

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

Case No. 33/2018

Date of Grievance : 12.06.2018

Hearing Date : 20.07.2018

Date of Order : 07.08.2018

In the matter of wrong billing due to replacement of the meter.

Shri. Rajendra Sakharam Yadav, ---- Complainant

C/o Ramesh Rairikar,

Anna Bhau Sathe Wasahat,

Siddharth Nagar, Lonawala,

Tal.-Maval, Dist.-Pune - 410401

(Consumer No.181010089144)

VS

The Executive Engineer,

---- Respondent

M.S.E.D.C.L.

Rajgurunagar Division,

Present during the hearing:-

A] - On behalf of CGRF, Pune Zone,Pune.

- 1) Shri. A.P.Bhavathankar, Chairman, CGRF,PZ,Pune
- 2) Mrs.B.S.Savant, Member Secretary, CGRF, PZ, Pune
- 3) Mr.Anil Joshi, Member, CGRF, PZ. Pune.

B] - On behalf of Appellant

- 1) Shri. Rajendra Sakharam Yadav, Consumer

C] - On behalf of Respondent

- 1) Shri.U.S.Chavan , AEE, Lonavala Sub/Dn.

The Complainant - Shri.Rajendra Sakharam Yadav - Tenant Occupant

Owner - Latif Gafoor Shaikh, Consumer No.181010089144, LT- Residential LT
- 1, Connecting Load 3 KW, Sanctioned Load 3 KW, date of connection
03.03.1990.

The complaint is about not receiving bill as per recorded units consumed.

The above named occupant initially lodged his complaint before IGRC with allegations that the premises are taken on rent from Mr. Gafoor Shaikh. The complainant has been occupying the premises for residential purposes. According to the complainant, his previous meter was burnt in March-2017 which was replaced by the Respondent utility in April, 2017. Due to non-feeding of the new meter number in the system, the complainant did not receive proper bills for his meter reading. Accordingly the complainant states that he had made complaint to the Office of the Respondent utility 18.7.2017 on the toll free No. as also in the office of the Respondent. Thereafter he continuously visited the office of the Respondent and called on the officials concerned with a request to redress his complaint. However, the same has remained unattended. According to the complainant, on 27.3.2018 the Respondent utility disconnected his supply without any intimation. Thereafter the complainant had also visited the office of the Respondent Utility for payment of the electricity bill. However, for non-redressal of his grievance by the Utility, he did not pay the bill amount. The complainant further submitted that electricity meters of numerous consumers had been changed in the areas where he resides and all of them had been getting correct electricity bills, except him. The complainant, therefore submitted that in this process, he had to incur an avoidable expenditure to the tune of Rs.55,000/- reimbursement of which may kindly be granted to him. The complainant also further claims for compensation against social defamation caused to him to the tune of Rs.55,000/-, thus the complainant prayed for payment within the range of Rs.1,00,000/- to Rs.150000/- from the Respondent utility. To support his claim, the complainant also attached a copy of an application submitted by him to the Respondent Utility under the Right to Information Act, on **24.4.2018** as also his complaint to the IGRC on 28.3.2018. The IGRC registered the case vide Case no.02 of 2018 on 28.3.2018. An opportunity of hearing was given to both, i.e. the complainant and the Respondent utility on 24.04.2018. IGRC decided the case on 21.05.2018 the case against complainant stating – “the connection belongs to Mr. Gafoor Shaikh and the applicant is tenant there. Mr. Shaikh is no more and

the application under is done by Mr. Yadav, the complainant, on behalf of late Mr. Shaikh. Also mentioned in the order is that Meter Number at site should be fed in the billing system and the billing should be done as per correct Meter Number and Meter reading. Aggrieved by the order of IGRC, this consumer filed complaint before this Forum on **12.6.2018, with** case No. 33/2018. The office of the CGRF served the notice on the Respondent Utility on 13.06.2018 for submission of their say in the matter on or before 27.06.2018. The Respondent Utility had submitted their say to this office on 12.07.2018 and appeared for the scheduled hearing on 20.07.2018. In its say, the Respondent Utility stated that the existing meter of the complaint was replaced with new one at the end of November, 2017. However, the New (i.e. replaced) Meter number was fed in the system on 02.02.2018. However, the said meter number was not getting printed on the energy bills being issued to the complainant. Thereafter, the Utility had informed to the System Analyst by Email dt. 27.04.2018 for necessary rectifications in the system to ensure that the revised meter number is printed on the energy bills generated by the system in the name of Mr. Shaikh. The Respondent Utility stated that for the intervening period, the energy bills generated by the system and issued to the complaint were appropriately corrected after giving the reading of the units of the complainant as also verification of the load. However, despite the facts that the complainant was being issued correct bills as per the new meter number fed in the system as also in tune with his actual consumption of the energy, the consumer raised the disputes and avoided to pay the bills regularly. The Utility had also informed the complainant in this regard on these lines vide their letter No.885 dt. 29.06.2018. However, there was no response from the complainant to the communication of the Respondent Utility. The Respondent Utility further stated that from the CPL records, it was observed that the average billing for the meter changed status for the period from April, 2017 to August, 2017 had been credited through the system for amount of (-) Rs.14,272.00 in the month of September, 2017 and it had also corrected the bill for the period from January 2017 to September 2017 amounting to aggregate **Rs.1,353.66**, and effect of the

same has also appeared in the bill of the consumer for the month of **Sept. 2017**. Both these corrections were based on the B-80 Report. The Respondent had also submitted to this office copy of all the relevant bills / reports B-80, meter replacement etc. which was effected on it. During the course of hearing, the Respondent Utility stated that the meter was found in order and its connected load as appearing on the energy bills was 0.30 KW. The consumer was issued the bill for Rs.3,160/- for the month of December 2017. The Respondent utility requested the consumer to make at least part payment of the said bill, to which the consumer did not respond. As per actual consumption, bills were issued to the consumer for the period of January 2018 and February, 2018 along with disconnection notice. However, the consumer did not pay the billing amount. Hence, the Utility disconnected the supply of the consumer. Thereafter, the consumer had paid arrears amounting to Rs.3,800/- on 07.06.2018 and thereafter, the supply of the consumer was restored. In view of this, the Respondent Utility prayed that the consumer complaint is liable to be dismissed with cost.

I have perused all the documents filed by the complainant and the Respondent Utility. Following issues have arisen for my consideration -

- i) Whether the consumer received any accumulated bills or as per consumption recorded which is legal, proper and valid?
- ii) Whether report of the meter replaced is valid and proper?
- iii) What order?

Reasoning -

I had given an opportunity to the complainant as also the Respondent Utility in personal hearing on 20.07.2018. The dispute in this case is that as per the complaint of the complainant the meter installed in his rented premises had burnt and the Respondent Utility had replaced the burnt meter by new one. However, this change in number of meter was not effected in the system, and therefore, the new meter number could not get printed on the energy bills issued to the complainant. The complainant had not disputed the fact of replacement of the burnt meter without disruption in the supply to the

consumer. Thus, the consumer had derived the benefits of continuous electric supply. The complainant was required to approach the office of the utility from time to time to ensure that the meter number of the replaced meter is printed on the energy bills being issued to him as also the actual consumption of units was not getting properly and timely billed. In this case, it is to be noted that the consumer had already received the monthly bills and all the required rectifications in the earlier bills had also been done by the Utility through B-80. Under the above circumstances, the complainant is not eligible for any monetary reliefs as claimed by him.

The complaint has claimed payment of Rs.55,000/- being the avoidable expenditure as also further claims for compensation against social defamation caused to him to the tune of Rs.55,000/-, thus the complainant prayed for payment within the range of Rs.1,00,000/- to Rs.150000/-. However, as per the MERC, CGRF Regulations, 2006, Rule No.8.2 (c), the prayer of the complainant cannot be acceded to. The said Rule No. 8.2 (c) is quoted below for ready reference –

“8.2 – If, after the completion of the proceedings, the Forum is satisfied after voting under Regulation 8.1, that any of the allegations contained in the grievance is correct, it shall an order to the distribution licensee directing it to do one or more of the following things in the time bound manner, namely

(c) to pay such amount as may be awarded by it as compensation to the consumer for any loss or damage suffered by the consumer:

Provided, however, that in no case shall any consumer be entitled to indirect, consequential, incidental, punitive, or exemplary damages, loss of profits or opportunity.”

Hence I am not inclined to order for any compensation as claimed by the complainant. However, despite the utility having attempted to feeding the meter replacement in the system, the number of the replaced meter was not getting reflected / printed on the energy bills issued to the complainant. Since the Utility had taken all the steps to ensure that the complainant is issued energy bills with all the necessary details recorded thereon, due to technical reasons, it did not happen for some time, and hence, according to me, the

Respondent Utility cannot be held responsible for the same. In the process, the complainant is also not burdened for payment of any additional bills to the Utility during the intervening period. However, considering the plan of litigation, I am inclined to consider token compensation to the complainant to the tune of Rs.500/- which should be adjusted against the future liability of the complainant. No other compensation is admissible to the complaint except the token cost for litigation. On this backdrop, the grievance of the complaint stands partly allowed. Hence I am inclined to allow the consumer complaint and to proceed to pass following order:-

ORDER

1. The order passed by the IGRC is set aside since though the owner of the premises is expired, the occupant-tenant is also a consumer as per Section 2 (15) of the Electricity Act, 2003 and is entitled to file a grievance.
2. Consumer complaint No. 33 of 2018 is partly allowed.
3. The Respondent Utility shall pay token cost of litigation of Rs.500/- to the complainant which shall be adjusted in the future bills.
4. No further order to the cost.

The order is issued under the seal of Consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Pune Urban Zone, Pune on 7th August, - 2018.

Note:

- 1) If Consumer is not satisfied with the decision, he may file representative within 60 days from date of receipt of this order to the Electricity Ombudsman in attached "Form B".

Address of the Ombudsman

The Electricity Ombudsman,
Maharashtra Electricity Regulatory Commission,
606, Keshav Building,
Bandra - Kurla Complex, Bandra (E),
Mumbai - 400 051.

- 2) If utility is not satisfied with order, it may file representation before the Hon. High Court within 60 days from receipt of the order.

I agree/Disagree

Sd/-
ANIL JOSHI
MEMBER
CGRF:PZ: PUNE

Sd/-
A.P.BHAVTHANKAR
CHAIRPERSON
CGRF: PZ:PUNE

I agree/Disagree

Sd/-
BEENA SAVANT
MEMBER- SECRETARY
CGRF:PZ:PUNE