

**Before Maharashtra State Electricity Distribution Co. Limited
Consumer Grievances Redressal Forum, Pune Zone, 925, Kasabapeth
Building, I Ind flr. Pune-11**

Case No. 5 of 2008

Date: 18/06/2008

In the matter of Dr.Girish Sanghavi

- Complainant

V/S

M.S.E.D.C.L. Rajgurunagar Division

- Opponent

Corum

Chair Person

Mr. A.V.Bhalerao

Member/Secretary,

Mr. D.K.Mane,

Member,

Mr. T.D. Pore

1 Dr.Girish Sanghavi (Complainant for short) has premises owned by him at Khandala to which he gets supply of electricity under Con. No. 181012248223 from Maharashtra State Electricity Distribution Co. Ltd. (Opponent for short). Premises at Khandala is being used by the complainant occasionally especially during week end. He is permanently residing at Khetewadi Mumbai. The complainant by letter dt. 10/04/08 made a complaint to the Hon'ble Ombudsman that he had made a grievance on 27/10/07 to the Internal Grievance Redressal Cell (IGRC) however his grievance was not redressed at all by IGRC Pune. On receiving a letter dt.10/04/08 from the complainant, the secretary to the office of the electricity Ombudsman forwarded the copy of the letter dt.27/10/07 made by the complainant to IGRC Pune and copy of the letter dt.10/04/08 addressed to it by the complainant, to this forum to take up the matter, on advising the complainant to file a representation in form "A" and to do the needful.

2 The complainant was directed to submit his grievance in form "A" . The complainant in the form "A" instead of enumerating the relief in specific words requested to refer to his letter dt. 09/06/07 of which he

enclosed a copy. The letter dt. 09/06/07 is addressed to the Chairman MSEDCL by the complainant. In that letter, he had made a grievance about electricity bill dt. 09/02/07 and also about non availability of energy to his house at the time when he visited it. He contended that internal wiring of his house was in order and therefore supply of energy was not cut off due to defective internal wiring of his house, however the opponent by it's letter dt. 10/05/07 wrongly informed to him that supply of electricity was in existence upto his meter, wrongly pointing out a defect in the internal wiring of his house. In the said letter he also made a grievance that in spite of he giving a check for Rs. 600/- it was not accounted for to his account. Along with form "A" the complainant gave letter dt.10/05/08 and produced Xerox copies of various letters which he had sent to the opponent and also copies of the reply received by him from the opponent. In the said letter he made a grievance about not getting bills, he repeated his complaint about missing of his cheque by the employee of the opponent. He claimed a relief as regards wrong bills, missing of his cheque and taking action against employee for the same and also taking action against the employee for disconnection of the supply to his premises directing the Executive Engineer to inspect the site to take remedial measures to enquire as to why the developer was not directed to install the transformer of the more capacity.

- 3** The opponent through it's Executive Engineer Rajgurunagar submitted it's written statement dt. 30/05/08. The opponent in its written statement first gave a list of the letters sent by complainant to it and reply letters given by it to the complainant. The opponent contended that supply of electricity was never disconnected by the opponent on the ground of not making payment of the charges for the supply of electricity. He contended that in the month of Feb-07 the complainant was not in arrears of the electricity charges on the contrary there was a credit of Rs. 357.19 and therefore there was no question of disconnecting supply on the ground of being a defaulter. It was also

contended that Sectional Officer Khandala visited the complainant's premises on 10/05/07 and twice before it and found supply of electricity existing up to the meter point and if the supply was cut it was not because of disconnection but it might be due to defect in the internal wiring of the complainants premises. It was further contended that if the supply had been cut off due to disconnection on the ground of the arrears it would not have been restored without complainant's request and clearing the arrears by him, however, the supply was restored by the complainant privately. As for wrong bill issued in the month of Feb-07 and May-07, the opponent admitted that those bill were issued on the basis of wrong reading. However, the bills were corrected by giving credit in the bill for the next billing cycle.

- 4** The opponent admitted that the cheque for Rs. 600/- given by the complainant was misplaced and disciplinary action against the concerned employee was proposed. It was contended that there was no need of augmenting the capacity of present transformer as the present transformer was/is sufficient to bear the present load.
- 5** On the date of hearing the complainant did not remain present but he submitted notes of his argument through E mail. In the notes of his argument he made reference to his letter dt. 06/04/07 in which he had made a grievance about the bill dt. 09/02/07. He disputed the contention taken up by the opponent that supply to his premises was not disconnected and it was due to defect in internal wiring of his premises. He alleged that the supply to his premises was cut off at the instance of Mr.Chandru. He further contended that deliberately the cheque of Rs. 600/- send by him was misplaced to show him as a defaulter to make a ground for disconnection. He disputed the opponent's contention that transformer of the higher capacity was not required especially when there were many consumers.

- 6 On behalf of the Opponent Shri. More & Sarolkar, Dy.E.E. argued the case and explain how bills were corrected and supply of electricity to the complainant premises was never disconnected.
- 7 The complainant instead of pleading explicitly the grievance only mentioned under the Col. details of grievance "Kindly note bunch of correspondence refered in the letter dt.09/05/08 with enclosure" The complainant in his complaint form "A" also did not in specific ward pleaded the relief sought and only mentioned "Please refer correspondence and my letter dt. 09/06/07. There is no letter dt.09/05/08 probably that letter might be a letter dt.10/05/08 which is filed by the complainant with form "A". With the letter dt.10/05/08the complainant produced a bunch of various letters. In order to find out what is the grievance made by the complainant and the relief sought by him, it is advantageous to refer to the letters one by one.

REASONS

- 8 In the letter dt. 29/01/05 the complainant mentioned that in the bill dt.10/05/04 the amount of Rs. 1630.43 was shown to his credit and till that dt. Of the letter he had not received the monthly electricity bill. In the letter dt. 05/03/07 he contended that on 4th March-07 when he had visited his house there was no supply of electricity. According to him though he was not a defaulter, supply of electricity to his house was disconnected without prior notice to harass him and it was at the instance of one Chandru the developer of the property. On complaint made by the complainant about disconnection the Sub Divisional Officer Khandala visited the complainant's premises on 10/05/07 and on inspection found supply of electricity to the complainant premises was existing till the meter point. The Dy.E.E MSEDCL Lonawala in his letter dt.10/05/07 addressed to the complainant at his Khetewadi, Mumbai address informed that supply of electricity was not disconnected and it was existing up the meter point and if the supply was not available after meter point it might be due to internal wiring

fault. The complainant by that letter was directed to get the internal wiring checked by licensed electrical contractor to remove the fault. The complainant was also informed that S.D.O. was instructed to remain present if contacted on his mobile No. The mobile Nos. of the S.D.O. was also provided to the complainant. The opponent has produced the complainants Consumer Personal Ledger from the said CPL. It is seen that the complainant had never been shown as a defaulter on the contrary credit has been shown to his account in the CPL there is no remark of disconnection .The complainant did not give particulars about the duration for which the supply of electricity was cut off. He also did not mention that, who resumed the supply and how it was resumed. The opponent contended that the complainant on his own got the defect removed means supply was not cut off on the ground of defaulter. The complainant alleged that supply was disconnected by the opponent at the instance of one Chandru the developer property; however he has not adduced any evidence from which it could be inferred that there was any collusion between Chandru and the opponent to harass the complainant. We do not find any substance in the grievance made by the complainant that supply to his house was disconnected showing that he was a defaulter or deliberately by the opponent on joining hands with one Chandru. In the letter dt. 06/04/07 the complainant disputed the bill dt.09/02/07 though it was a credit bill according to him for the billing cycle of 3 months prior to Feb-07 the energy bill calculated for Rs. 536.34 was wrong. In the letter dt.28/05/07 the complainant repeated his grievance about the bill dt 09/02/07 and further mentioned that along with letter dt.06/04/07 he had sent a cheque of Rs. 600/- but it was not accounted for to his credit. The opponent by its letter dt. 06/07/07 addressed to the complainant at his Khetewadi, Mumbai address informed that the bill for the month of Feb-07 , May-07 were issued on faulty status and both bills were revised instead of charging energy bill Rs. 356.34 for the month of Feb-07 and Rs. 257/- for the month of

May-07 a fix charge Rs. 120/- for each month in his bill was levied and credit of Rs. 416/- and Rs. 137/- were given. In the CPL for the month of Feb—07 the arrears have been shown credit Rs. 1,009.03 and the net bill is shown as Credit Rs.357.19. For the month of May -07 the amount of arrears is shown as credit Rs.357.19 and net bill as credit Rs. 100.19. The bills for these two months have been revised by giving credit Rs. 668.84 and showing arrears credit Rs. 766.26 from the above entries. It is clear that, for the month of Feb-07 & May-07 the energy charges levied are fixed charges of Rs. 120/- for each month instead of charges levied earlier showing units consumed as 150 and 52. Further the relief was given to the complainant by revising the bill. The complainant therefore has no cause of action make any grievance.

- 9 The complainant alleged that he had sent a cheque for Rs. 600/- with letter dt. 06/04/07 however that cheque was not credited to his account. The opponent in its written statement admitted that the cheque for Rs. 600/- sent by the complainant alongwith letter dt. 06/04/07 was misplaced and therefore the cheque amount was not credited to the complainants account. It has to be noted that it is not the case of the complainant that the cheque given by him for Rs. 600/- was encashed and the same was debited from his Bank account even then it was not credited to his CPL. It is an admitted fact that the cheque issued by the complainant in favour of the opponent was not encashed and the amount of it was not debited from his bank account. The cheque remains valied only for a period of six months from the date of issue.The cheque which was sent with letter dt.06/04/07 has not been encashed till today means it has become invalid and there is no possibility of any loss to the complainant. For want of giving credit of the cheque amount the complainant did not fall in arrears becoming a defaulter inviting disconnection of supply of electricity to his premises. When the event has not resulted in any loss or inconvenience to the complainant, his grievance is liable to be rejected under Reg. 6.9 (3) of Maharashtra Electricity Regulatory Commission,

Consumer Grievance Redressal Forum Regulations 2006 (MERC CGRF Reg.2006) Which says the forum may reject the grievance at any stage if it appears that there is no prima-facie loss or damage or inconvenience caused to the consumer.

10 The complainant in his letter dt. 10/05/08 filed with form "A" alleged that the opponent ought to have asked the developer to have a separate transformer and how without it supply of electricity was given due to which the quality of supply has been deteriorated. The opponent in it's written statement averred that separate transformer was not required as the load applied was feasible from existing infrastructure. From the nature of this grievance made by the complainant about a separate transformer, it is not clear what his real grievance is. As and when the supply was applied for, taking into consideration the load from existing net work the connection was given. The complainant at no time had made a complaint of low voltage and therefore there is no substance in his grievance to have extra transformer to improve the quality of supply.

ORDER

The complaint is dismissed.

Sign:

Mr.D.K.Mane,
Member/Secretary

Mr. T.D.Pore,
Member

Mr. A.V. Bhalerao
Chair Person

Date: 18/06/2008