

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

**Case No. CGRF/AZ/AUC/730/2019/15
Registration No. 2018120056**

Date of Admission : 24.02.2019

Date of Decision : 09.07.2019

Shri. M.A.Saleem : COMPLAINANT
Labour Colony, Aurangabad
(Consumer No. 490010208995)

VERSUS

Maharashtra State Electricity Dist. Co. Ltd., : RESPONDENT
Through it's Nodal Officer /
The Executive Engineer, MSEDCL,
Urban Circle, Aurangabad.

The Addl.Executive Engineer,
Shahaganj Sub Dn., Aurangabad

For Consumer : Shri. Akhtar Ali Khan
For Licensee : Shri. Sandeep Kulkarni
Addl. EE, Shahaganj Sub-Dn.

CORAM

Smt. Shobha B. Varma, Chairperson
Shri Devendra R.Jaiswal, Tech. Member/Secretary
Shri Vilaschandra S. Kabra Member.

CONSUMER GRIEVANCE REDRESSAL DECISION

1) The applicant Shri. M.A.Saleem, Labour Colony, Aurangabad is a consumer of Mahavitaran having Consumer No. 490010208995. 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 24.02.2019.

2) **The brief facts of the dispute are as under:-**

According to consumer following abnormal bills are issued to him by the MSEDCL.

September 2018	7806 Units	Bill of Rs. 1,22,135/-
December 2018	3338 Units	Bill of Rs. 48,693/-
January 2019	3338 Units	Bill of Rs. 49,846/-

3) It is submitted that, the meter has jumped in September 2018 & since then it is faulty. Such consumption by the consumer is impossible. On account of average billing amount Rs.2,00,900/- shown is incorrect.

4) The Assistant Engineer, Shri. Giri has illegally disconnected his electric supply without notice under section 56 of Indian Electricity Act-2003. Hence, he was compelled to pay Rs.50000/-, part payment on Dtd.20.02.2019. His family has to live in dark. After such payment of also, threat was given to the consumer, by Shri. Giri to disconnect his electric supply.

- 5) Hence, it is prayed that,
- 1) Till revision of his bill, his electric supply may not be disconnected.
 - 2) The abnormal bills of 7806 units & 3338 units may be revised.
 - 3) Compensation of Rs. 2000/- may be awarded for illegal disconnection of electric supply.
 - 4) Action may be initiated against Shri. Giri, Assistant Engineer, City Chowk unit for illegal disconnection of electric supply.
- 6) The say (P.No.26) is submitted by the Respondent as follows:-
- That from December 2017 to September 2018 bill of excessive amount was issued to the consumer. The reading of the said period is divided & corrected. Hence, in the month of January 2019, Rs.45957.04 Ps. & interest amount Rs. 1543.51 Ps. & penal charges Rs. 3467.89 are deducted.
- 7) In the say (P.No.40) following contentions are reaised by MSEDCL :-
- 1) Residential connection was released to the consumer on dtd.31.10.1976 with 2.00 KW.
 - 2) Since Jun-2018, meter reading of the consumer was not taken, so by passing remarks as faulty, bills are issued up to August 2018. In September 2018, correct reading was taken, but it's photo is not available. However, since November 2018 photo of meter is available & it is seen that reading on meter & bill is same. So reading of September & October 2018 is correct. The wrong bill is corrected in Jun-2019.
- 8) The old meter of consumer bearing No.7610958153 is tested in presence of consumer on Dt. 10.05.2019 & the defects are found wthin permissible limits. In the meter history maximum demand is recorded from

October to December 2018 as 4.8,5.2, 4.8 KW. So, consumer has used electric supply & accordingly reading is noted in the meter.

9) In March 2019, the meter of petitioner was changed, on account of No display. Thereafter, as per spot inspection, the two days consumption 16th March & 18th March 2019 is 24 units. As per spot inspection maximum demand is 3.48 KW. Such consumption if is in pre-summer season, then consumption of summer season may be twice or thrice of above consumption.

10) Hence, the division of units (P.M.867) of September 2018 is correct. Considering that the defect of old meter is within limit & history of maximum demand, hence use of electricity is found correct. Hence prayed for dismissal of the complaint.

11) We have gone through the pleading, documents placed on record. Heard C.R. Shri. Aktar Ali for the petitioner & Shri. Sandeep Kulkarni, Additional Executive Engineer, Shahaganj Subdivision.

12) Following points arise for our determination & we have recorded our findings on it, for the reasons to follow:-

	POINTS	ANSWER
1)	Whether the bill of Sepetember to January 2019 of the consumer are abnormal & requires revision ?.	For September 2018 it is found accumulated & December 2018 & January 2019 lock credit is already given in February 2019.
2)	Whether compensation for illegal disconnection be granted as claimed?	Rs.1000/-
2)	What order ?.	As per final order.

REASONS

- 13) **Point No. 1:-** On going through CPL P.No.31., It goes to show that since January 2018 upto August 2018 meter status is seen as "Faulty". The concern meter No. is 7610958153 & it was replaced in the month of March 2019. The said meter was tested on Dt. 10.05.2019 in presence of consumer. The testing report is on record (P.No.42) & it does not show any defect, as such error was within permissible limit, there were no chances of jumping down the meter.
- 14) Now considering the CPL, it appears that the meter reader has without taking the reading issued bills & with meter faulty status average consumption of 322 units from January 2018 to August 2018 & in the month of September it is shown as 7806 units of accumulated consumption. Respondent has produced on record spot inspection report (Page No.30). Meter Sr.No.958153 HPL make, KWH reading on Dt.21.06.2018 was 18682 consumer representative has also signed it with previous reading 14405 & current reading 18682 KWH. The meter testing report shows following M.D. recorded.

Date	KW.
16.01.2019	2.0
14.12.2018	4.8
23.11.2018	5.2
30.10.2018	4.8

- 15) In the month of February 2019 lock credit of Rs. – 97081/- was given to the consumer from December 2018 & January 2019. Hence, now no pending dispute for December 2018 & January 2019. Bill revision report was prepared in January 2019. Considering consumption the meter reading 7806 is found accumulated units shown in September 2018 & it is found correct.
- 16) Considering the aforesaid trend of consumption said units distributed for December 2017 to September 2018 i.e. for 11 month during faulty status period & as there was no chances of jumping of meter, the actual meter reading disputed in Month of September 2018 i.e. 7806 Kwh is found correct & accumulated. Therefore considering the Bill revision report (Page 28) appear reasonable & correct & acceptable, hence, point No.1 is answered accordingly.
- 17) **Point No. 2:-** Though, there was non payment of bill, however, it is for the Respondent to issue notice Under sections 56 (2) of Indian Electricity Act, 2003, before disconnecting the electric supply of the petitioner. However, the officer of the Respondent failed in his duty, while disconnecting the electric supply of the petitioner. Consequently, the petitioner suffered & was compelled to live in dark. Under the circumstances, we feel it just & proper to grant compensation of Rs. 1000/- (One thousand Rs.) to the petitioner, payable by the Respondent. It is to be recovered from the pocket of erring officer. We answer point No.2 in the affirmative.
- 18) Considering illegal disconnection it is proper to initiate inquiry against erring officer.

ORDER

The petition is partly allowed in the following terms:-

- 1) The reading of 7806 units for the month of September 2018 being accumulated and already revised as per bill revision produced at P.NO.28 & petitioner to pay the bill as per said revision.
- 2) The Respondent is hereby directed to pay compensation of Rs. 1000/- (Rs. One thousand) to the petitioner, for illegal disconnection of electric supply.
- 3) The Respondent is directed to hold inquiry against erring officer.
- 4) Compliance be reported within 30 days.

Sd/-
Shobha B. Varma
Chairperson

Sd/-
Devendra R. Jaiswal
Member / Secretary

Sd/-
Vilaschandra S.Kabra
Member