

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

Case No. 07/2019

Date of Grievance : 13.03.19

Hearing Date : 03.04.19

Date of Order : 13.05.19

**In the matter of exorbitant bill.**

Shri. Prasanna Prakash Siddha, ---- APPELLANT

B-2, Narayanbag Socy.,

Magarpatta Road, Hadapsar,

Pune - 411028.

(Consumer No. 170016829351)

VS

The Executive Engineer,

---- RESPONDENT

M.S.E.D.C.Ltd.,

Bundgarden Division,

Pune.

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) Mr. Prasanna Siddha

**C] - On behalf of Respondent**

- 1) Mr. A.K.Katkar, A.E.E., Hadapsar s/Dn.
- 2) Mr. S.N. Datar, A.A., Hadapsar s/Dn.

**LT I Residential Single phase, Sanction load- 3 KW**

**The present complaint is about exorbitant bill together with issue of revised bill as per actual reading.**

The above named consumer has been using the said supply of three-phase for residential purposes on the given address. According to the consumer his single-phase meter had clogged which also appears in the CPL of the consumer for the period from January, 2018 to May, 2018 where specific and categorical remark about 'Meter Status' appear as - "Faulty". During the said period from January, 2018 to May, 2018, despite electricity consumption of the consumer being the same - i.e. 350 units/month, which has been charged on 'Average basis', it is observed from the CPL data that the electricity charges for all the months under reference above vary substantially with charges from Rs.2180 to Rs.6238/- for the period Jan.2018 to May 2018. The Utility had recorded uniform consumption of 350 units / month despite the fact that 'Current Reading' and 'Previous Reading' appear as '1' in the CPL during the period from January,2018 to May, 2018 and as '2' for the period from June, 2018 to Sept., 2018. Despite this, the CPL states 'Meter Status' as 'Faulty' for the period from January, 2018 to September, 2018 and as 'Normal' for the period from October, 2018 till March, 2019. The prime reason for such varying details, as recorded in the 'Verification Report' dt. 07.08.2018 being current reading "No display". The Consumer submitted that he was paying the bills, though not regularly for obvious reasons, but without receiving details of electricity consumption during the period under review for each month. It appears from the CPL data that the Respondent issued the consumer electricity consumption bill for the month of June, 2018 for total consumption of 350 units an average basis and consumer was in arrears at that time his last date of payment is 18.04.2018 & total bill amounting to Rs.9,417/-. The aggrieved consumer was constrained to file a complaint against the Utility before the IGRC on 18.09.2018 as a first step towards resolution of his grievance.

2. Following registration of the complaint by the IGRC without any distinctive number having been allotted to the said complaint, the IGRC did issue notice to the Respondents for submission its say on the grievance of the consumer. On receipt of the said notice from the IGRC, the Respondent Utility did appear before the IGRC together with its submission in which the

Respondent Utility admitted that the meter at the premises of the consumer had been faulty since January, 2017 due to which the consumer was being issued electricity consumption bills at periodical intervals on presumptive basis with the average consumption of the electricity units @ 135 units/month till Dec.2017, and thereafter @ 350 units/month thereafter since January 2018. During the personal hearing before CGRF the Respondent Utility officials were asked to substantiate their presumptions for issue of electricity bills to the consumer on presumptive basis as above, despite the established facts that the meter at the premises of the consumer had been defective one / having no display, which facts have also been brought out in crystal clear manner in the Verification Report submitted dt. 07.08.2018 by the Hadapsar Sub-Division -1 of the Utility.

The consumer, however, continued to air his grievance / complaint to the concerned officials of the Utility against excessive / exorbitant billing as against the normal realistic consumption. The Respondents further submitted before the IGRC that following receipt of the excessive billing, their Hadapsar sub-Division did corrected the bills for the months of January, 2018 and February, 2018 at the time the consumer was issued his electricity bill for the month of March, 2018. In the month of June, 2018, the consumer was issued bill for Rs.9,417.09 which also included arrears of bill amounting to Rs.6,277.61 for the earlier periods. As stated above, the consumer had paid the said bill consumer on 2.7.2018 through PAYTIM and enclosed the relative receipt for the same, which is on record.

3. As a step further to look into the grievance of the consumer about faulty meter remark on CPL but actually “ No Display “ complaint the official/s of the Utility visited premises of the consumer for verification of the status of the meter, the officials observed that the meter in question had no display and because of which, the verification officials of the Utility could not record the ‘Present Meter Reading’, it being one of the requirements of the standardized ‘Verification Report’ of the Utility. The Verification Report dt. 07.08.2018 is on record. Subsequently, during the month of June,2018 to

Aug. 2018, the bills of the consumer were rectified with average consumption having been worked out @ 180 units/month on an average basis, as against actual consumption displayed on the replaced meter, despite replacement of the faulty meter with the new one. The Respondent Utility is also not in position to substantiate its action for issue of electricity consumption bill to the consumer on average basis for the period of three months from June, 2018 to August, 2018 despite replacement of the electricity meter by the bill. Thus, it is certain and evident from the above that the Respondent Utility had preferred to issue electricity bills randomly by applying 180 Units per month as per verification report and meter replacement on 07.08.2018. Its effect seen in October, 2018 as per CPL records. The officials further state that "145 units consumption is sufficient for the period August to September, 2018", as per report dated 24.10.2018 without giving supporting reasoning etc. It's in fact required to be noted seriously by all the concerned authorities of the Utility that despite the continuous complaint of the consumer and/or despite the issue being before the IGRC, none of the officials associated with the issue considered it essential to substantiate their claims for the average consumption bills being issued to the consumer on repeat occasions, with the average consumption having wild variations from 145 units/month as remarked in the Verification Report dt. 24.10.2018 to 350 units/month during the earlier periods. IGRC had given an opportunity of personal hearing to the consumer and his representatives of the Utility on 16.10.2018 and passed the following order partly in favour of the Consumer. The original order of the IGRC being in the regional language, when translated into English it may read as under-

*"The Complainant with consumer No.17001642351 may be issued proper bills for the period from March, 2018 till the replacement of the meter at the premises of the consumer (except for the months of June, July and August, 2018) on the basis of corrected electricity bills for the months of January, 2018, February, 2018 as also June, 2018, July, 2018 and August 2018."*

However, from the submission made by the Respondent Utility to CGRF vide its letter No. 694 dt. 01.04.2019, despite the claim of the Respondent Utility that it had complied with the IGRC orders and that it had corrected the consumer's bills for the period from January, 2018 to September, 2018, and its "Bill Revision Reports " for the same period also. The IGRC order is passed on 03.11.2018 & last B-80 corrected on 28.11.2018 i.e. IGRC compliance is done within a prescribed time limit. However, being aggrieved by the orders of the IGRC, the consumer preferred the present Appeal to CGRF on 13.03.2019.

4. Following registration of the appeal preferred by the consumer, as above, the office of the CGRF registered the same with the distinctive number Case No. 07 of 2019 and issued notice to the Respondent Unit bearing Number 60 calling upon the Respondents to file its reply to the grievances made by the Appellant making point-wise submission and providing issue-wise comments on the grievance within the period of fifteen (15) days – i.e. on or before 28.03.2019 positively with a copy thereof to the Appellant. The Respondent Utility, however, submitted its responses belatedly on 02.04.2019 i.e. one day before personal hearing in the matter was scheduled. In the process, therefore, the Appellant had been deprived of his opportunity to go through the submissions made by the Respondent and counter it, if need be, during the course of hearing on 03.04.2019. It is to be noted here that despite specific and categorical instructions to the Respondent Utility from the office of the CGRF to file its reply on the grievances made by the Appellant making point-wise submission and providing issue-wise comments on the Appeal of the Consumer, the Respondent Utility preferred to provide easy reply to the effect that it had issued corrected bills to the consumer for the period of January, 2018 to September, 2018 alongwith CPL & B-80 (Bill revision reports and during the hearing verification reports and Meter reading reports were submitted and it was justified. I have perused the reply submitted by the Utility carefully together with the supporting documents filed by it. After perusing rival contentions of the consumer and the Respondent Utility,

following points arose for my consideration to which I have recorded my findings to the points for the reason given below:

- a) Whether the consumer is entitled for refund of deposited Bill amount of Rs.9390/- in the month of July, 2018?
- b) Whether the consumer is entitled to get revised bill as per actual consumption?
- c) What order?

### **Reasoning:-**

5. I have given an opportunity to the consumer's representative and the Utility and heard the matter on 03.04.2019. It is the case of the consumer that the consumer received average bills for electricity consumption with units @ 135 units/month during the period from Jan.2017 to Dec.2017. Thereafter, the consumer received the energy bill on average basis with consumption @350 units/month for the period from January 18 to August, 2018. Following it, the consumer filed an complaint with the Utility about excessive / exorbitant bills being issued to him. According to consumer, despite the issue of bills on presumptive basis and not on the basis of actual consumption by the consumer, the consumer paid the aggregate bill for Rs.9,390/- on 2.7.2018 of which the consumer has claimed should refund to him. On perusal of the Verification Reports filed by the Utility it appears that the meter was having "No Display" complaint. In view of this, actual consumption was not recorded on the meter & hence its electricity bills was issued to the consumer an average basis. Hence, the consumer has raised the grievance to the IGRC and present Appeal to the CGRF.

6. The verification reports give the details of actual connected load and old meter was already replaced by new one on dtd.07.08.2018 & 24.10.2018. The average consumption of unit 180 is charged and thereafter it was bifurcated as per 145 unit p.m. for period Aug.2018 to Sept.2018. According

to the "Bill Revision Report" dated 29.3.2018, 29.8.2018, 28.11.2018 & 03.10.2018 and the benefit of deduction of the amount already given to the consumer which was reflected in the bill and it was confirmed through the CPL record.

The revised bill on the basis of actual consumption shall be prepared by the Utility following reading after the replacement of the faulty meter. The Utility, therefore, confirmed that the consumer has now been regularly receiving proper bills as per consumption of electricity units after adjustment of units during disputed period. Non-communication of bill revision and non-reflection of it in the energy bills issued to the consumer appears to be the element of misunderstanding and miscommunication between the Respondent and the Consumer. Since the IGRC had already passed its orders in favour of the consumer and that necessary adjustments / corrections in the liability of the consumer had already taken place as per Bill Revision Reports for the subsequent months. During the course of hearing, the Respondents claimed that admissible pecuniary benefits / refunds had already been passed on to the Consumer and that the Bill Revision Reports have also been communicated to the consumer, to which the Consumer responded in affirmative with further confirmation before the Forum that he agrees to the adjustment/s already made by the Utility appropriation of paid amounts already made by Utility. Since all these adjustments in favour of the consumer now are reflected in the bills issued to the consumer, the dispute of the consumer already stands resolved. However examined on the backdrop of the merit of the consumer complaint regarding "faulty status" of the meter was corrected to "normal status" seen and it was seen on CPL records & it communicated to the consumer immediately, the consumer was required to raise the dispute before IGRC as well as before this Forum which had caused inconvenience and avoidable / unnecessary financial burden to the consumer. In view of this, I am inclined to grant token compensation to the consumer for the delay in resolving his consumer grievance properly by the Utility and this token cost of Rs.1000/- shall be payable to the consumer by the Utility, which may be subject to adjustment by Utility in ensuing energy

bills to be issued to the consumer. In result, I am inclined to allow the consumer complaint partly as faulty meter status bill period should be corrected as per average actual consumption.

Therefore, I am inclined to allow the consumer complaint partly and I proceed to pass the following order.

I agree,

Sd/-  
Anil Joshi  
Member  
CGRF:PZ:PUNE

Sd/-  
Anil Bhavthankar  
Chairperson  
CGRF:PZ:PUNE

### **Member Secretary, (B.S. Savant)**

I have gone through the above reasoning and my opinion in this matter is differing regarding token compensation amounting to Rs.1000/- (Rs. One thousand only).

As per MERC (CGRF & Electricity Ombudsman) Regulations, 2006 at Clause No. 8.2 (d) as below:

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 issue an order to the Distribution Licensee directing it to do one or more of the following things in a time bound manner, namely :-

- a) -----
- b) -----
- c) -----
- d) to pay such amount as compensation as specified by the Commission in the standards of performance of Distribution Licensees.

Also it is seen that the consumer has made complaint in the month of Sept.2018 at IGRC - RPUC and its decision order was issued on 3.11.2018. The Respondent Utility was taken the action in the month of Nov.2018 and it was effected immediately and it was verified from the documents such as CPL and B-80 report etc. It is concluded that, there is no any delay to resolve



the grievance of the consumer i.e. Mr. Prasanna Siddha and it is correct as per MERC (CGRF & Electricity Ombudsman) Regulations, 2006 at Clause No. 8.2 (d).

Hence it is not necessary to pay/adjustment of token compensation amounting to Rs.1000/- to the consumer.

**Sd/-**  
**B.S.Savant**  
Member/Secretary  
CGRF:PZ: PUNE

I have perused the objections raised by the Member-Secretary with specific reference to the token compensation of Rs.1,000/- (Rupees one thousand only) granted to the Appellant primarily on the grounds that the same is not admissible as per the provisions contained in Clause 8.2(d) of the Regulations referred to by the Member-Secretary. I am of the considered view that the objections / dissent note recorded by the Member-Secretary is contrary to the record placed before the Forum. It is evident from the records that the consumer had to escalate his grievance to IGRC on 18.09.2019 supposedly for non-resolution of his oral grievance. As per the provisions contained Sub-Regulation (6) of Regulation No. (7) of MERC (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2014, which deals with "Complaints about Consumer Bills", the Licensee was obliged to resolve the grievance of the Appellant during the subsequent billing cycle. The said Regulation is quoted for ready reference as under -

**" Complaints about Consumer's Bills**

7.6 The Distribution Licensee shall resolve consumer complaints with regard to non-receipt of a bill for payment or inadequate time being made available for payment thereof or otherwise, within 24 hours of the receipt. In other cases, the complaint shall be resolved during subsequent billing cycle."

Further, as is evident from the orders of the IGRC, it is also an admitted by now for which the IGRC had categorically stated in its orders dt. 03.11.2018 that the consumer be issued correct bills from January, 2019 onwards except the energy bills for the months of June, 2018 to August, 2018. The Bill Revision placed on record by the Licensee also indicate that the Utility had to take corrective action for wrong consumption charged to the consumer since January, 2018 onwards in general and Bill Revision for the month of September, 2018 in particular. On this backdrop, it is crystal clear that the Licensee had failed to meet the timelines for resolution of the grievance of the consumer as specified by the MERC referred to hereinabove. On this backdrop, the token compensation of Rs.1,000/- (Rupees one thousand only) is justified since the consumer had to suffer for absence of proper and timely action on his grievance about excessive / exorbitant billing.

Hence order by the majority.

### **ORDER**

1. Consumer Complaint of Case No.07 of 2019 is allowed partly.
2. Respondent Utility is directed to reassess and reissue the bills for the disputed periods, after adjustment of already paid amount Rs.9390/- on 2.7.2018.
3. Respondent Utility shall pay Rs.1000/- (Rupees one thousand only) to the consumer as token compensation for delay in resolving the dispute immediately and the token compensation may be adjusted in future bill/s of the consumer.

The order is issued under the seal of Consumer Grievance Redressal Forum M.S.E.D.C. Ltd., Pune Urban Zone, Pune on 13<sup>th</sup> May - 2019.

#### **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