

Before the
MAHARASHTRA ELECTRICITY REGULATORY COMMISSION
World Trade Centre, Centre No.1, 13th Floor, Cuffe Parade, Mumbai - 400 005
Tel. No. 022 22163964/65– Fax 022 22163976
E-mail mercindia@mercindia.org.in
Website: www.mercindia.org.in

Case No. 37 of 2009

In the matter of
Petition of Shri Anwar Ahmed A. Aziz, Nashik against the non compliance of the
Order dated 14.05.2008 passed by the CGRF, Nashik

Shri. V. P. Raja, Chairman
Shri. S. B. Kulkarni, Member

Shri Anwar Ahmed A. AzizComplainant

Vs.

1. Superintendent Engineer (Rural),
Maharashtra State Electricity Distribution Company Ltd. (MSEDCL),
Nashik Road

2. Executive Engineer (Shatagra)
Maharashtra State Electricity Distribution Company Ltd. (MSEDCL),
Moti Bhavan, Malegaon, NashikOpponents

ORDER

Date: 10th November, 2009

Shri Anwar Ahmed Abdul Aziz the Complainant therein, is a consumer of electricity supplied by Maharashtra State Electricity Distribution Co. Ltd. (MSEDCL), Nashik. The Complainant has been sanctioned supply of electricity (18HP) under Consumer No. 065510267332, in the name of his deceased father Abdul Aziz Abdul Raheman. The Complainant has filed the present complaint under affidavit before the Commission, on 25.06.2009, under Sections 142 and 146 of the Electricity Act, 2003, seeking directives of the Commission against MSEDCL, for non-compliance of the



Order dated 14.05.2009, passed by Consumer Grievance Redressal Forum (CGRF), Nashik.

2. The Complainant prays as follows:

“

अ) मा. अधीक्षक अभियंता, म.रा.वि.वि.कं. (मर्या) नाशिक रोड व मा. कार्यकारी अभियंता (शतग्रा) मोती भवन, मालेगाव, जि. नाशिक यांना ग्राहक गाऱ्हाणे निवारण मंच, नाशिक यांचे निर्णयानुसार ताबडतोब पुर्तता करण्याचे आदेश व्हावेत ही नम्र विनंती.

ब) कंपनीतील सदर बाबीशी संबंधीत अधिकारी व कर्मचारी वर्गाने पुर्तता करण्यास टाळाटाळ केल्यास त्यांना भारतीय विद्युत कायदा - २००३ चे कलम १४२ व १४६ नुसार शिक्षेचा हुक्म व्हावा ही विनंती.

क) ग्राहक गाऱ्हाणे निवारण मंच नाशिक, यांचे आदेशाचे पालन न झाल्यामुळे अर्जदारास जो मानसिक व शारिरीक त्रास झाला सामनेवालाचे चुकीमुळे अर्जदारास सदरचे अपील दाखल करणेस भाग पाडले त्याकरीता अर्जदारास भरपाई म्हणून (कॉम्पेन्सेटरी कॉस्ट) रक्कम रुपये ८,००,०००/- देणेचा आदेश व्हावा ही नम्र विनंती

ड) देयक दि. १४.८.२००२, १५.१०.२००३, १४.६.२००४ व १०.८.२००४ (**परिशिष्ट य म्हणून जोडले आहे**) मध्ये दिलेले शासकीय अनुदान (सब्सीडी) जमा न झाल्यामुळे समायोजन नुक्सानीची रक्कमेवर द.सा.द.शे. १८ प्रमाणे व्याज देण्याचा आदेश व्हावा ही नम्र विनंती.

इ) अर्जदारास ऑक्टोबर-२००१, डिसेंबर-२००१ व जानेवारी-२००२ या कालावधीचे न्यायनिर्णयानुसार बिल देण्याचा व सी.पी.एल. मध्ये नोंद होण्याचा आदेश व्हावा ही नम्र विनंती.

फ़े सन २००१-०२ या आर्थिक वर्षाचे ग्राहक गाऱ्हाणे निवारण मंच, नाशिक यांचे निर्णयाप्रमाणे वीज वापर युनिट व थकबाकी किली रुपये ठरविण्यात आलेली आहे याची लेखी माहिती देण्याचा आदेश म.रा.वि.वि.कं. (मर्या) यांना व्हावा ही नम्र विनंती.

ल) दि. १२.५.२००९ चे देयकात (**परिशिष्ट म म्हणून दिनांक ३१.५.०८ ते १२.०५.२००९ चे जोडले आहे**) रक्कम रु. १४,६७५/- ही व्याजाची रक्कम लावण्यात आलेली असून सदर व्याज कशाचे लावण्यात आले याची लेखी माहिती अर्जदारास देण्याचे आदेश व्हावेत ही नम्र विनंती.

3. The Complainant submits that the Opponent Company issued bills for the months of October 2001, November 2001 and January 2002, each for 1,52,395 units based on the reading from the faulty meter.

4. The Complainant submits that from 26.10.2004 up to 29.02.2008, he had lodged several complaints with the Opponent Company asking for bill rectification and states



that meanwhile, the Opponent Company replaced the old meter with a new one but failed to rectify the wrong bills.

5. The Complainant further submits that since the Opponent Company failed to pay any heed to the complaint of bill rectification, on 01.04.2008 the Complainant approached the Consumer Grievance Redressal Forum (CGRF), Nashik. The CGRF passed its Order dated 14.05.2008, directing MSEDCL as under:

“

- 1) *Issue new bills within 30 days from the said Order, in the name of Shri Abul Aziz Abdul Raheman, for the months of October 2001, November 2001 and January 2002 based on 3,540 units instead of 1,52,395 units as appeared in the earlier bills. Accordingly MSEDCL was asked to make adjustments in the next issued bill.*
- 2) *Grant Government subsidy to the Petitioner after required change in calculation in the bills as per the above direction.*
- 3) *The Petitioner may file an appeal under the rule 16.2 of MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 against this decision with the Electricity Ombudsman at the Maharashtra Electricity Regulatory Commission, 606, Keshav Building, Bandra-Kurla Complex, Mumbai 400051.”*

6. The Complainant submits that the Executive Engineer (Shatagra) of the Opponent Company issued an internal letter dated 07/06/2008, (copy marked to the Complainant), about reduction of the subsidy cost and a new bill to be issued in this regard. However, the Complainant submits that the calculations were based on earlier bills with 1,52,395 units and CGRF's direction of issuing new bill with 3,540 units was not followed.

7. Thus, being aggrieved with the letter dated 07.06.2008, the Complainant issued a legal notice dated 05.08.2008, seeking compliance of the CGRF Order by the Opponent Company. On 12.09.2008 however, the Opponent Company again issued a bill which did not comply with the CGRF Order.

8. The Complainant submits that he wrote several other letters to the Opponent Company for issuing new bills as per CGRF's Order but failing all attempts, through letter dated 27.05.2009, he wrote to CGRF, Nashik requesting it to direct the Opponent Company to comply with the directions of its Order dated 14.05.2008. It further prayed to CGRF, Nashik to take penal action against the officers and employees of the Opponent Company and to direct the Company to pay compensation to the Complainant for the mental and physical harassment suffered by him due to non compliance of the said Order.

9. However CGRF, Nashik vide letter dated 29.05.2009 directed the Complainant as follows:



“if you are facing any problem regarding the non compliance of the Order by the Consumer Grievance Redressal Forum, you may please refer to the provision 22 of the above mentioned regulations(MERC (Consumer Grievance Redressal Forum and Electricity Ombudsman Regulations, 2006))and take up the matter with MERC.”

10. The Complainant thus submitted the complaint under affidavit before the Commission on 25.06.2009 seeking the above prayers.

11. The Opponent Company filed its reply on 31.07.2009, stating that vide letter dated 29.09.2008 the Chief Engineer of the Opponent Company accorded the approval of adjustments under (-)B80 amounting to Rs.1,20,699.89/- for the months of October 2001, December 2001 and January 2002 with 3540 units each, as per the CGRF Order dated 14.05.2008. The Opponent Company further submitted that through the said letter, the Superintendent Engineer (Rural) of the Opponent Company was also directed to finalise the amount of interest and DPC charged by the computer system.

12. The Commission heard the matter on 3rd August 2009. The Complainant reaffirmed the points submitted in the Petition. The Opponent Company submitted and confirmed that necessary steps were taken by its officials to comply with the CGRF Order. The Opponent Company referred to the letter dated 29.09.2008 approving adjustments of Rs.1,20,699.89/-. It further referred to another letter issued to the Superintendent Engineer (Rural) on 18.07.2009 informing that the interest of Rs.88,714.41/- on the (-) B80 amount is being processed. The Opponent Company submitted that thus the CGRF's Order was complied with in totality on 31.07.2009. The Opponent Company also submitted that there was no willful disobedience of the CGRF Order and that the delay was completely unintentional and due to official procedures relating to (-) B80.

13. The Commission enquired of the Complainant the compliance regarding (-) B80 amount and the interest thereon as submitted by the Opponent. On this the Complainant answered in the affirmative but complained that the compliance came after the filing of the said Petition.

14. The Commission is of the view that the lack of co-ordination and communication between MSEDCL and the consumer with regard to the compliance of the aforesaid CGRF's Order, needs to be deprecated. Particularly, with respect to the letters dated 29.09.2008 and 18.07.2009 being internal letters, the Complainant was left clueless on the Opponent Company's process on compliance of the CGRF's Order. The Commission is of the view that the Opponent Company should have communicated to the Petitioner, from time to time, the progress regarding the steps taken towards redressing the Petitioner's complaints and compliance of CGRF Order dated 14.05.2008.



15. Having heard the parties, the Commission holds that no case for non-compliance having been made out, the provisions of Sections 142 or 146 are not attracted in this case. However, MSEDCL was required to comply with the CGRF's Order within 30



days from the date of the said Order being 14.05.2008. As against this, MSEDCL submits that the CGRF's Order was complied with on 31.07.2009. Taking into account this delay, MSEDCL is hereby directed to pay 18% interest per annum on the amounts payable by it to the Consumer, interest to be reckoned with effect from 30 days from the date of the CGRF's Order being 14.05.2008.

Accordingly, the case stands disposed of.

(S.B. Kulkarni)
Member

(V. P. Raja)
Chairman



(P. B. Patil)
(Secretary, MERC)