

CONSUMER GRIEVANCE REDRESSAL FORUM,
AKOLA ZONE, AKOLA.

“Vidyut Bhavan” Ratanlal Plot, Akola. Tel No 0724.2434475

ORDER

Dt:- 04.10.2019

Complaint No :- 42 of 2019 Dated 07.08.2019

In the matter of grievance pertaining to issue of reading bill and SOP compensation.

Quorum

Dr.V.N.Bapat- Chairman

Shri.D.M.Deshpande, Member (CPO)

1. Shri. Mahendrakumar Mohanlal Mishra :- Complainant
Consumer No - LTI- 297020010439
Balaji Plot Khamgaon Dist. Buldana.

.....Vrs.....

Executive Engineer,
MSEDCL, O. & M.
Khamgaon Division.

:- Respondent

Appearances

1. Shri. Pramod N. Khandagale - Representative for Complainant
2. Shri. B. U. Jaybhaye - Executive Engineer MSEDCL,
Khamgaon

1) On being aggrieved by the decision of IGRC Buldana issued vide IGRC/BLD/1212 dated 26/03/2019 and IGRC/BLD/1636 dated 26/04/2019, the complainant in the capacity of occupier and user of electric supply approached this Forum under regulation 6.4 of MERC CGRF and OMBUDSMAN Regulation 2006 for resolving the grievance.

2) Complainant's case in brief is that complainant is occupier and user of electricity supplied by NA MSEDCL for residential purposes on 01/05/1960 in the name of grandfather of complainant who is not alive. According to complainant cause of grievance arose when NA MSEDCL issued average consumption energy bill for 23, 51 and 81 KWH prior to 20/04/2017 when first complaint was lodged. According to complainant though the meter was in good condition and showing progressive reading bills were issued by NA MSEDCL showing average consumption. According to complainant NA MSEDCL continued issuing average consumption bill up to Aug 2018 thereafter issued bill for 9154 KWH in Sept 2018 and issued average bills upto Jan 2019. According to complainant 21 reminders were given to NA MSEDCL with reference to original complaint dated 20/04/2017 vide letter dated 15/05/2017, 15/06/2017, 11/07/2017, 13/09/2017, 12/10/2017, 06/11/2017, 11/12/2017, 12/01/2018, 06/02/2018, 12/03/2018, 20/04/2018, 14/05/2018, 12/06/2018, 19/06/2018, 19/07/2018, 13/08/2018, 06/10/2018, 12/11/2018, 03/12/2018, 01/01/2019, 08/02/2019 and 28/02/2019 but NA MSEDCL did not take cognizance of complaint and issued disconnection notice dated 28/02/2019. According to complainant NA MSEDCL by letter no. 1503 dated 18/08/2018 levelled allegations against complainant that he refused to allow replacement of meter to lineman of MSEDCL which is not true as intimated to MSEDCL by letter dated 01/09/2018. According to complainant when meter is in working condition why MSEDCL is insisting for its replacement. According to complainant without giving any evidence of meter being faulty NA MSEDCL tried to replace the meter. According to complainant NA MSEDCL did not furnish the report about accuracy of new meter being installed in place of old meter, the fact has been intimated to NA MSEDCL by letter dated 01/09/2018. According to complainant NA MSEDCL issued notice of disconnection again on 18/08/2018. According to complainant energy bills from April 2017 were not paid as reading bills not issued. According to complainant NA MSEDCL should have recovered the arrears of energy bill from the agency for not taking reading as per commercial circular no. 50 dated 22/08/2006 and instead of doing so NA MSEDCL again issued disconnection notice dated 17/01/2019 to complainant. According to complainant NA MSEDCL did not intimate despite demand in writing reason for meter replacement. According to complainant IGRC issued two orders against grievance complaint illegally and hence complainant approached CGRF Akola.

Complainant's Prayer

1. Set Aside the orders issued by IGRC Buldana.
2. Recover the arrears of energy bill upto April 2019 amounting Rs. 1,19,120/- from billing agency as per commercial circular no. 50 dated 22/08/2006 for showing wrong status in the bill.
3. Compensate complainant by SOP Compensation for not issuing reading bill.
4. Direct NA MSEDCL to issue reading bill in future.
5. Direct NA MSEDCL to give statement of consumption and bill month wise.
6. Direct NA MSEDCL to conduct departmental enquiry to recover the loss of energy from guilty officers/employee of MSEDCL as per Apex Court order in Civil appeal no.6237 of 1990.

Complainant Annexed copy of reply before IGRC submitted by NA MSEDCL dated 12/04/2019, invisible copies of IGRC order with complaint, letter MSEDCL/36 dated 03/01/2019, disconnection notices, MSEDCL letter dated 19/11/2018, letter dated 01/09/2018 and copies of 21 reminders mentioned in complaint, complaint dated 20/04/2017, copies of 1st page of energy bill from Feb 2017 to Feb 2019 and copy of order dated 5th Nov 1993 issued by Apex Court along with the complaint.

3) Reply came to be filed by NA MSEDCL belatedly on 16/09/2019 at the time of hearing. According to NA MSEDCL complainant did not apply for the change of name after the death of his grandfather and reproduced provisions of clause 10.1 and 10.2 with definition of 'Consumer' as per supply code regulation 2005. According to NA MSEDCL though premises of complainant is connected with electric supply it was binding on complainant to apply for change of name to avail the status of consumer as per law. According to NA MSEDCL complainant did not cooperate with MSEDCL staff and did not allow to replace the meter as intimated to complainant vide letter MSEDCL/1492 dated 02/07/2019. NA MSEDCL requested Forum to direct complainant to allow replacement of meter as per IGRC Buldana order with direction to complainant to apply for change of name as per clause 10 of supply code regulation 2005. NA MSEDCL requested Forum to direct complaint to pay arrears of energy bills.

4) Scheduled hearing on 30/08/2019 was adjourned till 16/09/2019 as local holiday was declared on 30/08/2019. Shri. Pramod N. Khandagale learned representative for complainant and Shri. B. U. Jaybhaye, Executive Engineer MSEDCL were present for the rescheduled hearing held on 16/09/2019. Shri.

Pramod N. Khandagale learned representative for complainant filed written note of argument on 16/09/2019 and urged that NA MSEDCL have not taken the matter of change of name and about status of 'Consumer' before IGRC and irrelevant points are being raised before CGRF. Shri. Pramod N. Khandagale representative for complainant brought to the notice of Forum the definition of consumer as per EA 2003 according to which occupier is a consumer and urged that NA MSEDCL is deviating main grievance of not issuing reading bill for 41 month. Shri. Pramod N. Khandagale representative for complainant brought 21 reminders in respect of grievance to the notice of Forum and admitted fact that NA MSEDCL vide their letter no. 1503 dated 18/08/2018 intimated about replacement of meter against which NA MSEDCL were intimated to convey the reason for replacement of meter when it was in working condition. Shri. Pramod N. Khandagale representative for complainant urged that arrears of energy bill may please be recovered from the meter reading agency as per commercial circular no. 50 dated 22/08/2006 and complainant be compensated by SOP compensation for not issuing reading bill with direction to NA MSEDCL to issue all future bills as per actual meter reading. On being asked by Forum Shri. Pramod N. Khandagale representative for complainant agreed to pay arrears of bills if allowed to pay in four installments.

5) Shri. B. U. Jaybhaye, Executive Engineer MSEDCL urged that the meter installed at complainants premises is three digit meter ie after recording a consumption of '9999' it is to be reset from '0' and online billing system accepts only progressive reading and hence NA MSEDCL is compelled to issue bills without reflecting progressive reading on bill and CPL of consumer, however separate record is kept and energy bills issued are correct and meter is also in working condition. Shri. B. U. Jaybhaye, Executive Engineer urged that complainant is not cooperative and did not allow to replace the meter as per documents filed on record and reading bills cannot be issued unless the meter is replaced by 'Static meter'. Shri. B. U. Jaybhaye, Executive Engineer requested Forum to direct the complainant to apply for change in name and allow MSEDCL to change the meter to resolve the grievance.

6) To expedite the settlement of grievance, the Forum after concluding the hearing directed NA MSEDCL to replace the old electro magnetic meter by static meter in presence of complainant and directed to file replacement report on record before 20/09/2019. Complainants representative agreed for

meter replacement and submission of A1 form with documents for change of name on advice from Forum, to NA MSEDCL before 20/09/2019.

7) NA MSEDCL by letter EE/Khm/5173 dated 19/09/2019 intimated that complainant is reluctant to allow replacement of meter and submission of papers in absence of any written order from Forum. NA MSEDCL filed on record written communication by complainant on 17/09/2019 with endorsement on letter/No/697 dated 17/09/2019 and bill revision as on the 18/09/2019.

8) Having heard the parties and considering material placed on record Forum is of the view that dispute is about issue of energy bills without actual meter reading and SOP compensation there of. It is fact on record that NA MSEDCL issued average consumption bill from may 2015 and did not take cognizance of complaints and reminders from 20/04/2017 till 18/08/2018 when intimated by letter no. 1503 dated 18/08/2018 for need to replace the meter for resolving the grievance. NA MSEDCL failed to satisfy the doubts raised by complainant and meter could not be replaced. Forum is of the view that to resolve the grievance the meter must be replaced immediately Forum is inclined to accept the contention of NA MSEDCL that the three digit or four digit 'Overflow' reading are not acceptable to the system. Forum is of the view that as per CEA regulation 2006 NA MSEDCL were supposed to replace all electromagnetic meter by static meter after the year 2007. It is fact on record that the accuracy of meter and its consumption has not been objected by complainant and representative of complainant accepted the liability of payment of energy bill upto the date of replacement by new meter in four equal installments. Forum is inclined to accept the request of complainant to allow to pay energy arrears in four equal installments. Forum is inclined to accept the contention of NA MSEDCL that complainant is bound by law to submit change of name application with any one document as per supply code regulation 2005 and NA MSEDCL to give effect of change of name before next billing cycle. Forum is of the view that complainant must submit application for change of name in prescribed format which acts as agreement between NA MSEDCL and consumer as per provisions of proviso to section 43 (2) EA 2003 which reads as, "Provided that no person shall be entitled to demand, or to continue to receive from a licensee a supply of electricity for any premises having separate supply unless he has agreed with the licensee to pay to him such price as determined by the Appropriate Commission". Forum expresses dissatisfaction towards irresponsible attitude on the part of complainant in not allowing NA MSEDCL to replace the

meter on direction of Forum when both the parties agreed during hearing to abide directions given by Forum as per section 6.17 of MERC CGRF and OMBUDSMAN regulation 2006. The revision of bill from May 2015 till 18/09/2019 submitted on record by NA MSEDCL on direction of Forum found to be in order where in credit of Rs. 89,377/- is passed on to complainant's original bill of Rs. 2,36,878.45/- and Rs.1,47,471.92/- is shown as arrears recoverable from complainant. Forum is of the view that NA MSEDCL committed several irregularities such as not entering into agreement with complainant from year 1964; not replacing the meter within time, issuing energy bills without actual reading and not taking cognizance of consumer complaint from 24/04/2017 to 18/08/2018 and hence complainant is entitled for SOP compensation at Rs. 100/- per month for not issuing reading bill from May 2015 to 18/08/2018. The complainant has claimed compensation before IGRC Buldana 1st time on 19/03/2019 beyond 60 days from the time complainant is affected by such failure of distribution licensee to meet standards of performance and hence SOP compensation is not admissible as per SOP regulation amendment Act 2014 clause '12.2 proviso.

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

ORDER

1. That the Complaint No. 42 of 2019 Dated 07/08/2019 is hereby partly allowed.
2. That the NA MSEDCL is directed to replace the electromagnetic meter by static meter immediately and all future energy bills should be issued as per actual reading of new meter.
3. That the NA MSEDCL is directed to divide the energy bill for Rs. 1,47,471.92/- in four equal installments and bill for first installment should be issued within 15 days of this order and complainant to pay within 20 days from date of receipt of bill. Next three installments bill be issued in Nov 2019, Dec 2019 and Jan 2020 and complaint to pay within 20 days of receipt.

4. That the NA MSEDCL is directed to issue current energy bills after replacement of meter as per actual consumption and complainant to pay within time limit alongwith arrears of energy charges.
5. That the complainant is directed to apply for change of name with documents within 15 days of this order and NA MSEDCL to effect the change within next billing cycle.
6. That the NA MSEDCL is directed to invoke the provisions of section 43, 56 and other provisions of Electricity Act 2003 to recover the public revenue.
7. That the parties to bear their own cost.
8. That the NA MSEDCL is directed to submit the compliance report to this Forum within one month of issue 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/222

Dt :- 04.10.2019

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

The order passed on **04/10/2019** in the Complaint No. **42 of 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 :-

Shri. Mahendrakumar Mohanlal Mishra, Balaji Plot Khamgaon Distt. Buldana.