

**BEFORE THE CONSUMER GRIEVANCES REDRESSAL FORUM
MADHYA GUJARAT VIJ CO LIMITED
CORPORATE OFFICE, 5TH FLOOR SP VIDYUT BHAVAN,
RACECOURSE, VADODARA 390 007**

Subject	Consumer Grievances Complaint No.MG-II-67-2014.15
Complainant	Surekhaben Arvindbhai Patel at C/o Arvindbhai M Patel, 73, Sampatrao colony, Productivity Road, Alkapuri, Vadodara
Respondent	Shri B J Desai, Deputy Engineer, Alkapuri s/dn of MGVCCL.
Date of hearing	26.09.2014, 10.10.2014 & 17.10.2014 all at Vadodara

QUORUM	NAME
Chairperson	Shri P J Patel, Gandhinagar
Independent Member	Harsha S Chauhan, Vadodara
Technical Member	Shri A G Shah, MGVCCL

The complaint date 14.08.2014 (registered on 21.09.2014) regarding high amount of energy bill.

On 26.09.2014,10.10.2014 & 17.10.2014, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Arvindbhai Manubhai Patel husband of Smt Surekhaben A Patel appeared on behalf of complainant whereas Shri B J Desai, Deputy Engineer and Shri J J Chaudhary, Dy SA, Alkapuri s/dn appeared as respondent on behalf of MGVCCL before the Forum. Both the parties were heard.

The brief details of the case are:

1. The complainant has made the complaint regarding billing of meter without actual meter reading and bills are not being issued regularly.
2. As per the complainant, he could not pay the bill for the month of April May 2014 not issued in time and duplicate bill issued after his perusal. Delayed Payment Charges (DPC) is wrongly recovered by MGVCCL for the month of April May of Rs.117.40.
3. Though their Air-conditions machines were not in operation the billing units are very high i.e. 2175 units so complainant has requested to check the meter without payment of meter charges.

4. Meter was checked on 16.08.2014 in presence of complainant and found working within its permissible limits so meter is not required to change.
5. MGVCL has charged DPC of Rs.117.40 for the delayed payment done on 31.7.2014 instead of 03.07.2014 (i.e. DPC period 3.7.2014 to 31.07.2014).
6. MGVCL has issued Firm Quotation for additional load notice during installation checking on dated 16.8.2014 for Rs.3537/- is for enhanced of Security Deposit.
7. Reply given to the complainant by MGVCL is not acceptable to the complainant and reinsisted that meter reader has prepared the bill without actual meter reading. Therefore, DPC recovery is illegal and cheating with the consumer and also requested to refund the said amount with interest.
8. The complainant has asked explanation for Security Deposit paid by him for Rs.7850/- on 15.09.2006 and Rs.4016/- dated 01.12.2009 i.e. total Rs.11866/- is already paid against Security Deposit. Hence, he requested to give the details of all Security Deposit paid by him and to adjust with the additional Security Deposit demanded by MGVCL.
9. MGVCL has issued additional Security Deposit bill of Rs.3533/- as the complainant found using 10.283 KW load against contracted load of 6.5 KW.
10. MGVCL has asked to submit Rs.120/ as Registration Charges and test report to regularize contracted load alongwith additional Security Deposit.
11. Convener, CGRF, MGVCL had informed the complainant vide their letter No.592 dated 17.9.2014 that Rs.117.40 is recovered against DPC for 27 days.
12. The complainant has again objected for recovery of DPC stating that he could not pay the bill in time due to late receipt of energy bill for the month of April May 2014, late payment is not at his fault so it must be refunded to him.

The representative of the complainant contended that after change of meter by MGVCL, meter reading was not accessible through meter box due to different elevation of meter dial and meter box glass. Therefore, it is required to ask key to open the lock of the box to

take actual meter reading. But during the bill of April May 2014, meter reader has not asked meter box key which itself confirmed that meter reader has not taken the reading and not issued bill as the bill is not received by him, he inquired at MGVCL sub-division office where duplicate bill issued to him on dated 31.07.2014 which was paid by him immediately. MGVCL has charged DPC for that bill in subsequent billing cycle. As it is a fault of the meter reader for late issue of bill, DPC is not liable to pay by him and must be refunded to him.

The respondent contended that upon receipt of the complaint from the complainant, he asked the explanation from the meter reader that why bill for the month of April May 2014 was not issued in time. After receipt of the explanation of the meter reader, it will be submitted to the Forum. He also contended that as per record, the bill for the month of April May 2014 for the same route code area are issued in time so bill of the complainant must have been issued in time. Upon request of the consumer on dated 31.07.2014, MGVCL has issued duplicate bill for the month of April May 2014 on dated 31.07.2014 and same was paid on the same date. As per clause No.4, of the energy bill "in case of non-receipt of the bill, it is the duty of the consumer to collect the information of billing amount / duplicate bill within period of 7 days from the billing date" so the consumer can pay the bill within specified time limit, consumer has inquired for the bill after last day of the bill payment, for which DPC is liable to pay by the complainant.

The Forum Members present at the hearing considered contention of both the parties and perused the records and observed that complainant complaint for not billing as per the actual reading for the month of April May 2014 might be assumed considering meter location is not in alignment with the meter box glass and also meter box in LOCK condition and its key with the complainant. On hearing dated 17.10.2014, Forum has directed the respondent to inquire personally with the matter at site and confirmed whether it is possible to take reading without opening of meter box and to submit the explanation letter of the meter reader to the Forum. Respondent has submitted explanation of meter reader dated 5.11.2014 to the Forum on 7.11.2014 and also confirmed that meter is not aligned with the meter box glass and same is now rectified so same type of problems will not be repeated. Meter reader has explained in his statement that while taking the reading on the scheduled date, the house was in LOCK condition so he could not take the reading on 22.06.2014 and again visited the place on very next day i.e. 23.06.2014 but house was found in LOCK condition. Therefore, he prepared the bill of average consumption on 23.06.2014 and issued on the same day.

In view of the above discussion, the Forum is of opinion that due to LOCK condition of the house, meter reader could not prepared the bill on the same day but prepared on next day considering average consumption and had issued the bill which is confirmed with the computer billing system. As per clause No.4 on back side of energy bill, consumer has to inquire and pay the bill within last payment date which is not done by the complainant. In this case, all other consumers in the same area of the route code got the bills and paid in time. Therefore, there is no question for not issued the bill. As bill is issued in time and paid after lapse of last day of payment it is liable to pay DPC.

The complainant found using higher load than the contracted load for which difference of Security Deposit is liable to pay and estimate issued for the Security Deposit is in order. Regarding above Security Deposit of Rs.7850/- paid on 15.09.2006 by Smt Vimlaben J Patel the previous occupier on dated 01.12.2009 Rs.4016/- paid by Smt Surekhaben A Patel, the new occupier. Smt Surekhaben A Patel had applied for change of name. Security Deposit paid by Smt Vimlaben J Patel of Rs.7850/- was given credit in the bill of January 2010 billed in February 2010. As per the present connected load of 10.283 KW, new Security Deposit is calculated Rs.7429/-. Therefore, difference of paid Security Deposit and revised calculated Security Deposit as per present connected load is Rs.3413/- plus Rs.120/- as Registration Charge and test report fee to be paid by the complainant. It is paid on 11.09.2014. Recovery of Security Deposit and credit of old Security Deposit is in order.

ORDER

The Forum directs the complainant Surekhaben Arvindbhai Patel at C/o Arvindbhai M Patel, 73, Sampatrao colony, Productivity Road, Alkapuri, Vadodara, the action taken to recover Delayed Payment Charges and recovery of additional Security Deposit by the MGVCL is in order.

(A G Shah)
Technical Member

(Harsha S Chauhan)
Independent Member

(P J Patel)
Chairperson

PS :

If the complainant is not satisfied with the order of this Forum, the complainant may approach The Staff Officer, Office of the Electricity Ombudsman, Gujarat Electricity Regulatory Commission, Barrack No.3, Polytechnic Compound, Ambawadi, Ahmedabad 380 015 in accordance with Chapter-5, Clause No.13 of GERC Notification No.4 of 2005.

Procedure to make representations before Ombudsman***

1. Representation should be in writing duly signed by the complainant with his name and address.
2. Representation should be supported with affidavit.
3. True copy of order of Forum and original complaint made before Forum should be attached. Enclosed documents should be certified copies of the original documents.
4. The representation before Ombudsman should be submitted within 30 days from the date of order of Forum.
5. Copy of representation should be submitted at the office of Ombudsman. Copy of representation should be submitted to all respondents.
6. If the complainant is required to pay any amount according to the order of Forum, one-third of such amount should be deposited by complainant and proofs should be attached along with the representation.
7. The matter should not be pending before the competent Forum or any other court, tribunal, arbitrator or any other authority.
8. All representations should be with a sufficient cause, reasonable diligence causing the consumer prima facie loss and damages / inconvenience.
9. Representation may be submitted in English or Gujarati language

*** <http://www.gercin.org/docs/Cosumer%20Grievances/Procedure/Procedure.pdf>