connection given. Complainant further alleged that he is from

the category of S.T. (Adivasi Gond), therefore, seniority list is no applicable to him and hence directions to immediate electric connection needs to be passed. The complainant has claimed compensation for delay in giving Demand Note so also claimed Rs.15000/- towards mental harassment and Rs.2000/- towards traveling expenses and monthly loss for non supply of electrical connection. He has approached to I.G.R.Cell, Wardha on 03/08/2011, complaint filed, but till date neither heard nor order passed. The complainant has filed certain documents alongwith complaint.

2. As per the Rules, notice was given to the Respondent Licensee for submitting parawise comments. On 25.10.2011, accordingly the reply came to be filed on behalf of the Respondent Licensee wherein it is stated that on 30/12/2010 the complainant applied for giving 3 H.P. electric connection. Jr.Engineer has prepared estimate and submitted on 23/03/2011 to Sub-division office. Estimate was sent for approval on 25/03/2011, it was received in Division Office on 30/03/2011, it was approved on 11/04/2011 and accordingly it was sent with letter dtd. 28/04/2011, it was received by the S/Dn. on 30/04/2011 and accordingly Demand Note was given to the complainant. He has deposited amount on 13/06/2011, test report given on 28/06/2011. It is further stated that only after submission of the completion certificate of Well by the concerned department name of such beneficiary in the scheme is to be included as per letter dtd. 09/02/2009 by Agriculture Development Officer, Zilla Parishad, Wardha. Though it is alleged that copy of the said letter is annexed but it was no so annexed with the reply. Reference has also been made about Regional Executive Director,Nagpur in this respect. Therefore, only after submission of the said certificate complainant's name will be included in the said scheme as the complainant has not submitted documents with the application therefore, said application is not undertaken for the said scheme. Further it is stated that the names of the consumers till 31/03/2011 has been forwarded to the Superior Officer and matter has been pursued with the said office about the complaint. The electric connection to the Ag.Pump is as per the scheme and seniority list. The

complainant would be given electrical connection in due course. There is no intentional delay. Complainant is not liable for compensation and the complaint is liable to be dismissed.

3. Heard Ld. representative Shri Betal for complainant & representative Ld. Shri S.V.Fadanvis, Asstt.Engineer for Respondent Licensee. As already observed complainant has filed certain document on record including a form of Caste Certificate which is not disputed from the side of the Respondent Licensee. Though in the complaint the complainant has made grievance about delay in giving of Demand Note on 13/06/2011 however during course of arguments and even in the written notes he has only claimed directions for providing electric connection immediately on the ground that as the complainant is belonging to S.T. (Advasi Gond) seniority list is not applicable to such cases. According to him upon completion of the application in all respects immediately electric connection needs to be supplied. He has submitted that for delay in supply for connection he has suffered losses though the well has been completed in all respect. He has completed the construction of the well. The seniority list is not applicable in his case therefore direction to be given for providing immediate electric connection. On behalf of Respondent Licensee the Ld. Asstt. Engineer has submitted that as per letter of Zilla Parishad, Wardha dtd. 09/02/2009 and the directions of Executive Director, Nagpur vide dtd. 06/10/2010 completion certificate from the concerned department is necessary for availing benefits under the O.T.S.P. Scheme. The Ld. representative for complainant has submitted that such certificate will be provided at the earliest to the Respondent Licensee. In view thereof and considering the submissions made by both the parties the complainant to provide such certificate from the concerned department and upon receipt of such certificate the Respondent Licensee to provide electric connection immediately. Even by non making the excuse of seniority list. Therefore, this Forum unanimously passed the following orders.

ORDER

- (1) That the complainant to submit the completion certificate of the well from the concerned department to the Respondent Licensee and upon receipt of such certificate the Respondent Licensee to provide him electric connection immediately.
- (2) In the circumstances, parties to bear their own cost.
- (3) Compliance report be submitted in time.

Sd/
MEMBER

Sd/-
MEMBER SECRETARY

Sd/-
CHAIRMAN

CONSUMER GRIEVANCES REDRESSAL FORUM; NAGPUR (RURAL)

(Order Per Chairman Dtd.: 17th January, 2012)

CONSUMER GRIEVANCE REDRESSAL FORUM
NAGPUR ZONE (RURAL) M. S. E. D. C. L.
Plot No.12, Shrikrupa, Vijaynagar, Chhaoni,
NAGPUR – 440 013

Shri T.M.Mantri
 Chairman
 (Mb)9673215771

(O) 0712- 2022198

Shri M.G.Deodhar,
 Member
 (M)9422805325

NO. CGRF/NZ/R/

Date :

Certified copy of order dtd 17th January,2012 in Case No.
354/2011 is enclosed herewith.

Member-Secy/ Exe.Engineer,
 C.G.R.F.(NZ-R)MSEDCL
N A G P U R

To,

Shri Pundlik Yashwantrao Uike, At/Post- Nandori,Tq-Hinganghat,Dist. Wardha

Copy S.W.Rs.to :-

1. The Chief Engineer,Nagpur Zone (Rural)MSEDCL, Vidyut Bhavan,Katol Road, Nagpur.

Copy F.W.Cs.to:

1. The Executive Engineer/Nodal Officer., O&M Circle Office, MSEDCL.Wardha, --
 2. The Executive Engineer,C.C.O&M Dn., MSEDCL, Hinganghat
 for information and necessary action.

Address of **the Electricity Ombudsman** is given as below.

Office of - **The Electricity Ombudsman,**
 12, Srikrupa, Vijay Nagar,
 Chhaoni, Nagpur-440 013
 Ph.No.0712-2022198.

BEFORE CONSUMER GRIEVANCE REDRESSAL FORUM,
 NGPUR ZONE,RURAL,MSEDCL,NAGPUR.

“Shrikrupa”,Plot
 No.12,Vijaynagar,Cjjapmo,

Nagpur: 444 013

Tel.No.0712-

2022198

Dt.

Case No.352 of 2011

In the matter of petition for billing complaint, refund of excess amount & grant of SOP.

Quoram : _____

Shri TM.Mantri

Chairman

Smt. S.B.Chiwande,

Member/Secretary

Shri M.G.Deodhar,

Member

Shri Sai Baba Mahilla Bachat
 Gat,Gondiya Petitioner

...VS...

MSEDCL O&M Dn.Gondiya & others
 Respondent

.....

1 The complainant filed present complaint against Respondent Licensee for the grievance of excess billing, improper disconnection of electric supply, refund of the amount and the compensation. In substance, the complainant case is that since Sept.2008 10 HP Connection is provided to the complainant and all the bills till April 2010 have been regularly deposited. During the last three years electric consumption never exceeded 100/125 units and accordingly the bills have been issued which have been deposited. However, bills for 26.4.2010 to 25.8.2010 as detailed in the complaint were of excessive units and therefore on 23.7.2010 written application was made and even subsequent thereof but no proper steps have been taken.

2 It is further alleged that sanctioned load is of 10 HP and accordingly bills have been issued but the bills are issued @ TOD as well as with penalty. The bills needs to be corrected because of faulty reads and amount of Rs.30,000/- has been shown as arrears. Complainant is ready to deposit Rs.10,000/- which needs to be adjusted in the corrected bill and connection has to be reconnected.

3 It is further alleged that the then Dy.EE Shri Patil said in Jan 2011 to deposit Rs.10,000/- tentatively so excessive bills would be corrected accordingly amount of Rs.10000/- was deposited on 25.1.2011. However, no decision was taken on the contrary the supply was disconnected on 10th Sept. 2011..

4 It is further alleged that bills for Rs.31,000/- which in fact electric use of Rs.1500/- only therefore there is excessive billing if the bills are corrected there are no arrears. On the contrary amount needs to be refunded. The complainant pulls on life of 13 women it is then given the details of machines and further alleged that practically for four months i. July to Sept. the establishment remains closed. Further it is alleged that on 9.9.2011 Shri Giripunje and Pimple alongwith the other visited the premises and taken inspection what was their opinion? Whether such electric can be consumed ? And hence sought relief for refund of the amount alongwith Rs.5000/- towards mental harassment. The complainant has filed copies of the certain document with the complaint.

5 The notice as per rule was issued to the Respondent Licensee for submitting its parawise comments and documents. Accordingly on 31st Oct.2011 reply came to be filed stating therein that though sanctioned load is of 10 HP connected load is 9 HP. The bills under reference have been issued as per meter reading and amount of Rs.31, 500.86 was due against August ends. Complainant

was asked to deposit Rs.3000/- for meter testing and thereafter meter was tested it was found OK. The complainant has deposited Rs.560/- and Rs.10,000/- on 17.6.2010 and 25.10.2011 as there were arrears of Rs.30,000/- and odd and in the drive of recovery connection was temporarily disconnected on 19.9.2011. Further it is stated that spot inspection was carried out and further interim bill of Rs.10,000/- which came to be deposited on 25.10.2011, the electric connection was thereafter reconnected. Further it is stated that the bills are being issued corrected as per the reading of the new meter. On behalf of the Respondent Licensee copy of office note dt.24.10.2011, draft letter dt.25.10.2011 and note dt.19.10.2011 came to be filed.

6 Heard Shri Parihar the learned representative for the complainant and Shri A.,V.Kruhekar Dy.EE learned representative for Respondent Licensee during the course of argument document came to be filed as referred to above. It is clear that though in the reply the Respondent Lic. has attempted to deny claim of the complainant, however, later on more particularly when documents came on record as in substance admitted that there was mistake. From the office note and the draft came to be filed on behalf of the Respondent, it is clear that the bills for the disputed period are not corrected. From the said note it is further clear that as per track report for the consumption for the earlier period its around 100 unit per month. However for the relevant disputed period the recorded reading, the recorded MD is shown as 43 KVA, it has been admitted that on sanction connected load 10 HP there could not be such high MD cannot be recorded. During course of submission the learned representative of Dist. Licensee has admitted that there was malfunction which resulted in excessive recording there could not be such consumption. During the course of hearing which was subsequently taken on next date the learned Representative of Dist. Licensee has filed bill revision sheet showing amount of Rs.13,736-30 ps. has credit of the complainant and hence further submitted that interest credit of Rs.2000/- has been also included therein, as in the alleged bills and on arrears interest has been levied. Admittedly the complainant has deposited huge amount from time to time which is not in dispute. The learned representative for the complainant seemed to be satisfied for the figure of credit amount as shown in the revised statement and according to him the Respondent Licensee is liable to refund the same forthwith. He has also submitted that for illegal disconnection that to without notice the compensation as prayed needs to be granted apart from the expenses as against this learned representative of Dist. Licensee has submitted that there is apparently mistake which has been rectified and therefore neither compensation be awarded nor expenses. He has tried to further submit that credit amount has to be adjusted in the forth coming bills this has been strongly objected from the side of the complainant.

7 Upon considering the available material on record and cop lad submission on behalf of the parties it is clear that under the connected load of 10 HP there would not be such excessive MD recorded reading of 43 KVA. During course of hearing learned representative of Respondent Licensee has admitted that it is not possible for such connected load. This matter would have been seen at that stage the further complication and inconvenience caused to the complainant would have been certainly avoided. This has been admitted by the learned Representative for the Respondent Licensee. So apparently there is negligence or attitude of causal nature from the side of employees of the Respondent Licensee. Average consumption of about 3 years prior to deposited bills in question if would have been taken into consideration, this unfortunate litigation could have been avoided. The complainant, which is run by women, would not have been put to such hardship and sufferance. Disconnection that to without giving notice is wrongly high handed act on the part of employee of the Respondent Licensee and the complainant was compelled to deposition additional amount of Rs.10,000/- though it is already deposited in Jan 2011. It is thus apparently causal approach on the part of the employee of the Respondent Licensee, the document more particularly Respondent Licensee filed on record clearly supports the complainant side. It is pertinent to note that Respondent Licensee charges interest and delay charges if the amount is not deposited by the consumer within the time in view of submission made from MSEDCL for adjusting amount of claim Rs.13,736.30 in forthcoming bills cannot be accepted. No doubt the complainant has been put to inconvenience and harassment because of disconnection as well as required substantial amount from it. The claim of compensation as demanded though seems to be at high side but it is fit case in which some reasonable compensation may be by way of token needs to be awarded. The Respondent Licensee may take appropriate steps for such eventually against the concerned erring employee by taking appropriate steps. Complainant was compelled to approach the forum in respect of dispute of substance, amount which was in correct, unnecessary expenses so from considering the matter from all angles this forum passed the following orders... :

Order:

1. Complainant No.352/2011 is hereby partly allowed.
2. Respondent Licensee is directed to refund the amount of Rs.13,736.30 ps.(shown as corrected in bill revision sheet) to the complainant within one month from the receipt of the order else it will have to pay interest which respondent is charging against its consumer.
3. The Respondent Licensee is also directed to pay Rs.1000/- towards compensation, cost of the litigation in view of inconvenience and harassment caused to the complainant which is being run by women.
4. Compliance report to be made within the stipulated time.

(M.G.Deodhar)

(Smt.S.B.Chiwande)

(T.M.Mantri)

Member

Member/Secretary

Chairman

Contact details of Electricity Ombudsman appointed by
MERC(CGRF&EO)

Regulations 2006 under Regulation 10.

THE ELECTRICITY OMBUDSMAN

(Appointed by the Maharashtra Electricity Regulatory Commission under Section 42(6) of the Electricity Act, 2003) , 606, 'KESHAVA', Bandra Kurla Complex, Bandra (East), Mumbai 400 051 Tel. / Telefax: 022-2659 2965

Office of Electricity Ombudsman(Nagpur)

Plot No.12, Shrikrupa,

Vijaynagar, Chhaoni,

Nagpur 440 013

Phone : 0712-2022198

No.CGRF/NZR/

Dt/-

To,

The Nodel Officer/Executive Engineer,

O&M Division, Gondiya.

for inf. & necessary action

Forum,

Secretary,
Consumer Grievance Redressal
MSEDCL, Nagpur Rural, Nagpur.

Copy to:

Shri Sai Baba Mahilla Bachat Gat, Gondiya