

**CONSUMER GRIEVANCE REDRESSAL FORUM,**  
**AKOLA ZONE, AKOLA.**

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

**ORDER**

**Dt:- 08.05.2019**

**Complaint No :- 09/2019 Dated 25.03.2019**

**In the matter of grievance pertaining to Billing complaint, connection of bill and SOP Compensation.**

**Quorum**

**Dr.V.N.Bapat- Chairman**  
**Shri.D.M.Deshpande, Member (CPO)**

1. Shri Mahendra Devidas Deshmukh :- Complainant  
Consumer no. LT1-290010011530  
At post Malikhel, Tq.- Jalgaon Jamod  
Dist.- Buldana-443402.

**.....Vrs.....**

Executive Engineer, :- Respondent  
MSEDCL, O.& M.  
Malkapur Division.

**Appearances**

1. Mr. Pramod Khandagle - Representative for Complainant
2. V. D. Sontakke - Representative for Respondent  
Dy. Executive Engineer,  
With S. R. Gupta - Dy. Executive Engineer,  
MSEDCL

1) On being aggrieved by the decision of IGRC Buldana issued vide IGRC/BLD/0732 dated 21/02/2019, the complainant in the capacity of occupier being user of electric supply, approached this Forum under section 6.4 of MERC CGRF and OMBUDSMAN Regulation 2006 for resolving the grievance.

## **2) Applicant's submission in brief**

- a. Applicant is a user of electricity and is the son of the consumer Late Shri Devidas G. Deshmukh with Consumer No. LT1-290010011530. The applicant claims eligibility to approach Hon. CGRF as he is currently using the electricity through this connection.
- b. Applicant has received non-reading bills from January 2017 till November 2018 with excessive units shown. The applicant lodged written complaint on dates 27/7/2017, 28/12/2017 and 20/9/2018 which are not responded to by the non-applicant at all. The applicant has paid up under protest all the bills raised by N.A. till 5/5/2018 regularly under intimation time and again to N.A. that he is ready to pay due reading bills.
- c. N.A. MSEDCL further permanently disconnected the supply to the applicant's connection on 29/11/2018. The applicant had served a legal notice in this regard on 6/12/2018 in the name of concerned Junior Engineer through his lawyer Shri N.H. Giri.
- d. The N.A. is liable for SOP compensation as per SOP Regulations 2014 for disconnecting the electricity supply without prior notice.
- e. The NA is bound by SOP Regulation 2014 to issue average consumption bill for not more than 3 months. However the NA issued non-reading average bills for nearly 23 months and thus violated the SOP Regulations 2014. Hence the NA is liable for applicable SOP compensation.
- f. The applicant approached IGRC on 13/12/2018 for restoration of the disconnected supply and SOP compensation. The supply of the applicant was restored in the afternoon of the same day i.e. 13/12/2018. The IGRC also granted the SOP compensation for disconnecting supply without prior notice. Applicant is aggrieved by the decision of IGRC to not to direct the NA to issue reading bills and grant applicable SOP compensation for issuing non-reading bills for more than 3 months.

## **Prayer of the Applicant**

- a. The SOP compensation granted by IGRC for illegal disconnection of the supply be paid in cash to the applicant.
- b. The applicable SOP compensation for not issuing reading bills be granted to the applicant.

- c. To issue appropriate reading bills to the consumer.
- d. Appropriately corrected bills against the non-reading bills be issued to the consumer and the amount already paid by him be adjusted against these bills.
- e. The concerned officers of NA MSEDCL be penalized for erring in their duty by recovering the SOP compensation amount from them.

### 3) The non-applicant's reply

Late reply filed by NA MSEDCL on 23-4-2019 instead of the notified date 09-04-2019.

The non-applicant submits as follows.

- a. If the consumer is no more, It is required of his legal heir to inform the N.A. and get the name of the consumer changed as per the laid down procedure. This has not been done till date.
- b. As meter was faulty/inaccessible and new meters were not available, the applicant was being given system generated bills as per connected load which have been corrected till date and the effect is seen in the current bill of the consumer.
- c. It is partially agreed that reading bills were not given to the applicant from 27-7-2017 till 28-12-2017. Moreover the written requests of the applicant on 20-9-2018, for getting regular reading bills was completely ignored by the N.A.

The N.A. does not clarify here as to what part of the argument they agree with and what they do not.

d. Partially agreed that

The applicant paid his bills regularly till 5/5/2018. However the charge of financial harassment of the applicant is wrong and issuing average bills does not constitute violation of any rules and regulations.

e. Partially agreed that

The responsibility of maintaining the the meeter and issuing appropriate is the basic responsibility of the N.A.. However issuing system generated average bills based on connected load and later on issue the corrected bill is in fact in favour of the consumer. Faulty meters are common everywhere.

f. Completely deny that

The electricity supply to the consumer was permanently disconnected as it is evident from the statement of the concerned technician.

g. Completely deny that

The supply to the applicant was ever permanently disconnected. Moreover the proposal for bill correction for the applicant was forwarded to the Hon. Executive Director. Hence the applicant was given the temporary bill. Also the SOP compensation imposed by IGRC has been adjusted in the bill issued to the applicant.

**4) The Forum opines as under**

After going through the records placed before the forum, the Forum forms the following opinion.

- a. In the event of the death of the original consumer in the present case, the Forum feels that the current legitimate user of the should get the change of name effected as per the laid down procedure by the N.A. MSEDCL.
- b. As the decision of the IGRC has been placed on record, the Forum is inclined to conclude that the supply to the applicant was disconnected without prior notice and was restored on 13/12/2018. It appears from the facts brought out by NA MSEDCL that the SOP compensation granted by IGRC for this violation of SOP Regulations 2014 has already been paid by NA to the applicant. The Forum feels that SOP compensation to consumer is applicable under Clause 12.2 Appendix A of MERC SOP Regulations 2014 at Rs.50/- per hour of the delay in restoration of supply beyond 18 hours of the date of legal notice of 6/12/2018 served by the applicant on concerned JE of the N.A. MSEDCL till the actual restoration of the supply on 13/12/2018.
- c. Further demand of the applicant for for issuing correct bills as per laid down procedure against the non-reading bills issued appears justified. It is noticed by the Forum that the correction that the NA has claimed to have done in the bills in this case is not compliant with the correct stipulated method in this behalf under clause 15.4.1 of Maharashtra Electricity Regulatory Commission (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005. Thus the bills issued to the applicant from April 2017 till Dec 2018 needs to be corrected on the basis of average consumption of the consumer over preceding 12 months when normal billing is done continuously with proper meter readings. That period, as it appears from the CPL is from May 2015 to April 2016.
- d. The demand of SOP compensation demanded by the applicant for issuing non-reading bills also holds merit. Despite of a written complainant by the consumer on 27/7/2017, it was apparently ignored till 13/12/2018. The CPL placed before the Forum by the non-applicant shows that the meter is

shown intermittently inaccessible from May 2016 through July 2018 and from August 2018 till Dec 2018, the meter is shown Faulty. During this very period the applicant has lodged written complaint thrice demanding regular reading bills instead of the average bills. It is a case of gross indifference on part of the concerned official of the N.A. MSEDCL towards the consumer grievance. Considering the first complaint date as 27/7/2017 by which the applicant demands correction of bills from January 2017, the N.A. was supposed to resolve the issue in the next billing cycle that is in the bill of August 2017. As the SOP in the billing issue is claimed by the applicant on 13/12/2018, SOP compensation as per clause 12.2 Appendix A of MERC SOP Regulations 2014 is payable to him at Rs.100/- per week from 13/10/2018 till actual issue of the appropriately corrected bills for the months January 2017 to Dec 2018.

- e. The SOP compensation so paid to the consumer needs to be recovered from the concerned erring officers of N.A. MSEDCL as it will otherwise burden the common taxpayer with no fault on their part.

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

### **ORDER**

1. That the Complaint No. 09/2019 Dated 25/03/2019 is hereby partly allowed.
2. That NA MSEDCL is directed to pay SOP compensation at Rs.50/- per hour for the delay period of 6x24 that is 144 hours.
3. That NA MSEDCL is directed to make correction in the bills from April 2017 to Dec 2018 on the basis of average of the billed consumption of preceding 12 months which works out to be 35 units per month. Payments effected by complainant from April 2017 to Dec 2018 to be adjusted against revised bill.
4. The SOP compensation so paid to the applicant be recovered from the erring official after due enquiry in this behalf.
5. That NA MSEDCL is directed to pay SOP compensation at Rs.100/- per week for the delay period from 13/10/2018 to till the date of actual issue of corrected bills to the applicant for the period from January 2017 to Dec 2018.
6. That NA MSEDCL is directed to submit compliance report to this Forum within one month of this order.

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/98

Dt:- 08.05.2019

**To,**  
The Nodal Officer  
Executive Engineer,  
MSEDCL, O&M  
Malkapur Division.

The order passed on **08.05.2019** in the Complaint No. **09/2019** 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, Buldana.

**Copy to :-**

- 1) Shri Mahendra Devidas Deshmukh, At post Malikhel Tq. Jalgaon Jamod  
Dist. Buldana-443402.

