

BEFORE THE ELECTRICITY OMBUDSMAN (MUMBAI)

(Appointed by the Maharashtra Electricity Regulatory Commission
under Section 42(6) of the Electricity Act, 2003)

REPRESENTATION NO. 31 OF 2020

In the matter of billing

Devendra P. Chaudhari..... Appellant
(Son of Late Prabhakar R. Chaudhari)

V/s.

Maharashtra State Electricity Distribution Co. Ltd. Kalyan (R) (MSEDCL)....Respondent

Appearances

For Appellant : Devendra P. Chaudhari

For Respondent : D. D. Dhuwe, Dy. Ex. Engineer, C.S.D. Sub Dn. Kalyan

Coram: Deepak Lad


Date of Hearing: 27th August 2020

Date of Order : 10th September 2020

ORDER

This Representation is filed on 20th February 2020 under Regulation 17.2 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (CGRF Regulations) against the order dated 23rd December 2019 passed by the Consumer Grievance Redressal Forum, MSEDCL, Kalyan Zone (the Forum).

2. The Forum, by its order dated 23.12.2019 has allowed the grievance application in Case No. 1967 of 2019-20. The operative part of the order is as below: -



(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



- “ii) Respondent Utility to reconnect the consumer supply immediately without reconnection charges as consumer has paid it already.*
- iii) Respondent Utility to revise the bill for period May-2017 to Jan-2018 as per no use and refund excess collected bills with interest as per RBI rate of interest.*
- iv) Respondent Utility revise bill for period Feb-2018 till reconnection on considering meter as a permanent disconnection and no fixed charges to be recovered. Also refund bills (if any) recovered during the period with interest as per RBI rate of interest.*
- v) Respondent Utility to pay Rs. 1000/- compensation to consumer through cheque for litigation cost.*
- vi) Respondent Utility to pay SOP compensation on at the rate of Rs. 100/week from 18/11/2019 till reconnection on of meter.*
- vii) Respondent utility to fix responsibility on negligent staff officers for wrong billing /not attending consumer complaint timely and take strict action against the defaulter.”*

3. Aggrieved by the order of the Forum, the Appellant has filed this representation stating in brief as under: -

- (i) The Appellant is a Commercial Consumer (No.020110305525) from 04.08.2011 at Shop No. 6, Vinayak Park, near Police Station, Manda, Titwala(West). The Appellant is an occupier/user and son of late Prabhakar Rajaram Chaudhari in whose name the electric connection stands. The Appellant is a Doctor by profession and doing his practice in the said shop. The consumption is comparatively less.
- (ii) The Appellant was billed with abnormal average billing from May 2017 to January 2018. The Appellant made various complaints to revise the average billing, however no cognizance was taken to resolve the said complaint. On the contrary the Respondent disconnected the electric supply permanently without any notice. Initially, the supply was reconnected on paper though the Appellant paid reconnection charges. The Respondent did not learn any lesson from this and it continued to issue bills on average reading in few months of 2019 also.
- (iii) The Appellant was running from pillar to post to resolve the billing dispute and reconnect the supply, however the grievance remained unsolved.
- (iv) The Appellant filed a grievance application in Internal Grievance Redressal Cell (IGRC) on 02.08.2019 requesting to resolve the billing dispute, to take disciplinary action against the culprit, grant of compensation and compensation towards loss occurred due to non-supply of electricity. The IGRC did not conduct any hearing within stipulated period of 60 days.



 (Dilip Dumbre)
 Secretary
 Electricity Ombudsman Mumbai



- (v) The Appellant approached the Forum on 25.10.2019. The Forum, by its order dated 23.12.2019 has not given enough relief.
- (vi) The Appellant is a Doctor by profession. The Appellant was not able to practice his profession which help him earn about Rs. 2500/- per day due to non-availability of supply from May 2017. The Forum did not consider the loss of business for the said period of non-supply citing indirect loss. The income of the Appellant is dependent on medical practice only.
- (vii) The Respondent did not comply the order of the Forum. The supply of the Appellant is not reconnected till even though the Forum has directed by its order dated 23.12.2019.
- (viii) The security deposit (SD) of Rs. 2000/- was appearing on Consumer Personal Ledger (CPL). However the same was disappeared from the CPL. The Forum did not direct to show the SD in the bill.
- (ix) The compensation of Rs. 100/- per week as per the Maharashtra Electricity Regulatory Commission (Standards of Performance of Distribution Licensees, Period for Giving Supply and Determination of Compensation) Regulations, 2014 (SOP Regulations) is very less as compared to the harassment faced by him for over a couple of years.
- (x) The Appellant prays that the Respondent be directed
 - (a) to pay Rs.2500/- per day for the period of disconnection of electricity towards the loss of business of medical practice.
 - (b) to grant compensation towards mental agony.
 - (c) to compensate as per SOP Regulations.
 - (d) to compensate Rs. 8000 per month rent of Shop till reconnection of the supply.
 - (e) to refund all money paid by the Appellant.
 - (f) to solve security deposit issue.

4. The Respondent filed reply by its letter dated 11.03.2020 stating in brief as below: -

- (i) The Appellant is a Commercial Consumer (No.020110305525) from 04.08.2011 at Shop No. 6, Vinayak Park, near Police Station, Manda, Titwala(West).



(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



- (ii) The Appellant was billed as per actual reading up to April 2017. The Appellant was billed on average for the period from May 2017 to January 2018. The Appellant has not made any complaint of average wrong billing during this period. The Appellant was in arrears. The supply of the Appellant was permanently disconnected (PD).
- (iii) The Appellant approached the Respondent and requested to reconnect the supply and paid reconnection charges of Rs.60/-. The supply of the Appellant was reconnected on record as per Consumer Personal Ledger (CPL), however there was no meter fixed physically for his shop. The show cause notice was issued to the concerned staff for not fixing the meter.
- (iv) The Appellant filed compliant in IGRC on 02.08.2019. As per record, the IGRC did not hear the complaint.
- (v) The Appellant approached the Forum on 25.10.2019 to resolve his complaint.
- (vi) The Forum, by its order dated 23.12.2019 has directed to revise the bill for period May 2017 to January 2018 as there was no use and refund excess collected bills with interest as per RBI rate of interest and further minor revisions in the bill. Accordingly, the bill is revised.
- (vii) The payment on account of violation of SOP and cost of litigation as directed by the Forum is under process and will be paid shortly.
- (viii) The supply of the Appellant was found direct without meter while reconnecting the supply.
- (ix) The Respondent prays that the Representation of the Appellant be rejected.

5. Initially, the hearing was scheduled on 18.03.2020 however the same was postponed at the request of the Respondent. Due to Covid-19 epidemic from March 2020, regular routine hearings could not be scheduled. However, hearing on e-platform through video conferencing was scheduled on 27.08.2020.

6. During the hearing, the Appellant argued that the Respondent harassed him in the entire episode through its callous attitude despite the Appellant not being at fault. The Respondent is entirely responsible for not discharging its official duties as envisaged under rules and regulations. The Respondent issued bills on average basis for the period from May 2017 to


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



January 2018 as the meter was very much accessible for reading as it was fixed in a common area where other meters are also fixed. Oral complaints were made for the average bills, but the Respondent did not act and resolve the issue. Then the Respondent removed the meter without any notice to the Appellant. It was again reconnected on paper after payment of reconnection charges. The meter was not connected physically for almost 10 to 11 months and average bills were issued. The Forum has not adequately compensated the Appellant.


7. The Respondent argued that there is a mistake on their part in this case. However, the Appellant has not been deliberately harassed. It is a fact that the Appellant was not read from May 2017 to January 2018 and therefore billing was not proper which resulted into accumulated arrears and further culminated into disconnection. The connection was permanently disconnected in February 2018 by removing the meter. It was made live by mistake in June 2018.

8. The Respondent informed that the Appellant was actually made live on 05.03.2020 and taken in the system on 27.06.2020. It is also a fact that the Appellant was without power for 10-11 months. The meter reading agency has been suitably fined and departmental action is initiated against the erring officials. The Forum has issued the order and the same is under implementation.

Analysis and Ruling

9. Heard both the parties and perused the documents on record. It is an admitted position that the Appellant has been unduly harassed due to the act of commission and omission on the part of the Respondent. The Forum has taken cognizance of this and issued the order which is under implementation. I noted that the bill has been revised, fixed charges have not been levied for the period when the meter was not at site besides this, cost of litigation of Rs.1000/- and fine of Rs.100/- per week till fixing of meter has been awarded by the Forum.

10. The Appellant in this representation has approached this office only for not being adequately compensated by the Forum. He has no dispute whatever as far as revision of bill is concerned. In furtherance of this statement, he claimed that he suffered a loss of Rs.2500/- per day towards his medical practice which may also be compensated. The Appellant further


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



prayed that Rs.8000/- per month towards rent of his shop may also be awarded. I noted that this prayer was not made by the Appellant at the Forum. The Appellant has prayed for grant of compensation towards indirect loss. However, the Regulation 17.15 (e) of CGRF Regulations provides that indirect loss cannot be granted. The said Regulation is quoted below:-

“17.15 The order passed by the Electricity Ombudsman shall set out (e) directions to pay such amount as may be awarded by it as compensation to the consumer for any loss or damage suffered by the consumer; and / or Provided, however, that in no case shall any consumer be entitled to indirect, consequential, incidental, punitive, or exemplary damages, loss of profits or opportunity.”


11. I have made following important observations in this case:-

- (a) The Respondent lower rank and file officials have exhibited their insensitivity towards the Appellant's issue which they admitted during the hearing.
- (b) Not only this, they have knowingly or unknowingly held their own system at stake by reconnecting a PD consumer knowingly fully well that the PD consumer cannot be easily made live unless authorized the competent authority.
- (c) It is a mystery as to how the Appellant was made live without a meter being at site, even by mistake.
- (d) The Respondent has submitted that the Appellant has availed direct supply without meter. I am surprised to note as to why the appropriate action under the Act has not been initiated at that point of time.
- (e) It is surprising as to how the Respondent expects the Appellant to lodge the complaint for serving him with average bill over a considerable period of time, particularly, when they themselves issue such bills.

12. It is therefore incumbent upon the higher officials of the Respondent to look into the issue and take corrective steps as deemed fit including the disciplinary action on the erring officials / staff.

I hereby issue following directions:

13. I also noted that while making the connection PD initially, the SD has been adjusted by the Respondent. It is not brought on record as to how the amount of SD is subsequently carved


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai



out and entered into the system by the Respondent. If this has not been done, the same should be taken on record appropriately.

14. Considering the gravity of the situation and gross negligence on the part of the officials of the Respondent, I hereby direct the Respondent to pay Rs. 2000/- as additional compensation to the Appellant by way of adjustment in the ensuing bills of the Appellant. If the Appellant refuses to accept the monetary relief awarded by the Forum, the same should also be passed on to the Appellant through his ensuing bills.


15. The other prayers of the Appellant are rejected.

16. The order of the Forum is modified to the extent above.

17. The Respondent to submit compliance within two months from the date of issue of this order.

18. The secretariat of this office is directed to send copy of this order to the Chief Engineer, Kalyan Zone, Kalyan for further needful action.

Sd/-
(Deepak Lad)
Electricity Ombudsman (Mumbai)


(Dilip Dumbre)
Secretary
Electricity Ombudsman Mumbai

