

2) Complainant's case in brief is that complainant is residential consumer of NA MSEDCL from 01.11.1991. According to complainant energy bill for Dec 2017, JAN 2018, Feb 2018 for 44 KWH, 32 KWH and 43 KWH issued by NA MSEDCL were paid. According to complainant dispute arose when NA MSEDCL issued bill for March 2018 showing consumption of 1282 KWH and complaint was referred to Executive Engineer MSEDCL Khamgaon on 10.04.2018 who advised orally to get the meter tested and accordingly charges of Rs. 118/- towards meter testing were paid vide receipt no. 036635 dated 13.04.2018. According to complainant it was the responsibility of NA MSEDCL to maintain the meter in order as per provisions of supply code regulation 2005 read with SOP regulation 2014. Despite complaint on record and payment of testing charges NA MSEDCL disconnected the electric supply on 23.11.2018 without notice as per E.A. 2003. According to complainant the illegal act of disconnection was brought to the notice of Junior Engineer MSEDCL Pimpalgaon Raja with copy to Dy. Executive Engineer (R) Khamgaon and Chief Engineer Akola by legal notice dated 01.12.2018. According to complainant NA MSEDCL can issue only three bills with average consumption as per supply code regulation 2005 and hence complainant is entitled for SOP Compensation for not issuing reading bill as per SOP Regulation 2014. According to complainant the disconnected supply was restored on 02.02.2019 with meter replacement after complaint to IGRC on 27.12.2018. According to complainant corrected bill has not been issued up till now by NA MSEDCL and nothing is communicated to complainant about meter testing. According to complainant IGRC Buldana rightly allowed SOP Compensation for the period 23.11.2018 to 02.02.2019 but defective order is passed without awarding amount of compensation complainant prays for SOP compensation at Rs.1200/- per day for illegal disconnection for 23.11.2018 to 02.02.2019, SOP compensation at Rs. 100/- per week for not issuing reading bill for the period March 2018 to Feb 2019, testing report copy and refund of testing charges and correction of energy bill from March 2018 to Feb 2019 as per supply code regulation 2005 with request to recover the revenue loss from guilty officers of MSEDCL as per principle laid down by Apex court in Civil Appeal No. 6237 of 1990. Complainant Annexed IGRC order dated 14.03.2019, complaint to IGRC dated 27.12.2018, energy bills for Dec 2017 to Nov 2018; copy of complaint dated 10.04.2018, quotation and receipt of Rs. 118/- dated 13.04.2018 and legal notice by advocate dated 01.12.2018 to Chief Engineer, Dy. Executive Engineer and Junior Engineer MSEDCL, alongwith the complaint.

3) Reply came to be filed by NA MSEDCL on 22.04.2019 on Email without copy to complainant. According to complainant he is residential consumer of NA MSEDCL from 01.11.1991. According to NA MSEDCL issued energy bill for March 2018 amounting Rs. 13,700/- to complainant which is disputed by complainant by letter dated 10.04.2018 addressed to Executive Engineer Khamgaon. According to NA MSEDCL complainant paid meter testing charges on 13.04.2018 against MSEDCL demand note dated 13.04.2018. According to NA MSEDCL despite correction of bill as per testing report, complainant did not pay revised bill and hence electric supply was disconnected temporarily on 23.11.2018. According to NA MSEDCL it is fact that complainant issued legal notice for correction of bill and disconnection dated 11.12.2018. According to NA MSEDCL revised bill issued as per IGRC order as meter is found to be faulty and credit of Rs. 15,427/- is passed on to consumer on 30.03.2019 and intimated to complainant on 30.03.2019 and grievance is resolved no documents are filed on record with reply by NA MSEDCL.

4) Shri. Pramod N. Khandagale learned representative for complainant and Shri S. G. Shette, Dy. Executive Engineer Khamgaon for MSEDCL were present for the hearing held on 24.04.2019 Shri. Pramod N. Khandagale learned representative for complainant reiterated the grievance on record and filed on record the reply of NA MSEDCL no. 2214 dated 12.04.2019 alongwith MSEDCL commercial circular 305 dated 25.05.2018 and no. 50 dated 22.08.2006 and brought to the notice Forum that NA MSEDCL have filed completely misleading reply before Forum and Panchnama dated 31.01.2019 filed on record is forged document and not signed by complainant and urged that it is an attempt on the part of NA MSEDCL to prove that electric supply was not disconnected on 23.11.2018 on the basis of forged 'Punchnama' dated 31.01.2019. Shri Pramod N. Khandagale urged that even the correction of bill as per IGRC order is disputed and requested Forum to direct MSEDCL to revise bill as per supply code 2005 and compensate complainant for illegal disconnection and for not issuing reading bill from March 2018 till replacement of meter of 02.02.2019.

5) Shri S. G. Shette Dy. Executive Engineer MSEDCL justified the reply given to complainant vide EE/Khm/2214 dated 12.04.2019 and urged that complainant did not present receipt of charges for meter testing to Junior Engineer at Pimpalgaon Raja and hence meter could not be tested and further urged that as per Panchnama dated 31.01.2019 the electric supply of

complainant was not disconnected and bill is corrected as per faulty report in testing and necessary credit is passed on hence complainant's request for SOP May please be dismissed .

6) On concluding the hearing on 24.04.2019 Forum in order to bring facts of record directed MSEDCL representative to submit within three days original Panchanama dated 31.01.2019, CPL copy and copy of letters issued to complainant.

7) NA MSEDCL in breach of direction from Forum only filed copy of email reply on 04.05.2019 (EE/2214 dated 12.04.2019) and did not filed original Panchanama dated 31.01.2019, CPL and letters issued to complainant.

8) Having heard the parties and considering the material placed on record Forum is of the view that NA MSEDCL have committed forgery of documents as contents of reply letter EE/Khm/2214 dated 12.04.2019 submitted on email with copy on 04.05.2019 filed on record with Forum and that to complainant found to be completely different. Forum have noted the acceptance of complaint by NA MSEDCL in their reply on record dated 12.04.2019 including the illegal disconnection on 23.11.2018, not testing the meter on payment and issuing average bills through faulty meter till replaced on 02.02.2019. Forum is of the view that mentioning different contents to Forum and complainant with same despatch number and date and argument on the part of NA MSEDCL representative amounts to forgery of documents which needs to be investigated by higher officials of NA MSEDCL with above observations Forum is inclined to accept the prayers of complainant as regards revision of bill as per faulty status from March 2018 to Jan 2019 with setting aside energy bills issued by MSEDCL from March 2018 to Jan 2019. NA MSEDCL have not filed on record CPL despite orders from Forum at the time of hearing on 24.04.2019 and hence on the basis of average of last three month at 40 units/month preceding March 2018, all the future bills needs to be corrected without charging interest on arrears and DPC. Forum is of the view that NA MSEDCL should be directed to compensate complainant at Rs. 50/Hr from 23.11.2018 to 01.02.2019 for 1704 Hrs amounting Rs. 85,200/- along with SOP Compensation for not issuing reading bill from March 2018 to Jan 2019. As complainant has claimed SOP Compensation on 27.12.2018 before IGRC Buldana the compensation is admissible from 28.10.2018.

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

ORDER

1. That the Complaint No. 12/2019 Dated 25/03/2019 is hereby partly allowed.
2. That NA MSEDCL is directed to set aside energy bills issued to complainant from March 2018 for Rs. 13,820/- to Jan 2019 till replacement of meter and issue corrected bill at 40 KWH per month from March 2018 to JAN 2019 without charging interest on arrears and DPC after adjusting payments effected by complainant during the period but within 15 days of this order.
3. That NA MSEDCL is directed to compensate complainant for illegal disconnection and delay in restoring supply at Rs. 50 per hr i.e. Rs. 1200/- per day from 23.11.2018 till 01.02.2019 for 71 days amounting Rs. 85,200/- in one go by cheque within 15 days of this order.
4. That NA MSEDCL is directed to compensate complainant for not issuing reading bill at Rs. 200/- per month from Oct 2018 to JAN 2019 amounting Rs. 800/- as claimed by complainant as per SOP Regulation 2014, by cheque within 15 days of this order.
5. That NA MSEDCL is directed to recover the revenue loss to MSEDCL from guilty officers/employees of MSEDCL after due department enquiry as per principle laid down by Apex court in Civil Appeal No. 6237 of 1990 issued on 05.11.1993 in the matter between M/s Lucknow Development Authority and M. K. Gupta.
6. That NA MSEDCL is directed to refund Rs. 118.00/- recovered towards testing charges and adjust the amount in forthcoming bill payable by complainant.
7. That parties to bear their own cost.
8. 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/109

Dt:- 16.05.2019

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

The order passed on **16/05/2019** in the Complaint No. **12/2019** 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 Pandurang Baliram Wanare At post- Dhanora Tq. Khamgaon,
dist. Buldana-444306.