



**CONSUMER GRIEVANCE REDRESSAL FORUM**  
**M.S.E.D.C.L., PUNE ZONE, PUNE**

**Case No.35/2016**

**Date of Grievance : 15.11.2016**

**Date of Order : 28.12.2016**

In the matter of reinstatement of cheque payment facility.

Kazi Imtiazuddin Zainuddin,  
113, Sagar Darshan CHS Ltd.,  
926, Synagogue Street,  
Pune- 411001.  
(Consumer No.170013737170)

**Complainant**  
(Hereinafter referred to as Consumer)

**Versus**

The Executive Engineer,  
M.S.E.D.C.L.,  
Rastapeth Division,  
Pune.

**Respondent**  
(Hereinafter referred to as Licensee)

**Quorum**

<b>Chairperson</b>	<b>Mr. S.N.Shelke</b>
<b>Member Secretary</b>	<b>Smt.B.S.Savant</b>
<b>Member</b>	<b>Mr.S.S.Pathak</b>

**Appearance**

<b>For Consumer</b>	<b>Mr.Kazi Imtiazuddin Zainuddin</b>
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<b>For Respondent</b>	<b>Mr.G.T.Ekade,. Ex.Engr.Rastapeth Dn. Mr.B.G.Shendge, Rastapeth Sub/dn.</b>
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1. The Consumer has filed present Grievance application under regulation no. 6.4 of the MERC (CGRF & E.O.) Regulations, 2006.
2. The papers containing the above grievance were sent by the Forum to the Executive Engineer, M.S.E.D.C.L., Rastapeth Dn., Pune vide letter no. EE/CGRF/PZ/Notice/35 of 2016/251 dtd.16.11.2016. Accordingly the Distribution Licensee i.e. MSEDCL filed its reply on 16.12.2016.

3. Facts giving rise to the grievance are as under :

The consumer above named having consumer no. 170013737170 was connected on 9.12.1982 in the category LT-I Residential single phase. The Licensee issued energy bill to the consumer for the month of April-2014 amounting to Rs.1530/- having due date on 6<sup>th</sup> May 2014. The consumer paid the said bill by way of cheque issuing cheque bearing no.679897 dated 21.4.2014 drawn on Cosmos Co-Op. Bank Ltd., Pune Camp Branch in favour of the Licensee. The Licensee presented the said cheque with their Banker, Bank of Maharashtra, MSEB Branch, Rastapeth Pune. The said cheque was returned dishonoured with remark, "Advice not received" dated 25.4.2014 issued by Bank of Maharashtra. The Licensee directed the concerned sub-division office to prepare B-80 of cheque dishonour amount, penalty, DPC, Interest etc. and to recover amount of bounced cheque. Accordingly the concerned sub-division prepared B-80 adjustment of the same & thereafter issued energy bill for the month of June-2014 showing amount of Rs.1925/- as arrears & current bill amount Rs.1269/- totaling to Rs.3190/-. The Licensee did not communicate the consumer about bouncing of the above mentioned cheque but shown the said amount as arrears in the energy bill for the month of June-2014. On receipt of said bill the consumer was shocked, he could not comprehend the reason for the said arrears. He made enquiry about the said arrears with officials of the Licensee & thereafter came to know that the said arrears was shown due to bouncing of cheque of energy bill. The consumer made complaint in writing to the Licensee on 23.6.2014 making a grievance that they not only imposed heavy penalty but his cheque facility as mode of payment was also withdrawn without any fault on his part & therefore he was subjected to harassment though a senior citizen. He requested to reinstate the cheque payment facility. However since the Licensee did not restore cheque payment facility for 2 years the consumer again made complaint to the Licensee in prescribed form on 24.6.2016. The Licensee did not take any action on the said complaint. Therefore the

consumer approached to the Forum on 15.11.2016 requesting that to reinstate the cheque payment facility with honour.

4. The consumer Mr. Kazi Imtiazuddin submitted that he made payment of energy bill for the month of April-2014 by way of cheque bearing no.679897 for Rs.1530/- dated 21.04.2014 drawn on Cosmos Co-Op.Bank Ltd. Thereafter he received energy bill for the month of June-2014 & in that bill arrears of Rs.1925/- were shown besides current bill amount of Rs.1269/- Total amount of said bill was Rs.3190/-. He was shocked seeing the arrears & could not comprehend the reason for the said arrears. On making enquiry with the officials of MSEDCL, he realized that the said arrears are towards bouncing of cheque amount of bill alongwith penalty interest etc. He further realised that his cheque payment facility was withdrawn by the Licensee without any fault on his part. The said cheque was not bounced due to financial reason but the error committed by the Licensee's Banker writing incorrect instrument details while sending it for clearance & thereafter failing to present the said cheque again for clearing in the next clearing cycle. He made complaint in writing to the Licensee about the same on 21.6.2014 but the Licensee did not give any reply for two years, therefore he again made complaint in prescribed form on 24.06.2016. Since the Licensee did not take any cognizance of the said complaint he approached to the Forum. The consumer requests to reinstate cheque payment facility with honour as there was no any fault on his part & further submits that he was subjected to harassment for two years though senior citizen. He does not insist for compensation but requests the Forum that the system of Licensee be improved & no such harassment would be caused to the citizen in future.
5. On the other hand Mr.Ekade, Ex.Engineer, Rastapeth Division submitted on behalf of Licensee that the consumer has issued cheque bearing no.679897 dated 21.4.2014 for Rs.1530/- against the energy bill for the month of April-2014. The said cheque was bounced on 25.4.2014 with remark, "Advice not received" sent by Bank of Maharashtra. Since the Licensee did not receive the amount of energy bill, the cheque payment

facility of the consumer was withdrawn as per MSEDCL Rules & Regulations. The Sub-division office Rastapeth prepared B-80 adjustment of Rs.1940/- which includes amount of energy bill, DPC, interest & penalty and it was debited to the consumer account vide letter dated 6.12.2016 sent by Additional Ex.Engineer, MSEDCL, Rastapeth Sub/division. He further submitted that reinstatement of cheque facility for the said consumer is processed & henceforth the consumer can make payment of electricity bills through cheque. The consumer was informed accordingly vide letter dated 29.11.2016 issued by sub-division office Rastapeth & therefore he submits that the grievance be disposed off.

6. Admittedly, the consumer used to make payments of energy bills issued by the Licensee by way of cheques. The consumer is a senior citizen & a regular payer of the MSEDCL bills. The consumer made payment of energy bill for the month of April-2014 by cheque bearing no.679897 dated 21.4.2014 for Rs.1530/- drawn on Cosmos Co-Op. Bank Ltd. The Licensee presented the said cheque for encashment with their Banker- Bank of Maharashtra, MSEB Branch Rastapeth. The said cheque returned dishonour by the Bank of Maharashtra with remark, "Advice not received". The Licensee did not communicate the fact of dishonor of the said cheque to the consumer but ordered B-80 of the bounced cheque vide letter dated 13<sup>th</sup> May 2014. The sub-division office made B-80 adjustment of Rs.1940/- including DPC, Interest, Penalty and amount of bounced cheque & debited the said amount to the consumer's account vide letter dated 6.12.2016. Thereafter the Licensee shown amount of Rs.1925/- as arrears in the consumers bill for the month of June-2014. The consumer made enquiry with officials of the Licensee. He realised that the said arrears are shown in the bill due to bouncing of cheque issued by him against energy bill for the month of April-2014. The consumer was shocked though there was sufficient balance in his account, cheque was bounced. He made enquiry with his banker i.e. Cosmos Co-op.Bank Ltd.,Pune Camp Branch. The said banker replied the consumer by email dated 23rd June 2014 as under :

*The said cheque is presented with a wrong cheque number by Bank of Maharashtra. As per RBI Circular they should have presented it again with correct cheque no. in the immediate clearing cycle.*

The Cosmos Bank did not levy any charges for bouncing of said cheque as it was a technical error. Copy of the said bounced cheque produced on record shows that the said cheque is bearing no.679897 but while sending it for clearance the instrument shown to be numbered as 679497. Therefore it is seen that the cheque is presented with wrong number by the Licensee's banker. The consumer made further correspondence with his banker as to meaning of the remark, "Advice not received". The consumer's banker i.e. Cosmos Bank informed him by the email letter dated 30.6.2014 as under:

*Encoding was the process in MICR clearing. CTS doesn't have encoding system. Reason code,70 ; "Advice not received " stand for wrong information in CTS presentation. Concern instrument was presented with wrong instrument number. There is no separate reason code for wrong instrument number.*

*RBI guideline clearly says that the instrument returned with any technical reason shall be presented in immediate clearing cycle by presenting bank. In concerned case, BOM should have presented same instrument in immediate CTS cycle with correct instrument number. Whereas they have handed over instrument to their consumer.*

7. Therefore it is clear that the Licensee's banker sent the said instrument for clearing with wrong number. The drawee bank returned the instrument to the payee's Bank with reason code -70- "Advice not received". As per RBI directions when instrument returned with any technical reason the presenting bank should have presented the same in the immediate clearing cycle. However it was not done by the Bank of Maharashtra. They handed over the instrument to the Licensee. The Licensee also did not present the said cheque again for encashment. It is seen that the Bank of Maharashtra while accepting its mistake, refunded the cheque bounced

penalty as charged by MSEDCL through RTGS dated 6.8.2014. The consumer did not seek any relief of compensation but submits that he had been subjected to harassment for 2 years as MSEDCL has withdrawn his cheque payment facility. He further submits his cheque payment facility be restored with honour by giving necessary directions to the Licensee and hoping for improvement in the system of the Licensee.

It is seen that the consumer did not comprehend reason for arrears shown in the bill for June-2016. He made complaint in writing to the Licensee on 23.6.2014 & secondly on 24.6.2016 but the Licensee did not take any cognizance of the said complaints. According to the Licensee the said complaint was not filed in the prescribed form. In this context, it is worthwhile to reproduce provisions of regulation 6.2 of MERC (CGRF & EO) Regulations 2006. Second proviso to said regulation reads as under :

*Provided also that the intimation given to officials (who are not part of the IGR Cell ) to whom consumers approach due to lack of general awareness of the IGR Cell established by the distribution Licensee or the procedure for approaching it, shall be deemed to the intimation for the purposes of these Regulations unless such officials forthwith direct the consumer to the IGR Cell.*

The officials of the Licensee though they were not part of the IGRC but have accepted the complaints of the consumer dated 23.6.2014 & 24.6.2016 still have not directed the consumer to approach the IGRC. In such case it is deemed to be the intimation to the IGRC. The Licensee failed to take any cognizance of the said complaints. Therefore consumer has to approach to the forum. It is seen that during the pendency of this grievance, the Licensee have reinstated the cheque facility to the consumer. But fact remains that the consumer deprived of cheque facility without any fault on his part for two years and was subjected to harassment. Under the circumstances we pass following order.

Hence the order.

**ORDER**

1. Grievance of the consumer stands allowed with cost.
2. The Licensee to inform about reinstatement of cheque payment facility to the consumer through the concerned division office of the Licensee.
3. The Licensee is directed, that whenever instrument issued by the consumer by way of energy bill, returns with any technical reason other than financial reason, the Licensee shall inform the concerned consumer the reason of bouncing of cheque and to direct either to make cash payment of such energy bill immediately or to make compliance about technical reason & if the consumer makes compliance accordingly, the Licensee shall present the said instrument again for encashment during the validation period and to avoid levying of penalty, interest, DPC etc.
4. The Licensee to report the compliance within one month from the date of this order.

Delivered on: -28.12.2016

**S.S.Pathak**  
Member  
CGRF:PZ: PUNE

**B.S.Savant**  
Member/Secretary  
CGRF:PZ:PUNE

**S.N.Shelke**  
Chairperson  
CGRF:PZ:PUNE

Note :- The consumer if not satisfied may filed representation against this order before the Hon.' ble Ombudsman within 60 days from the date of this order at the following address.

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