

**BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM
AURANGABAD ZONE, AURANGABAD.**

**Case No. CGRF/AZ/AUC/698/2018/38
Registration No. 2018100071**

Date of Admission : 23.10.2018

Date of Decision : 08.01.2019

Shri Shreekant Bhanudasrao Joshi, : COMPLAINANT
RH No. 10, Gut No. 41, Itkheda,
Amrut Sai Gold City,
Aurangabad
(Consumer No. 490011955786)

VERSUS

Maharashtra State Electricity Dist. Co. Ltd., : RESPONDENT
through it's Nodal Officer, EE(Admn),
Urban Circle, Aurangabad.
The Addl. Executive Engineer,
Chawani Sub Dn. Aurangabad.

For Consumer : Shri H.A. Kapadia,

For Licensee : Shri K.B. Kale,
Addl. EE, Chawani SDn

CORAM

Smt. Shobha B. Varma, Chairperson
Shri Laxman M. Kakade, Tech. Member/Secretary
Shri Vilaschandra S. Kabra Member.

CONSUMER GRIEVANCE REDRESSAL DECISION

1) Shri Shreekant Bhanudasrao Joshi, RH No. 10, Gut No. 41, Itkheda, Amrut Sai Gold City, Aurangabad is a consumer of Mahavitaran having Consumer No. 490011955786. The applicant has filed a complaint against the respondent Maharashtra State Electricity Distribution Company Limited through the Executive Engineer i.e. Nodal Officer, MSEDCL, Urban Circle, Aurangabad under Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulation 2006 in Annexure (A) on 30.10.2018.

BRIEF HISTORY & FACTS RELATING TO THE GRIEVANCE:

2) That, the complainant is owner of the row house situated at above mentioned address and has taken single phase electricity connection in October 2009 for his premises. The Consumer No. 490011955786 & meter bears Sr. No. 07604233361.

3) The row house situated at Amrut Sai Gold City, Itkheda, Aurangabad is given on rent since last 5-6 years. The complainant is residing at Khivansara Fort, Vikas Nagari, Aurangabad. The meter is installed at frontage, so reading is visible.

4) The complainant submits that from last 3-4 years, Respondent, by showing meter status as RNA or Faulty issued all monthly bills on average basis, i.e. without taking actual reading.

5) It is submitted that, from date of installation of meter i.e. from Oct. 2009, Respondent has not issued monthly bills as per actual meter reading. Many times the bills are issued on average basis. Considering the present meter reading of 35054 (Sept. 2018), the total consumption for period October 2009 to September 2018 works out to $35054 - 1 = 35053$ units, i.e. @ 325 units per month.

- 6) In the month of June 2017 the Respondent has issued monthly bill showing electricity consumption of 18124 which was totally incorrect and practically not possible. Written complaint was submitted on 23.01.2018 to Respondent Office at Chawani.
- 7) The complainant is in receipt of electricity bill for the month of September 2018 for Rs. 4,67,300/-. The complainant has again visited office of Respondent at Chawani and requested the concerned officer to issue revise bill, after bifurcating the units over the period when the meter reading was not taken. That, the concerned officer assured the respondent to issue revise bill only if the provisional bill is paid immediately. Copy of bill of September 2018 carries endorsement about provisional bill.
- 8) That, without issuing revise bill, the Respondent, without giving any notice as per provision of Section 56 of IE Act 2003, disconnected the electricity supply of the premises on October 2018, which amounts to violation of provision of electricity Act 2003.
- 9) The complainant, being owner of the premises, is ready to clear his legal liabilities towards payment of electricity bills if the same are revise as per details given in para 4 of the petition.
- 10) The complainant has prayed that,
1. Respondent may be directed to reconnect electricity supply which was disconnected without giving any notice and by violating provision of IE Act 2003.
 2. Respondent may be directed to issue revise bill by bifurcating total units and without levying interest and DPC amount.
 3. Respondent may be directed to give six (6) equal installments for payment of revise bill.

4. Respondent may be directed to pay Rs. 5000/- for disconnection of electricity without giving any notice and for issuing bills on average basis.

11) The Respondent has submitted say as under : -

Bills are issued to the complainant for the period March 2013 to May 2017 on average basis. In June 2017 bill was issued showing consumption of 18124 units. The said bill was divided in the period of six months. Therefore, it is proposed to divide consumption within 52 months, with approval of higher authority. While taking (-)B80, it is propose to deduct following amounts from the bill.

- 1) Rs. 1,66,043.00
 2) Rs. 24,463.87 - Regarding interest.
 3) Rs. 3,247.60 - Towards fine.
 Rs. 1,93,754.81

12) On 20.11.2018, the Respondent has submitted details of proposed deduction from bill of consumer as follows.

| Sr. No. | Total arrears | Total interest amt. | Total amount |
|---------|---------------|---------------------|--------------|
| 1 | 3,69,571.73 | 65,461.69 | 4,35,033.42 |

| | Proposed Revision | Fixed interest | Total revised amount |
|---|-------------------|----------------|----------------------|
| 2 | 1,66,043.28 | 27,711.53 | 1,93,754.81 |

13) On 03.11.2018, on payment of first installment electricity supply was reconnected. 2nd installment due considering proposed revised amount Rs. 2,41,280/- is due from the complainant.

14) The complainant by his submission (Page No. 46) stated to have made following payment during pendency of this complaint.

03.11.2018 - Rs. 50,000/-

17.11.2018 - Rs. 50,000/-

28.11.2018 - Rs. 50,000/-

15) We have gone through the pleadings, documents submitted by both the parties. Heard arguments of Consumer Representative Shri HA Kapadia & Respondent Shri K.B. Kale, Additional Executive Engineer, Chawani Sub Division, Following points arise for our determination & we record our findings on it, for the reasons given bellow :-

| Sr. No. | POINTS | FINDINGS |
|---------|---|------------------------------|
| 1) | Whether the bill for September 2018 is required to be revised ? | Yes |
| 2) | Whether mode of payment of revised bill requires to be grated in six installments ? | Yes In three installments |
| 3) | Whether compensation of Rs. 5000/- requires to be granted for disconnection on electricity supply without notice under section 56 of IE Act 2003? | Partly Yes Rs. 1,000/- |
| 4) | What order? | As per final order |

REASONS

15) **Point No. 1 :-** In the month of June 2017, bill is issued for 18124 units, for Rs. 2,88,741/- with previous arrears Rs. 28,371/-. The date of last receipt amount is on 11.11.2016 of Rs. 20,990/-. In the month of June 2017 the reading shown is 25166 with meter Sr. NO. 04233361. The proposed B80 (Page No. 22 to 24) for the period March 2013 to June 2017 i.e. for 52 months.

16) On considering consumption in March 2013 reading is 6032, where as in the month of June 2017, reading is 25156. Total units 19124 distributed within 52 months period. CPL goes to show that, in March 2013, reading on meter No. 04233361 was 6032 & status is faulty. It is seen that from March 2013 to November 2016, meter status is faulty & bills are issued on average basis. In December 2016 same meter No. 04233361 goes to show previous reading 6032 & current reading 7032. From January 2017 to March 2017, bills were issued with status "Normal" RNT status i.e. average basis. In June 2017 meter status is found "Normal", bill was issued for 18124 units, with previous reading 7032 & current reading 25/56. From July 2017 to July 2018 with same meter, reading is progressive & bill is issued as per reading. Hence, it is seen that bill issued from November 2012 to March 2017, though faulty with RNT status, meter was working progressive. Hence proposed B-80 (Page No. 22 to 24) of distribution of bills from March 2013 to June 2017 on examination is found just & correct & acceptable. Not only that, but it is also not disputed by the consumer. proposed B-80 monthly consumption 368 is in accordance with future normal consumption of same meter. Hence, wrong bill of Rs. 3,19,021/- requires to be revised & after credit Rs. 1,65,931/-, further interest amount Rs. 24,463/- DPC RS. 3247/- credit is required to be given to consumer. So from the original bill of Rs. 3,19,021/- total deductions of Rs. 1,93,754/- are to be made & hence proposed B-80 is found correct. The total balance amount is thus calculated. $\text{Rs. } 3,19,021 \text{ (-) } 1,93,754 = 1,25,267 \text{/-}$. Thus Rs. 1,25,267/- (+) Current bills from July 2017, those amounts are recoverable. On verification the proposed B-80 is found correct. Thus disputed bill of September 2018 is required to be revised. We answer point No. 1 in the affirmative.

17) **Point No. 2 :-** considering the total circumstances, recoverable amount, illegal disconnection & payment already made in three installments as detailed in above Para No. 14. Now, we feel that for payment of due amount further three installments from January 2019 to March 2019 be allowed. We answer the point No. 2 in the affirmative.

18) **Point No. 3 :-** Notice under section 56(2) of IE Act 2003 is not issued by the Respondent giving pre-intimation to the consumer, about disconnection of his electricity supply. So disconnection of electricity supply was illegal. As such, we feel it just & proper to grant compensation of Rs. 1000/- to the consumer payable by the Respondent. We answer point No. 3 partly in the affirmative.

19) Considering above discussion, we allow the application in the following terms & proceed to pass following order in reply to point No. 4.

ORDER

The application is hereby allowed in the following terms :

- 1) The Respondent is hereby directed to issue revised bill for September 2018, by bifurcating units & without imposing interest amount & DPC as shown in the proposed (-)B80 (Page No. 22 to 24).
- 2) On receipt of final bill, the complainant is directed to pay first installment in January 2019, second installment in February 2019 and third installment in March 2019. The due amount be paid in three equal installments.

- 3) The Respondent is further directed to pay compensation of Rs. 1000/- (Rs. One thousand only) to the consumer for illegal disconnection of his electric supply.
- 4) Parties to bear their own costs.
- 5) Compliance be reported within 30 days.

Sd/-
Shobha B. Varma
Chairperson

Sd/-
Laxman M. Kakade
Member / Secretary

Sd/
Vilaschandra S.Kabra
Member