

**GUJARAT ELECTRICITY REGULATORY COMMISSION
BEFORE THE ELECTRICITY OMBUDSMAN, GUJARAT STATE
Polytechnic Compound, Barrack No.3, Ambawadi,
Ahmedabad-380015**

CASE NO. 19/2018

Appellant: Shri Rajendrabhai Barve
C/75, Akshardham Duplex
Nr.Subodhnagar, Manjalpur, Vadodara-390011.

Represented by: Shri Rajendrabhai Barve

V/s.

Respondent: Deputy Engineer,
Madhya Gujarat Vij Company Limited
Sub-Division Office, Chokhandi Char Rasta
Wadi Sub-Division, Vadodara-390017

Represented by: Shri H.M.Prajapati,DE, MGVCL, Wadi S/d.
Shri S.J.Patel,Dy.SA, MGVCL, Wadi S/d.

PROCEEDINGS

- 1.0.** The Appellant had submitted representation aggrieving with the order No.294 dated 16.02.2018 passed by the Consumer Grievances Redressal Forum, Madhya Gujarat Vij Company Limited, Vadodara, in case No.MG-IV-25-2017-18. The representation was registered at this office as Case No.19/2018. Earlier the hearing was kept on 15.03.2018, which was postponed and the hearing was kept on 12.04.2018.
- 2.0.** Appellant has represented the case as under.
 - 2.1. Appellant is having a residential connection bearing consumer No.14457/00183/0 at Vadodara, under Wadi sub-division.
 - 2.2. Appellant has paid Rs. 1223/- against energy bill through ATP machine at Wadi sub-division Office on 04.10.2017, even though the electric connection was disconnected by Respondent as per

disconnection order issued for outstanding dues as on 03.10.2017. This is a punishable offence.

- 2.3. As per the grievance filed before CGRF and order passed by CGRF dated 16.02.2018 the contents of letter dated 19.12.2017 were not discussed during the course of hearing on 19.01.2018.
- 2.4. Appellant has submitted that the connections of various department of GoG were not disconnected though huge amount was pending to be recovered.
- 2.5. Appellant has submitted that notice printed on energy bill should be removed from the energy bill who are paying their bills regularly, because any administration does not have any right to issue notice to such consumers.
- 2.6. It is submitted that respondent has made delay in updation of data of ATP machine, P&T receipt and other contractor receipt and due to that reason in this case connection was disconnected.
- 2.7. It is submitted that during the course of hearing before CGRF neither Respondent nor Forum has produced any evidence regarding not disconnection of electricity connection of Narmada Bhavan, Police Bhavan and other government offices on default to pay electricity bills.
- 2.8. It is submitted that Forum has over-ruled the Clause No. 2.40 (CGRF & Ombudsman) Regulation 2011 and not allowed Appellant with Advocate before CGRF hearing, while in other case an Advocate appeared before such Forum.
- 2.9. Appellant has argued that in the energy bill for the month of July-August,2017 issued on 02.09.2017, column No. 15, total amount of energy bill shown blank and for that appellant is unaware for the amount to be paid.
- 2.10. CGRF was not ready to listen about expenses incurred by Appellant on default of Respondent. Appellant has mentioned the expenses before CGRF as under:

Rs. 200/- Riksha fare on 05.10.17
Rs. 300/- Letter submit on 20.11.17
Rs.1000/- Consultation fee to Advocate
Rs. 500/- Emails, zerox, postage etc.
Rs. 50/- Regd. AD postage.

In present representation Appellant has demanded Rs. 10,000/- towards the cost of expenses of this complaint.

2.11. It is requested by Appellant to dissolve the Forum and to depute some liberal authorities.

3.0. Respondent has represented the case as under.

3.1. Brief history of the case is as under:

- Energy bill of Rs. 1228.04 for the month of Sept.2017 for consumer No.14457/00183/0 in respect of Shri Bhalchandara P. Barve was issued on 02.09.2017 (was liable for disconnection due to non-payment on 28.09.2017).
- Appellant had paid the amount of bill on 04.10.2017 at ATP machine at Wadi office.
- Disconnection order of liable connection was generated on 04.10.2017.
- On the date of disconnection order generation in the system (134 PRT) there was liable connection for disconnection up to previous day of order generation i.e. on 04.10.2017, all list of liable disconnection consumer was generated with payment updation up to 03.10.2017.
- Disconnection order of the Appellant was operated for disconnection of supply on 05.10.2017 (with consumer payment updation up to 03.10.2017).
- As Appellant has paid energy bill on 04.10.2017, and name of appellant was in the disconnection order, which was operated on 05.10.2017.

- During the operation of disconnection order, as Appellant was not available on spot, no any verification was made for payment of bill. Therefore staff had disconnected the electric supply of Appellant.
 - On the same day, consumer had presented receipt of payment of energy bill and after verification of the same, the electric supply was reconnected immediately without any penalty.
- 3.2. Appellant has raised the grievance regarding disconnection of supply as under:
- (1) Vide letter dated 06.10.2017, which was replied on 16.10.2017, to Appellant.
 - (2) Vide letter dated 19.10.2017, which was replied on 10.11.2017.
 - (3) Vide letter dated 11.11.2017 and 20.11.2017, Lalbaug Division Office had informed Appellant vide letter dated 03.01.2018 to remain present on 06.01.2018 at office of Respondent, but Appellant did not remain present.
- 3.3. It is submitted that there is no any such type of connection under jurisdiction of Wadi sub-division office, howsoever as per the best of knowledge and experience any such government undertaking connection like waterworks/street lights/Jail/ Police/Collector office etc., and due to their administrative procedure sometimes bills are being paid late. But being Government connections, electricity supply has not been disconnected immediately. However, delay payment charges are being recovered as per rules in the subsequent energy bills.
- 3.4. Respondent has pointed out Section No. 6 of Electricity Supply Code Regulation 2015 and submitted that disconnection notice can be embedded in the energy bill.
- 3.5. It is submitted that as per the present procedure data of any payment of energy bill at ATP machine/P&T/other agency collected on the same day at the end of day at that particular centre, and same data uploaded in the billing system at particular sub-division office on very next day.

Hence on the same day updation regarding details of payment is not made. Therefore, disconnection carried out for non-payment of energy bill in time, is as per present norms.

- 3.6. Respondent has denied the contents of Para No. 2.8. It is submitted that employee of L&T was appeared before CGRF to represent the case of L&T
- 3.7. It is submitted that Column No.15 of energy bill dated 02.09.2017 is blank, but computerized copy of bill was attached with energy bill in which all the details, including total amount to be paid, are shown.

::: ORDER :::

- 4.0.** I have considered the contentions of the Appellant and the contentions of Respondent and the facts, statistics and relevant papers, which are on record, and considering them in detail, my findings are as under.
- 4.1. The basic issue involved in the present representation is related with disconnection of electric supply by Respondent wrongly though energy bill has been paid by Appellant.
- 4.2. Energy bill of consumer No. 14457/00183/0 in respect of Shri Bhalchandra P. Barve, for the month of July-August,2017 was issued on 02.09.2017. Meter reading made by Respondent as per HHD (Hand Held Device) machine. The print generated by HHD machine was attached with copy of energy bill.

As per the copy of energy bill, Column 15 is blank but as per meter reading taken by HHD and printed copy attached with the bill, details including previous amount (+/-), meter reading, unit consumption and various components of energy bill are shown. The total bill amount to be paid of Rs. 1222.72 is also shown.

From the above observations, it seems that energy bill was issued with spot billing done with HHD as per Clause 6.52 of Supply Code Notification No.4 of 2015.

The arguments relating to Column No.15 that total amount of energy bill is blank in energy bill and due to that reason Appellant could not paid energy bill within stipulated time period, is not accepted.

- 4.3. The argument made by Appellant relating to publication of notice in the energy bill is replied by Respondent in Para No. 3.4.

As per Supply Code Notification No. 4 of 2015, Clause 6.54(24), notice under Section 56 for payment of dues are covered in the information to be included in energy bill. Hence notice covered in the energy bill as per Section 56 of Electricity Act,2003 is mandatory to mention in the energy bill by Respondent. Therefore, argument of Appellant relating to that is not valid and acceptable.

- 4.4. Appellant has submitted that he is a regular consumer and paid energy bills regularly. Respondent has produced copy of consumer ledger 145 PRT. From the observations of history records of payment of energy bills it is seen that for the energy bill for the month of March-April,2017 billed in May,2017, May-June,2017 bill in July,2017 July-August,2017 billed in September,2017 Appellant has not made payment of energy bill in the stipulated time period of 10 days.

The energy bill of March-April,2017 dated 04.05.2017 was paid on 13.06.2017. The energy bill of May-June,2017 dated 08.07.2017 was paid on 10.08.2017 and energy bill (present disputed energy bill) dated 02.09.2017 was paid on 04.10.2017.

From the above previous three billing records, it is proved that Appellant has made default in payment of energy bill within stipulated time period of 10 days of that billing cycle and made payment after due date.

- 4.5. In the instant case, Appellant had paid energy bill at ATP machine on 04.10.2017 against energy bill dated 02.09.2017 having last date of payment was 12.09.2017. Notice under Section 56 for payment of dues is itself mentioned in energy bill. Respondent has prepared disconnection order as per the system for recovery of dues amount with cut-off date of payment made up to 03.10.2017.

The payment made on 04.10.2017 by Appellant at ATP machine is updated in the billing system of Respondent on the next day.

The reason submitted for updation of billing records based on facilities provisions for any time payment of energy bill to facilitate consumers seems convincing. Appellant should have made payment prior to cut-off date of energy bill if feasible to avoid disconnection of electric supply as per Notice issued in the energy bill.

In the present case, at the time of disconnection of supply if Appellant or member of resident would have produced the money receipt of the payment of energy bill, the Respondent would not have disconnected the electric connection.

Appellant has accepted that after producing money receipt of payment, Respondent had reconnected electric supply on the same day without recovering any other charges for reconnection. The issue of disconnection of power supply could have been avoided if Appellant had shown money receipt of payment of energy bill at site.

For this type of issue, Appellant cannot blame the officer/system of Respondent.

Under present technological regime, Respondent should develop a synchronized system for billing and payment of energy bills for smooth operation of services of their consumers, so that such type of grievance can be eliminated.

- 4.6. Regarding electric supply of various department of GoG and disconnection related issues, Respondent has submitted reply in Para No.3.3. As per information asked by Appellant, details of various electric connections of Government department are being handed over by Respondent and stated that they are recovering various charges in the bills as per the norms of Supply Code.
- 4.7. The request of appellant as per Para 2.11, Ombudsman is not an competent authority as per Notification No.2 of 2011.
- 4.8. As per Para 2.10, Appellant has demanded cost of expenses for filing appeal. In overall observations it is on records that Appellant has not paid energy bill as per stipulated time as per last date of energy bill. Not only that instance, on previous occasions also Appellant had

missed the timely payment of energy bills. Therefore, argument of Appellant against system of billing of Respondent and against order of CGRF is not correct one and not acceptable. Hence request of Appellant to grant expenses of appeal is not valid and not acceptable.

4.9. I order accordingly.

4.10. No order as to costs.

4.11. With this order, representation/Application stands disposed of.

(Dilip Raval)
Electricity Ombudsman
Gujarat State

Ahmedabad.
Date: 20.04.2018.