

**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-57-2014.15
Complainant	Shri Nagendrabhai S Patel, Anand Niketan Ashram at village Rangpur, Tal: Kawant, Dist : Chhotaudepur.
Respondent	Shri D R Shah, Deputy Engineer, Shri N J Tadv Senior Assistant (Billing) & Shri D H Trivedi, AO (Baroda O&M) of MGVCL.
Date of hearing	05.09.2014 at Vadodara

QUORUM	NAME
Chairperson	Shri P J Patel, Gandhinagar
Independent Member	Harsha S Chauhan, Vadodara
Technical Member	Medha M Marathe, MGVCL

The complaint dated NIL received on 01.09.14 regarding average bill & mental harassment by MGVCL staff.

On 05.09.2014, the case of the Complainant Grievance was heard before Consumer Grievance Redressal Forum wherein Shri Nagendrabhai S Patel appeared himself on behalf of Anand Niketan Ashram whereas Shri D R Shah, Deputy Engineer, Shri N J Tadv Senior Assistant (Billing) & Shri D H Trivedi, AO (Baroda O&M) appeared as respondent on behalf of MGVCL before the Forum. Both the parties were heard.

The brief details of the case are :

1. Bank, BSNL Offices & others residential quarter for employees are located in the premises of Anand Niketan Ashram operated by its trustees.
2. There are total 61 nos of connections in the name of Trustee.
3. Consumer bearing No.11411 / 00064 /1 having meter No.34424 was installed approximately 10 years back.

4. The Complainant had applied to replace meter bearing Sr No.34424 on 02.04.2011 suspecting meter running fast and same was replaced by MGVCCL on 02.06.2011 with meter No.03720.
5. The meter bearing Sr No. 34424 was tested in meter testing laboratory and reported on 08.07.2011 that meter working within its permissible limits i.e. no defect.
6. Again on dated 14.09.2011, meter No.03720 was replaced with new meter No.59867 due to NO DISPLAY.
7. After replacement of meter with meter No.59867, accumulated bill for 27 months was issued amounting to Rs.2,65,881.98. The consumer has taken objection for such billing.
8. Though regular bills were paid for all other connections, all connections in the premises were disconnected on dated 06.06.2014.
9. Average bill issued is without giving reason and without considering lab testing report of meter.
10. The complainant has requested -
 - A. To reconnect connection of consumer No.11411/00064/1 and 11411 /00209/1.
 - B. Average bill issued is to be waived and to give compensation for mental harassment by MGVCCL staff.

The complainant contended that

- I. On dated 02.04.2011, the consumer had complained to MGVCCL regarding meter running fast having meter No.34424. The same was replaced by MGVCCL on 02.06.2011
- II. Thereafter, again complained about NO DISPLAY in meter No.03720 and which was replaced on 14.09.2011 with new meter No.59867.

- III. MGVCL had informed to him vide letter dated 08.07.2011 that meter No.34424 is tested in the lab & found OK.
- IV. Payment of Rs.48209/ was made on 06.02.2013 and second payment was made of Rs.1,09,000/ on 14.03.2013.
- V. Credit of Rs.16,953.06 was shown in the bill of August-Sept billed in October 2013. Thereafter, irregularity in billing for amount & units was noticed in the bill of Oct- Nov 2013 billed in Dec 2013.
- VI. Meter status was shown "C" in the energy bill. Meter reading shown as 39206 & considering past reading 1, bill for 39205 units was issued in the month of Oct-Nov 2013. Bill amount was Rs.2,62,468=45.
- VII. The meter was replaced on 07.05.2014. It was tested in the lab on 08.05.2014. Meter was found OK during lab testing.
- VIII. Connections having arrears was disconnected on 19.05.2014 with reference to notice issued on 03.05.2014.
- IX. He further contended that no reply was received from MGVCL with reference to his requirement of MRI report of faulty meter.
- X. 59 nos of connections in the premises were disconnected on 10.06.2014 for which there was no arrears. Out of these 59, 10 nos of connections were reconnected on 19.06.2014.
- XI. As per the instruction of Chief Engineer, MGVCL, remaining 49 nos of connections are still in disconnected position. At present, power supply is arranged through DG Sets. He had not received reply for reason of disconnection of the connections having no arrears and requested to reconnect those connections having no arrears.
- XII. He requested to waive the average bill amount and reconnect the disconnected connections.

The respondent contended that -

1. Complaint regarding defect in meter No.34424 was received and meter was replaced on 02.06.2011 with new meter No.03720 and

after testing of the meter in lab, complainant was informed vide letter dated 08.07.2011 that meter was found OK.

2. Thereafter, again consumer had complained about defect in changed meter having meter No.03720. It was also replaced on 14.09.2011 with new meter no.59867.
3. Due to e-urja system technical error, all subsequent bills could not be issued based on actual reading till September 2013 i.e. bills issued for ZERO consumption. Thereafter, e-urja system problem was resolved and based on actual reading bill issued in the month of December 2013.
4. Billing was made considering initial consumption recording as 1 and final reading 39206 of Meter No.59867. Thus, accumulated units 39205 since 14.09.2011 are considered for billing.
5. The consumer had approached EPD Department, GoG, Gandhinagar for exorbitantly higher bill and same was reviewed by the authority of MGVCL.
6. As per the decision of the authority of MGVCL, 39205 billed units were averaged out in their respective period of ZERO billing. Average bill amount was reduced by Rs.50500/ after revising the bill due to lower tariff slabs. This revised bill was not paid by the consumer hence, notice dated 03.05.2014 was issued to the consumer for making payment within 15 days' time failing which all the connections would be disconnected.
7. On dated 07.05.2014, the complainant had approached Managing Director of MGVCL and raised the doubt about the accuracy of the meter under question i.e. meter No.59867. On the same day, as per directives received from the authority of MGVCL, the meter was replaced and sent to the laboratory for testing on 08.05.2014. During lab testing, meter was found OK, it was also witnessed by the complainant. As the meter was found OK, the bill revised was in order and consumer was directed to make payment as per notice dated 03.05.2014.

8. As demanded by the consumer, available MRI data i.e. from 01.06.2013 to 01.05.2014 was given to the consumer for meter Sr No.59867 on 08.05.2014 during lab inspection.
9. Over & above, there was arrears of Rs.77200/ of other five connections including Rs.6200/ arrears of four PDC connections. This was also not paid since long.
10. As per notice dated 03.05.2014, a connection No.11411/00064/1, having arrears was disconnected on 19.05.2014. Notice on dated 22.05.2014 was issued to the complainant stating that if the outstanding amount is not paid within 15 days, all other connections shall be disconnected.
11. On 07.06.2014, MGVCL had sent their staff to disconnect other connections. However, Shri Bharat Rathwa, representative of Anand Niketan Ashram had informed that they will make the payment by 10.06.2014 and requested not to disconnect connections till date.
12. Accordingly, MGVCL had not disconnected the connection. As payment was not received on 10.06.2014 as per commitment given by the representative of the Anand Niketan Ashram, all other connections existing in the premises were disconnected except Bank & School.
13. As regards to the complainant's representation that MGVCL has wrongly disconnected the connections where there is no outstanding dues, the respondent submitted that as per Rules, one premises cannot have more than one connection and therefore in any case, in the normal circumstances, all the connections should be merged and considered as one only. Since these multiple connections are in existence for last many years, MGVCL has not merged all the connections into one connection and disconnected all others. However, in the present circumstances, if only one connection having arrears is to be disconnected, consumer is going to continue consumption of electricity from many other existing connections, which is not the intent of the various provisions of Supply Code and Electricity Act. The Supply Code Clause No.4.1.11 specifically provides that no request of new connection, reconnection or reduction of load, change of name or shifting of

service line to be entertained for any premises unless any dues of the applicant to the distribution licensee relating to that premises or any dues in respect of any other service connection held in his name anywhere in the jurisdiction of the distribution licensee have been cleared. This clause specifically prohibits giving any services to the consumer who is having outstanding arrears in any connection anywhere in the jurisdiction of the DISCOM. Further this clause also specifically prohibits to give any services as stated above to any premises unless any dues relating to that premises have been cleared, whereas in the instant case, the consumer is having outstanding arrears in the same premises. Therefore, when above ancillary services cannot be provided if the consumer is having outstanding arrears anywhere, then the question of continuing the supply in the same premises where there is outstanding arrears does not arise. Since the outstanding arrears are on this particular premises which is having multiple connections, no power supply can be continued to the consumer, who is having outstanding arrears on any of the connections out of the multiple connections.

Further, as per Clause No.4.1.17, the distribution licensee is not to provide more than one connection/meter for one premises, which means that there cannot be multiple connections in the same premises where only one connection is disconnected on account of arrears and supply to other connections is continued. Considering the provisions of Clause No.4.1.11 and 4.1.17 that no supply related services can be given to the premises on which there are outstanding arrears and also to a consumer who is having outstanding arrears anywhere in the jurisdiction of the DISCOM, MGVCL disconnected the power supply to all the connections situated in the same premises.

The Forum Members present at the hearing considered contention of both the parties and perused the records and observed that this is a case of wrong billing for very long period due to computer system error to take effect of meter change entry. However, MGVCL has given justice by bifurcating accumulated units in the span of wrong billing period. Further, it is noted that during lab testing all the meters were found OK hence there is no need to waive the bill prepared on average basis. As

per Electricity Supply Code, Notification No.6 of 2010 (Third Amendment dated 20.08.2010), clause No.4.1.11 reads -

“An application for new connection, reconnection, addition or reduction of load, change of name or shifting of service line for any premises need not be entertained unless any dues relating to that premises or any dues of the applicant to the Distribution Licensee in respect of any other service connection held in his name anywhere in the jurisdiction of the Distribution Licensee have been cleared.

Provided that in case the connection is released after recovery of earlier dues from the new applicant and in case the licensee, after availing appropriate legal remedies, get the full or part of the dues from the previous consumer/owner or occupier of that premise, the amount shall be refunded to the new consumer/owner or occupier from whom the dues have been recovered after adjusting the expenses to recover such dues” and as per Notification no.11 of 2005, Section-4, clause No.4.1.17 reads -

“The Distribution Licensee will not provide more than one connection/ meter for one premises. The consumers opting for second meter will have to produce separate legal entity such as documents of separate Income Tax No/ Sales Tax No. ration card and rent or lease agreement”

Considering the combined reading of both the above clauses, the action taken by MGVCL to disconnect all connections existing in the same premises in the name of same occupier is in order. It is also observed that MGVCL has not taken due care to resolve their computer system problem for very long period (approximately 27 months) for which on their part there was a loss of revenue and on consumer part result in harassment.

In view of the above discussion, the Forum is of the opinion that the energy bill given by MGVCL is in order and liable to pay.

ORDER

The Forum directs the complainant Shri Nagendrabhai S Patel, Anand Niketan Ashram at village Rangpur, Tal: Kawant, Dist : Chhotaudepur, that revised energy bill given by MGVCL is in order and to pay all arrears along with Delayed Payment Charges (DPC) as per norms. MGVCL is directed to make arrangement to issue bill prepared manually in such events where error noticed in computerized billing system to avoid such grievances and inconveniency to the consumers.

(Medha M Marathe)
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>