

CONSUMER GRIEVANCE REDRESSAL FORUM,
AKOLA ZONE, AKOLA.

"Vidyut Bhavan" Ratanlal Plot ,Akola. Tel No 0724.2434475

ORDER

Dt:- 07.02.2019

Complaint No: - 62/2018 Dated 28/12/2018.

In the matter of grievance pertaining to billing complaint correction bill and Compensation.

Quorum

Dr.V.N.Bapat- Chairman
Shri.D.M.Deshpande, Member (CPO)
Shri. R.A.Ramteke, Member – Secretary

1. Shri. Ramesh Manohar Watamare :- Complainant
Consumer No.LTI Residential.
310156617902
Matoshri Niwas, Bhavsar Pura
BARSHITAKLI Dist. Akola-444401.

....Vrs.....

Executive Engineer , :- Respondent
MSEDCL, O&M Akola Rural
Gorakshan Road Akola.

Appearances

1. Shri. Ramesh Manohar Watamare - Representative for Complainant
2. Shri. P.U. Kalore - Dy. Executive Engineer,
- Barshitakli for respondent.

1) On being aggrieved by the decision of IGRC Akola issued vide order no. CGRF/Akl/2953 dated 24/07/2018 the complainant Shri. RAMESH MANOHAR WATAMARE from BARSHITAKLI approached this Forum under clause 6.4 of MERC CGRF (OMBUDSMAN) Regulation 2006 for resolving the grievance.

2) Complainant's case in brief is that complainant is residential consumer of N.A. M.S.E.D.C.L from 11/05/2017. According to complainant N.A. M.S.E.D.C.L issued assessment bill for Rs. 18,250/- for assessment unit of 2323 vide AE/B'Takli/145 dated 17/02/2018 with remark as 'Accumulation for Faulty'. According to complainant meter status was not fast and N.A. M.S.E.D.C.L have not given alongwith assessment bill the copy of testing report for assessing the consumption of 2323 units. According to complainant, if meter is found to be "faulty" N.A. M.S.E.D.C.L should have billed as per section 15.4 of supply code regulation 2005. According to complainant the grievance was submitted to IGRC Akola on 25/05/2018 with copy to Dy. Executive Engineer Barshitakli on 30/05/2018 but the energy bill is not corrected upto now. Complainant prays to set aside the assessment bill for Rs. 18,250/- along with DPC and arrears and Rs. 5000/- should be paid as compensation. Complainant annexed IGRC order dated 24/07/2018, extract of clause 15.4 of supply code 2005, complaint to IGRC dated 25/05/2018, assessment bill for Rs. 18,250/- and energy bill for Feb. 2018 along with the complaint.

3) Reply came to be filed belatedly by N.A. M.S.E.D.C.L on 28/01/2019. According to N.A. M.S.E.D.C.L, Flying squad of MSEDCL during inspection found the meter of complainant's residence as faulty and accordingly assessment bill as per load for 774 unit per month for 3 month for 2322 units amounting to Rs.18,248/- is issued to complainant on 20/02/2018. According to N.A. M.S.E.D.C.L complainant disputed the assessment bill and referred complaint to IGRC Akola on 25/05/2018. According to N.A. M.S.E.D.C.L, the consumption of complainant for last 10 months after installation of new meter is 265 KWH per month, which is found to be correct as per the directions given by IGRC in the order dated 24/07/2018, hence bill is found to be correct and requested to dismiss the complaint N.A. M.S.E.D.C.L. Annexed copy of Dy.EE/L/089 dated 25/01/2019 and bill revision dated 16/02/2018 (Not legible

copy) and copy of provisional assessment by Flying squad Dated 15/02/2018 with the reply.

4) Shri. Ramesh Manohar Watamare complainant and Shri. P. U. Kalore, Dy. Executive Engineer Barshi Takli were present for the hearing held on 01/02/2019. Shri. Ramesh Manohar Watamare complainant urged that Flying squad of MSEDCL visited his premises on 15/02/2019 without giving any intimation and found nothing adverse on the part of complainant regarding use of electrical energy supply by N.A. M.S.E.D.C.L but found the meter as faulty and brought to the notice of Forum that Flying squad of MSEDCL have not issued copy of inspection carried out at the premises on 15/02/2019. Complainant urged that cause of grievance arose on 17/02/2019 when N.A. M.S.E.D.C.L vide their demand note issued bill for Rs. 18,250/- towards accumulation for faulty and brought to the notice of Forum that despite request to the authority Dy. Executive Engineer Barshitakli on several occasions; the illegal assessment bill was not withdrawn when bill for faulty period is raised by MSEDCL and paid by complainant without any dispute. Shri Ramesh Watamare referred clause No 15.4 of supply code regulation 2005 and urged Forum to set aside the assessment bill, as bill for faulty period is already paid as per clause 15.4 of supply code regulation 2005 and requested Forum to direct N.A. M.S.E.D.C.L to withdraw the interest and DPC charged to complainant due to non-payment of illegal assessment bill for Rs. 18,250/- and allow the cost of Rs. 5000/- recoverable from N.A. M.S.E.D.C.L for harassment and spoiling the image of complainant in society purporting dishonest use of electrical energy. Shri Ramesh Watamare brought to the notice of Forum that current bills during disputed period is paid by complainant immediately on getting demand from N.A. M.S.E.D.C.L.

5) Shri P. U. Kalore, Dy. Executive Engineer MSEDCL brought to the notice of Forum that as per provisional assessment carried out by Additional Executive Engineer MSEDCL Flying squad and intimated to Dy. Executive Engineer Barshitakli online bill revision report B-80 is generated and amount recoverable towards accumulated faulty bills for three months preceding Feb. 2019 is debited to the account of complainant. On being asked by the Forum to elaborate the provisions of supply code regulation 2005 for billing in case of 'Faulty Meters' and correctness of assessment by Flying squad Shri P. U. Kalore preferred to remain silent.

6) Having heard the parties and after considering material placed on record Forum is of the view that the grievance is pertaining to billing in the event of faulty meter and has to be dealt as per provisions of supply code regulation 2005 clause 15.4 (provision) according to which, "provided further that, in case the meter has stopped recording, the consumer will be billed for the period for which meter has stopped recording up to a maximum period of three months, based on the average metered consumption for twelve months immediately preceding the three months prior to the month in which the billing is contemplated." Forum have gone through the facts brought on record by filling consumer personal ledger, according to which the meter was in working condition till it was read on 13/12/2017 for progressive reading of 33321 and reading bills, issued upto the month of Nov. 2017 inclusive for the month Nov. 17 needs no revision and Flying squad of MSEDCL erred in assessing billing for the month of Nov. 17 as faulty. Forum have noted from the C.P.L filed on record that energy bills for the month of Dec. 2017 and Jan. 2018 are issued as per the provisions of supply code regulation 2005 on the basis of average consumption and paid by the complainant. Forum is of the view that when faulty meter was replaced from Feb. 2018 and future billing not disputed by complainant and bills during faulty period are paid as per provisions, there was no need for assessment by Flying squad dated 15/02/2018 which is carried out by assessing the connected load. N.A. M.S.E.D.C.L could not bring on record the need for assessing the connected load, when no adverse indication about tampering of meter is found in the report of Flying squad filed on record and Forum is of view that, it is nothing but exaggeration and misuse of powers on the part of Flying squad in issuing assessment bill for faulty period and N.A. M.S.E.D.C.L debiting Rs. 17,845.31/- to the account of complainant on the basis of assessment bill dated 15/02/2018. N. A. M.S.E.D.C.L could not bring on record the lawful basis of assessing connected load and assessment by Flying squad on 15/02/2018. Forum is of view that provisional assessment for Rs. 20,550/- dated 15/02/2018 issued by Additional Executive Engineer Flying squad MSEDCL, the demand note No. 145 dated 17/02/2018 for Rs. 18,250/- issued by N. A. M.S.E.D.C.L and debit adjustment amount Rs. 17,845.31/- to the C.P.L of complainant in Feb. 2018 needs to be set aside alongwith waiver of arrears of interest and D.P.C on debit towards assessment bill shown recoverable in the C.P.L of complainant. Forum expressed displeasure for not correcting the bill even after IGRC Akola order dated 24/07/2018, and hence of the view that complainant's prayer towards cost is justified. Forum is inclined to allow the cost

of Rs. 2000/- payable by N. A. M.S.E.D.C.L to complainant recoverable from guilty officers who have exceeded the powers and not resolved the grievance even after the directives from IGRC Akola, after due enquiry. Forum also expresses displeasure towards the deputation of authorised representative by N. A. M.S.E.D.C.L who even was not aware of present provisions of supply code regulation 2005, in the event of billing in case of defective meter, and definition of connected load as per MERC. Forum is of the view that Rs. 2000/- payable to complainant towards cost is public revenue loss to MSEDCL and should be recovered from guilty officers of MSEDCL for misuse of powers after due enquiry as per principle laid down by Apex Court in the matter between M/s Lucknow Development Authority and M. K. Gupta Civil Appeal No. 6237 of 1990 issued on 5th Nov. 1993.

With these observations, Forum proceeds to pass following unanimous order.

ORDER

1. That the Complaint No. 62 of 2018 dated 28/12/2018 is hereby partly allowed.
2. That the N. A. M.S.E.D.C.L is directed to set aside the assessment bill dated 17/02/2018 for Rs. 18,250/- and withdraw the debit adjustment amount Rs. 17,845.31/- alongwith arrears of interest and D.P.C charged upto 03/01/2019 in the C.P.L account of complainant and forthcoming bill should be issued with due correction.
3. That the N. A. M.S.E.D.C.L is directed to pay cost Rs. 2000/- to the complainant by cheque within 15 days of this order.
4. That the N. A. M.S.E.D.C.L is directed to recover the loss of revenue from guilty officers of MSEDCL after due enquiry as per principle laid down by Apex Court in the matter between M/s Lucknow Development Authority and M. K. Gupta Civil Appeal No. 6237 of 1990 issued on 5th Nov. 1993.
5. That the N. A. M.S.E.D.C.L is directed to submit compliance report to the Forum within one month of this order.

S/d/-
Member Secretary

S/d/-
Member (CPO)

S/d/-
Chairman

Contact details of Electricity Ombudsman appointed by
MERC (CGRF&EO) Regulations 2006 under Regulation 10:

THE ELECTRICITY OMBUDSMAN
Office of Electricity Ombudsman (Nagpur)
Plot No.12, Shrikrupa, Vijaynagar,
Chhaoni, Nagpur-440 013. Phone:- 0712-2596670

No. CGRF/AKZ/Akola/42

Dt: 07.02.2019

To,
The Nodal Officers
Executive Engineer
MSEDCL O&M,
Akola Rural Division, Akola.

The order passed on **07.02.2019** in the Complaint
No. **62/2018** is enclosed herewith for further compliance and necessary
action.

Secretary,
Consumer Grievance Redressal Forum,
MSEDCL, Akola Zone, Akola.

Copy s.w.r. to:-

- 1) Chief Engineer, MSEDCL, Akola Zone, Akola.
- 2) Superintending Engineer MSEDCL, O&M Circle, Akola.

Copy to :-

- 1) Shri. Ramesh Manohar Watamare, Matoshri Niwas, Bhavasar
Pura Barshitakli Dist- Akola – 444401.