

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

**Case No. CGRF/AZ/JLN/722/2019/07
Registration No. 2019010108**

Date of Admission : 29.01.2019

Date of Decision : 21.5.2019

Shri. Uday Jagannath Somani, : COMPLAINANT
H.No.3771, Balaji Nagar,
Partur, Dist. Jalna -431501.
(Consumer No. 524012353722)

VERSUS

Maharashtra State Electricity Dist. Co. Ltd., : RESPONDENT
Through it's Nodal Officer /
The Executive Engineer,
MSEDCL, O&M Circle, Jalna.

The Dy.Executive Engineer,
MSEDCL, Partur Sub Dn.,

For Consumer : Shri. H.A.Kapadia.

For Licensee : Shri. P.A.Nikam
Dy. EE, Partur, Sub-Dn.

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. Uday Jagannath Somani, H.No.3771, Balaji Nagar, Partur-431501 is a consumer of Mahavitaran having Consumer No. 524012353722. The applicant has filed a complaint against the respondent through the Executive Engineer i.e. Nodal Officer, MSEDCL, Circle, Jalna under Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulation 2006 in Annexure (A) on 29.01.2019.

The brief facts of the dispute are as under:-

2) The petitioner is R/o Partur Dist. Jalna. The petitioner is sourcing electricity from the Respondent & is consumer of the Respondent regarding LT three phase supply taken in April 2017 for his Restaurant, situate H.No.3771, at Partur.

3) The Respondent is authorized & responsible officer of MSEDCL, engaged in distribution of electricity in Partur, within Maharashtra State.

4) It is alleged that after taking connection, bills were issued without taking meter reading & on average basis. That, in January 2018 the Respondent has issued electric bill for Rs. 14429.92 ps., however, after replacement of meter again bills were not issued as per actual reading shown on the meter.

5) That, in June 2018, the Respondent issued bill of Rs.60880/- showing debit bill adjustment, however no details were provided.

6) That in September 2018 again meter was replaced & incorrect bill were issued from September 2018 onwards.

7) That, on 23.01.2019, the petitioner has received notice of disconnection of electric supply issued by the Respondent against payment of Rs.1,92,620/-

The said claimed amount is wrong of exhorbitant. The petitioner is ready to pay the legitimate dues.

8) **It is prayed that,**

- 1) Respondent may be directed not to disconnect petitioners electric supply.
- 2) Respondent may be directed to issue revised bill after deducting interest & DPC charges.
- 3) Payment of legitimate amount may be allowed in six installments.

9) The Respondent has submitted say (P.No.16,17 & 18) raising following contentions:-

That on 01.04.2017 the electric connection of three phase 4.00 KW was released to the petitioner for commercial purpose. The consumer has deposited necessary charges. Meter of secure Co. Sr. No. 0347549, three phase was installed. For new connection the receipt of payment was punched in energy bill-1, therefore since, the day of installing the meter, bill was not issued. The Respondent has denied knowledge about wrong order of punching the receipt. However, on coming to know about it, Assistant Engineer, Partur has communicated the said mistake to the office of Jalna subdivision. As per instructions, since January 2018 average bills were issued to the petitioner. Initially, the category of consumer was 37 – LT industry, however, use was covered in category commercial, hence the category was changed & corrected from industrial to commercial. Thereafter the consumer has paid bill from January 2018 to March 2018 i.e. Rs. 42250 (+B80) & Rs.60880 was paid. The Assistant Engineer has prepared +B80 & issued bill to the consumer in June 2018 , Rs. 42250 + Rs. 60880 =Rs.1,02,930 (+B80). The consumer paid Rs. 60880/- on 22.03.2018 vide Receipt No.1855540.

10) In June 2018, on suspicion of faulty meter, the consumer did not pay the electric bill. On directions of Sub-division meter of Secure Co. No.2528544 was tested at Jalna Sub-division on dt.23.10.2018 & communicated the testing result 'Ok'. As the meter of Secure Co. was sent for testing to lab, so on Dt.15.08.2018 meter of Genus Co. bearing No.06605105 was installed. When the meter of secure Co. was removed for testing in August 2018 the reading was 12864 KWH. In the bill of August upto 8542 KWH meter reading, billing was already made. On receiving Ok meter testing report $12864 - 8542 = 4322$ KWH units adjusted units of raised in the bill of December 2018. The concern Engineer of Partur, accordingly has feed up the final reading.

11) The meter of genus Co.installed on Dt. 15.08.2018, Sr.No. 06605105, has displayed 9131 KWH reading. In the bill of January 2019 upto 325 KWH was billed. It means $9134 - 325 = 8806$ billing remained so the bills issued to the consumers till to date were for less amount than its consumption. The consumer did not pay bill of Rs.3430 in March 2018 of additional Security Deposit.

12) That in addition to present connection of consumer No.524012353722, the consumer is also having other connections in the same premises of Krushmoti Restaurant & loding business having three phase connection, those connections are bearing Consumer No.5240162322156. At Krishna moti Restaurant , in meeting hall, there is another electric connection bearing Consumer No.524012350201 Single Phase. The arrears on said connection were of Rs. 32430, after disconnection the consumer has paid the said amount.

13) There were arrears against Consumer No.524012353722 ,Rs. 1,92,620/- hance disconnection notice was issued on Dt.23.01.2019. Spot inspection was

made on Dt.04.02.2019, & it was found that the load of 72 KWH used by the consumer. On Two, three phase electric connection, load is divided & recorded on each 7.5 KW, in the meter. Replacement of meter, credit lock was given to consumer. Hence, the bill issued is correct & action for disconnection was legal.

14) In the rejoinder (P.No.61) the petitioner has submitted that, after releasing connection, first bill was issued in January 2018 i.e. after 8 months. Again up to May 2018 bills were not issued. In June 2018 bill of Rs. 1,02,930/- was issued. Respondent has collected Rs. 27299.98 excess amount till May 2018. No details of debit bill were provided. On payment of meter testing charges on Dt.21.08.2018 of meter No.06502528544, it was tested on Dt.23.10.2018 & result was 'Ok'. The petitioner was not called upon to witness the testing of meter, so he does not agree with the report. About substitution of new meter No.06605105 in place of old meter 06502528544, in absence of meter replacement report, reading is not confirmed. So, bills are not issued regularly as per meter consumption. The consumer was asked to pay excess amount towards bills & interest & DPC, so to produce CPL, meter replacement report & meter testing report.

Accordingly, those documents are filed on record by the Respondent.

15) We have perused the pleading & documents filed by both the parties on record. Heard consumer Representative Shri.Kapadia H.A. and Shri. Nikam P.A., Dy.EE Partur Sub-Dn. For Respondent.

16) Since, the Bill revision report submitted by the Respondent (P.No.83, showing adjustment amount Rs. 60508.40 is not challenged by the petitioner & on verification, the revision report found proper, so now only the points

remained for decision are regarding waiver of interest & DPC amount & point of grant of installments to the petitioner.

17) Following points arise for our determination & we have recorded its findings for reasons to follow:-

Sr.No.	Points	Answer
1	Whether Arrears of interest Rs. 16086/-, & DPC Rs. 273 in bill March 2019 be waived off ?	YES
2	Whether four installments for corrected bill after (-) B80 of Rs.60,508/- requires to be granted ?.	YES
3	What Order ?	As per final order

REASONS

Point – No.1:-

18) Connection on Dt. 01.04.2017 for commercial purpose with meter secure make Sr.No. 0347549 was released to the petitioner. Initially consumers security deposit was wrongly punched by billing staff to Energy bill hence, bills are not issued. From Jan-2018 bills issued with average units consumer paid Energy bill Rs. 70720 on Dt.23.03.2018 which is seen from CPL (Page No.76). Consumers, A-1 form (page No.48) shows that , he has applied for commercial purpose, but Assistant Engineer wrongly entered category as industrial hence, adjustment amount of tariff difference commercial to industrial (+) B80 taken for Rs. 60880/- in March 2018, from CPL (Page No.76)

it is seen that it is adjusted in June 2018 consumer has not paid bills after March 2018.

19) Consumers meter was replaced on Dt. 15.08.2018 with Genus make Sr.No.066051, as meter Sr.No.Genus make 02528544 was taken for testing. Testing Report (Page No.70) shows meter Sr.No.02528544 is testing result 'Ok'.

20) After meter replacement on Dt. 15.08.2018 with Genus make Sr.No.066051 bill are not issued as per meter reading hence, Dy. Executive Engineer , Partur Sub-Dn. Proposed (-) B80 (Page No.83) for September 2018 to March 2019 for Rs.60508/- considering initial reading 1 and current reading 11494 hence, consumption 11493 units for previous 7 months.

21) Considering above facts consumer has not received bills as per meter reading after meter replacement on Dt. 15.08.2018 i.e. wrong bills are issued, from CPL it is seen that, interest is for period August 2018 to March 2019, hence, arrears interest & DPC on wrong bills issued is required to be waived off, as now bills are correctly proposed in March 2019. For these reasons, it is found that consumer was not at fault as such it is proper & just to waive amount of interest & DPC. Therefore, we answer point No.1 in affirmative.

Point- No.2 :-

22) Considering above fact that correct bills are not issued as per meter reading from September 2018 to March 2019 and now proposed corrected bill in March 2019 for previous 7 months are issued, hence after correction of proposed(- B80) Rs.60508/- and after deduction of interest arrears Rs. 16086/- & DPC Rs. 273/- it is necessary to grant installment, we feel it just & proper to grant from total arrears of Rs. 2,56,688/- deduction in March 2019 of Rs.60508/-, 16086 & Rs.273 be made. On deduction of these three amounts

remaining amount be paid in four monthly equal installments. As such we answer point No.2 in the affirmative.

23) We proceed to pass following order in reply to point No.3.

ORDER

The petition is allowed in the following terms:-

- 1) On corrections of bill of March 2019 & on proposed deductions of (-B80) Rs. 60508, interest arrears amount Rs. 16086 & DPC amount Rs. 273 remaining balance amount of Rs. 1,79,821/- be paid by the petitioner to the Respondent.
- 2) The payment of balance amount by the consumer to MSEDCL is allowed to be made in four monthly equal installment. First installment will begin from June 2019.
- 3) I/D of payment of installment of single month , the MSEDCL is at liberty to recover the balance amount at once.
- 4) Consumer is directed to pay current bills separately.
- 5) Parties to bear their own cost.
- 6) Compliance to be reported within 30 days from the date of receipt of the order.

Sd/-
Shobha B. Varma
Chairperson

Sd/-
Laxman M. Kakade
Member / Secretary

Sd/-
Vilaschandra S.Kabra
Member