

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

**Case No. CGRF/AZ/AUC/716/2019/01
Registration No. 2019010051**

Date of Admission : 15.01.2019

Date of Decision : 16.04.2019

Shri Dev Santosh Sudhakar, : COMPLAINANT
H. No. 5-26-15-2, P. No. 07,
Ajab Nagar,
Aurangabad
(Consumer No. 490014233439)

VERSUS

Maharashtra State Electricity Dist. Co. Ltd., : RESPONDENT
through it's Nodal Officer, EE(Admn),
Urban Circle, Aurangabad.

The Addl. Executive Engineer,
Kranti Chowk, Sub Division, Aurangabad

For Consumer : Shri Hemant Kapadia,
For Licensee : Mrs. Bhalerao P.S.
Addl. EE, Shahaganj SDn.

CORAM

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

CONSUMER GRIEVANCE REDRESSAL DECISION

1) The applicant Shri Dev Santosh Sudhakar, H. No. 5-26-15-2, P. No. 07, Ajab Nagar, Aurangabad is a consumer of Mahavitaran having Consumer No. 490014233439. The applicant has filed a complaint against the respondent 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 15.01.2019.

Facts of the dispute in short are as follows:-

- 1) That , the complaint has taken single phase electricity connection for his residence situated at plot No.07, Ajab Nagar, Aurangabad in the month of August 2012.
- 2) That, in the year Oct/Nov.2017 the complaint has constructed 8 rooms for providing accommodation to girls students coming to city of Aurangabad for education purpose. Further as the load requirement was increased, so he has submitted application for providing additional load of 5 Kw and converting single phase meter into three phase meter.
- 3) That, after processing application and on receipt of requisite payment, Respondent has released additional load of 5 Kw and also replaced the meter by three phase meter bearing Sr.No. 37530933 in the month of Feb.2017.
- 4) That, in response of Govt. of India policy of promoting solar installation, the complaint decided to install 5 Kw Roof Top solar system at his premises and accordingly submitted application for release of Net meter. After processing application, Respondent accorded sanction vide letter No. AddIExe/KC/Tech/127 dt. 30.01.2017.

- 5) That, after installation of Net meter, No bills were issued by Respondent for period Jan.2017 to January 2018. The complainant was shocked to receive letter dt. 31.01.2018 from Respondent asking his to pay Rs. 1,26,985=49/ on account of wrong reading taken by their meter reader.
- 6) The complainant has submitted that, Respondent thereafter issued bill of Rs. 18490/ and the same was paid by the complainant on 23.02.2018. Confirmation of receipt of payments is shown in the bill issued for month of Nov.2018.
- 7) That again no bills were issued from Feb.2018 onwards. Respondent then has issued a bill of Rs. 3,01,210/ without giving any details and also including DPC and interests.
- 8) That, the complainant without giving any intimation or notice disconnected electricity supply of the complainant on 11.01.2019 at 11.40 AM. It has caused inconvenience to girl students.

It is prayed that :

- 1) Respondent may be directed to issue revise bill after deducting interest and DPC amount.
 - 2) Six Nos.of equal installment may be granted to pay revised bill.
 - 3) Respondent may be directed to pay Rs. 5000/- towards illegal disconnection of supply and violation of provision of E.A. 2003.
 - 4) Respondent may be directed to refund cost of Net meter, Generation meter and testing charges paid towards testing of meter.
- 9) **The Respondent has filed say & raised following grounds:-**
- 1) The Respondent has reconnected the supply as per CGRF Order.

- 2) The interest and DPC can not reduce since the consumer has not paid a single bill since 23 Feb 2018. And the interest & DPC are charged as per rules of MSEDCL.
 - 3) The concern section office had issued the notice of disconnection vide AE/Kranti Chowk. 142 dtd. 27.12.2018, hence the disconnection was not illegal, hence demand may not be considered / granted.
 - 4) As per directives & guidelines of MSEDCL the consumer applied for Solar connection has to purchase the required meters for the facility and testing charges & is accepted by the consumer while applying for the facility hence the demand of refund of amount does not arise.
 - 5) Sine the consumer is habitual of non-payment energy bills regularly and that he has not paid the bill since 23 Feb 2018. Complaint may be dismissed.
- 10) **The Respondent has filed additional reply (P.No.80) as under :-**
- 1) In the month of Mar.2018 bill of 10547 units was issued to the applicant & it was divided in the period of eleven months. The meter reader has taken wrong reading, instead of import reading 12802, he has wrongly recorded export reading upto March 2018. Import reading of consumer was 12802 KWH & export reading was 2264 KWH. So bill of consumer was divided from March 2017 to Jan-2018. On deducting total export unit 2264 KWH net balance, 10547 units were divided in eleven months & bill of Rs. 1,26,985=49 ps. was issued in March 2018. DPC charges Rs. 2359.62 was initially charged , but was later on deducted.

11) We have gone through the application, say and all documents placed on record by both the parties. We have heard arguments advanced by both the parties i.e. complaint representative Shri. H.A. Kapadiya and Respondent's representative Smt. P.S. Bhalerao , Additional Executive Engineer, Krantichowk Subdivision. The B-80 (P. No. 81) submitted by the Respondent is accepted by the Complainant. It is for Rs.98775.74 & DPC amounts Rs.2359 is deducted. So complainant's representative has submitted that he has received revised bill in the month Feb-2019 and therefore only prayer of deduction of interest is now in dispute.

Following points arise for our determination & its findings are recorded for the reasons to follow.

Sr. No.	POINTS	FINDINGS
1)	Whether interest amount shown in revised bill shown in month Feb-2019, be deducted?	Partly yes.
2)	What order?	As per final order

REASONS

13) **Point No. 1 :-** The complainant has taken LT Residence connection in the name Shri. Dev Santosh Sudhakar Consumer No. 490014233439 and supply Date is 03.08.2012. Respondent released additional load of 5 KW and replaced existing single phase meter by three phase in the month of Feb-2017. The complainant installed 5 KW Roof Top Solar System at his premises and Respondent accorded sanction vide letter No. Addl.Exe/KC/Tech/127 dt. 30.01.2017. The complainant has not received bills for period Jan-2017 to Jan-2018 and received letter from respondent dated 31.01.2018 to pay

Rs.126,985.00 an account of wrong reading taken by meter reader. The complainant paid Rs. 18,490/- on Dt. 23.02.2018. CPL (Page 27) confirms it. No bills were issued from Feb-2018 and complainant received bill of Rs. 3,01,210/- in the month Nov-2018.

14) The permanent Lok Adalat Aurangabad in pre litigation Application Dispute No 600/2017 Below Rxh 12, Santosh Sudhakar Rao Dev Vs Maharashtra State Electricity Dist. Co. passed award on Dt.21.11.2018 & directed the complainant to pay Rs. 3, 97,997 towards arrears of principal amount.”

Respondent representative Smt. Bhalerao submitted say on 19.03.2019 and stated that bill was issued consumer in the month March-2018 of 10,547 units amounting Rs.1,26,985. Concern meter reading agency has taken wrong reading of export reading instead of import reading from March-2017 to Jan-2018. In month Jan-2018 consumers import reading is 12802 KWH and export reading is 2264 KWH hence net unit calculated as import reading 12082 KWH export reading 2264 KWH =10547 KWH unit and distributed for March-2017 to Jan-2018. Amount Rs.126985 for 10,547 units (-B80) adjustment taken in month March-2018. DPC amount Rs. 2359 (-B80) adjustment taken in month March-2019 (Page 27).

15) CPL confirms that import/export reading are corrected and proper bill issued to consumer March-18 also Additional Executive Engineer vide letter No. Addnl.EE/Krantichowk/AC/100 dt.31.01.2018 given to consumer and requested that bill is now corrected for period Feb-2017 to Jan-2018 consumer has to pay balance amount Rs. 12698/-.

16) Record shows that consumer has not paid the due bills and he had filed complaint before permanent Lok Adalat. Before Permanent Lok Adalat dispute arrears were of PD consumer 4900010107013 & arrears of live consumer

490014233439. Permanent Lokadalat passed award on 21/11/2018 & directed the complaint to pay principal arrears of Rs. 3,97,997/-.

17) Considering the aforesaid period since, in the initial stage bills were not issued & there was wrong meter reading & thereafter, matter was sub-judice before permanent Lok Adalat till 21/11/2018. Hence, it is just & proper not to impose interest since Jan. 2017 till 21/11/2018. That on 11/01/2019, electric supply was disconnected, so present complaint is filed on 15/01/2019. Thereafter as per directions of this forum, the consumer has deposited complete bill amount. As such it is just & proper to charge interest only after 21/11/2018 till 14/01/2019, the consumer failed to pay the bill amount, in spite of directions issued by permanent Lok Adalat. Int. for rest of the period not to be charged & be deducted from the bill we answer point No.1 accordingly & proceed to pass following order in reply to point No.2.

ORDER

- 1) The petitioners prayer for deduction of interest amount is partly allowed in the following terms.
- 2) The Respondent is hereby directed to charge interest only for the period 21/11/2018 to 14/01/2019 on the due amount on that date. Interest for rest of the period not to be charged & be deducted from the bill of the consumer.
- 3) Parties to bear their own cost. Compliance be reported within 30 days.

Sd/-
Shobha B. Varma
Chairperson

Sd/-
Laxman M. Kakade
Member / Secretary

Sd/-
Vilaschandra S.Kabra
Member