

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

CASE NO. 36/2018

Appellant: Shri Virendrasinh Ganpatsinh Dahiya
Village: Chitrod-370145.
Ta: Rapar. Dist. Kutch.

Represented by: Not remained present.

V/s.

Respondent: Deputy Engineer,
Paschim Gujarat Vij Company Limited
Sub-Division Office, Rapar-370645. Dist. Kutch.

Represented by: Shri M.P.Mehta, DE, PGVCL, Rapar S/dn.

:::PROCEEDINGS:::

- 1.0.** The Appellant had submitted representation aggrieving with the order No.66 dated 16.03.2018 passed by the Consumer Grievances Redressal Forum, Paschim Gujarat Vij Company Limited, Bhuj, in case No. PG04/01/2017-18. The representation was registered at this office as Case No.36/2018. The hearing of this case was kept on 31.05.2018, 14.06.2018 and 21.06.2018, but appellant has remained absent.
- 2.0.** Appellant has given written representation as under.
 - 2.1.** It is submitted that he had sent grievance to CGRF on 11.12.17, which was received on 12.12.17, and Forum had sent acknowledgement vide letter dated 06.01.2018 i.e. after 25 days. Thus Forum has violated the Rule 2.32 of Consumer Grievances Redressal Forum and Ombudsman Regulations,2011.
 - 2.2.** Forum had sent a letter dated 20.01.2018 fixing the date of hearing as 25.01.2018, which was received by Appellant on 27.01.2018. Hence, Appellant did not appear before CGRF.

The second hearing letter was sent on 03.02.18, fixing the hearing on 09.02.18, which was received by Appellant after 09.02.18, and hence Appellant did not remain present before CGRF.

The third intimation of hearing was sent to Appellant on 16.02.2018, fixing the hearing on 23.02.18, which was received on 23.02.2018 afternoon. Hence Appellant did not remain present before CGRF.

It is stated that Forum has given short time period for hearing by way of above intimation letter, and thereby violated the rules.

- 2.3. It is submitted that in letter dated 15.02.18, Executive of PGVCL has claimed that the electric meter was duly taken in presence of Appellant and meter was duly sealed. However, the fact of the matter is that executive of Respondent has illegally and without presence of Appellant taken away the meter from agriculture farm of appellant and appellant has not signed any such documents. Therefore, concerned officer must be summoned to answer the wrong doings of executives. The meter was taken away illegally from the agriculture farm and they have opened the seals and conducted laboratory check without presence of appellant, which clearly proves that they have tampered with the meter in order to hide their misdeeds.
- 2.4. It is submitted that as per letter dated 15.02.18 Appellant was intimated to remain present during testing of meter on 17.02.18, 20.02.18 or 21.02.18. Thus Respondent has failed to provide an opportunity for hearing while testing of meter was conducted. Therefore, meter testing authority has unsealed the meter in absence of Appellant and this modus operandi once again proves that executives have ill intention to provide the wrong information to the Forum in order to get the order in their favour.
- 2.5. It is submitted that the executives of Respondent had threatened to Appellant for disconnection of electric supply and pressurized appellant to withdraw the grievance and not to pursue the complaint before Forum.

- 2.6. Appellant has also raised a issue of electric poles which requires urgent attention of the Respondent. It is stated that many electric poles reaching to the field of Appellant are in dilapidated condition and requires urgently to be replaced or re-erected otherwise falling of wires or poles would be dangerous to the lives of animals and human being passes through it. This contention was missing in the impugned order dated 16.03.18 passed by CGRF.
- 2.7. Appellant has received order of CGRF on 23.03.2018 and filed present grievance within one month time period as per the specified rules and paid 1/3rd amount of Rs. 6060/- on 07.05.2018.
- 2.8. Appellant has prayed as under:
- (1) To direct concerned authority to correct/reduce the inflated/erroneous bill amounting to Rs. 18,163/- as stated in bill dated 21.11.17 vide billing number 6285.
 - (2) Temporary injunction is to be granted in favour of appellant restraining Respondent not to disconnect the electric connection until or unless grievance resolved.
 - (3) To remove the cause of complaint/grievance in question.
 - (4) To remove the defects/deficiencies in the services in question.
 - (5) Call for the proceedings of grievance forum and also call for the information pertaining procedure followed for seizing of meter for laboratory check-ups and thereafter.
- 2.9. Appellant has produced details of bills as under:

Tariff category: A2. Connection: 15 HP. Meter No.PG569597

Month	Dt. of billing	Consumption	Status
Sept.-Oct.2015	06.11.15	0	
Dec.2015	06.01.16	0	
Feb.2016	17.03.16	2500	
Apr.16	11.05.16	500	
May-June,2016	08.07.16	750	Lock
July-Aug.2016	14.09.16	750	Lock
Sept.-Oct.2016	09.11.16	1700	
Dec.2016	10.01.17	1400	
Feb.2017	04.03.17	800	
Oct.2017	21.11.17	27798	

- 3.0. સુનવણી દરમ્યાન સામાવાળાએ નીચે મુજબ રજૂઆત કરી.
- 3.1. અરજદાર ગ્રાહક નં.૩૮૬૬૪/૧૦૩૨૧/૬ થી ૧૫.૦ હોર્સ પાવરનું ખેતી વિષયક વીજ જોડાણ ધરાવે છે.
- 3.2. અરજદારને નવેમ્બર,૨૦૧૭ માસમાં તા.૨૧.૧૧.૨૦૧૭ ના રોજ ૨૭૭૯૮ યુનિટનું રૂ.૧૮૧૬૩/- નું વીજબિલ મીટરમાં નોંધાયેલ વીજ વપરાશ મુજબ આપવામાં આવેલ, જેની સામે અરજદારે સદર ફરિયાદ દાખલ કરેલ છે.
- 3.3. સામાવાળા વીજ કંપનીના મીટર રીડર દ્વારા અરજદારના વીજ સ્થાપન સ્થળ પર ગયા વગર વીજ મીટરનાં રીડિંગ લેવામાં આવેલ હોઈ, અને જે કારણોસર મીટરમાં વીજ વપરાશના પેડિંગ યુનિટના કારણે, અરજદારને માસ નવેમ્બર,૨૦૧૭ માં ૨૭૭૯૮ યુનિટનું વીજબિલ રૂ.૧૮૧૬૩/- નું આપવામાં આવેલ છે. સદર બાબત અંગે જે તે જવાબદાર મીટર રીડરનો ખુલાસો માંગવામાં આવેલ છે.
- 3.4. અરજદારે માસ નવેમ્બર,૨૦૧૭ નું વીજબિલ ભરપાઈ કરેલ ન હોઈ, તા.૦૭.૦૨.૧૮ ના રોજ અરજદારનું વીજ જોડાણ કાપી નાખવામાં આવેલ. અરજદારના વીજ સ્થાપન પરથી મીટરને પેપર-પેક કરીને લેબોરેટરીમાં વધુ ચકાસણી અર્થે જમા લેવામાં આવેલ. તા.૧૭.૦૨.૧૮, તા.૨૦.૦૨.૧૮ અને તા.૨૧.૦૨.૧૮ ના રોજ અરજદારને લેબોરેટરીમાં મીટર ચકાસણી વખતે હાજર રહેવા પત્ર નં.૫૫૪ તા.૧૫.૦૨.૧૮ થી જાણ કરવામાં આવેલ છે, છતાં અરજદાર લેબોરેટરીમાં મીટરની ચકાસણી દરમ્યાન હાજર રહેલ નહીં, જેથી અરજદારની ગેરહાજરીમાં તા.૨૨.૦૨.૧૮ ના રોજ મીટરની ચકાસણી કરવામાં આવેલ. મીટરનો MRI report પણ લેવામાં આવેલ છે.

મીટરમાં વાંચન નીચે મુજબ નોંધાયેલ જણાય છે.

માસ	PRT મુજબ મીટરનું વાંચન	MRI report મુજબ મીટરનું વાંચન
નવેમ્બર,૧૭	૭૩૮૦	૨૫૭૫૨.૦
ડિસેમ્બર,૧૭	૪૦૦૮૧	૪૦૫૫૪.૫
મીટર ઉતારેલ	-	૪૫૨૦૯.૬

આમ મીટર MRI રીપોર્ટમાં મીટરનો વીજ વપરાશ નોંધાયેલ માલુમ પડેલ છે. મીટર રીડર દ્વારા મીટર વાંચનમાં ભૂલ કરેલ હોય તેમ જણાય છે. અરજદારને મીટરમાં નોંધાયેલ વીજ વપરાશ મુજબ વીજબિલ આપેલ હોઈ, સદર વીજબિલની રકમ ભરવાપાત્ર છે.

3.5. The consumption history of the Appellant is as under:

Billing period	Current reading	Past reading	Consumption
Nov.-Dec. 15 billed in Jan.16	2500	2	2498
Jan.-Feb. billed in March,16	3000	2500	500
March-April billed in May,16	3000	3000	750
May-June billed in July,16	3000	3000	750
July-Aug. billed Sept.16	4700	3000	1700
Sept.-Oct. billed in Nov.16	6100	4700	1400
Nov.-Dec.16 billed in Jan.17	6900	6100	800
Jan.-Feb. billed in March,17	7100	6900	200
March-Apr. billed in May,17	7100	7100	0
May-June billed in July,17	7380	7100	280
July-Aug. billed in Sept.17	35178	7380	27798
Sept.-Oct. billed in Nov.17	40081	35178	4903

3.5. સામાવાળાએ જણાવેલ કે.....

- (૧) અરજદારને આપવામાં આવેલ વીજબિલ, મીટરમાં નોંધાયેલ વીજ વપરાશ મુજબ હોઈ, વીજબિલની રકમ ભરવાપાત્ર છે.
- (૨) અરજદારે વીજબિલનાં નાણાં ભરપાઈ કર્યા ન હોઈ, કંપનીના નિયમ મુજબ વીજ જોડાણ કાપી નાખવામાં આવેલ છે.
- (૩) અરજદારે ફોરમ સમક્ષ વીજબિલની ફરિયાદ કરેલ છે, પરંતુ સર્વિસમાં ખામી અંગેની કોઈ રજૂઆત કરેલ નથી, જેને રદ કરવા વિનંતી કરી.
- (૪) ફોરમ દ્વારા કરવામાં આવેલ હુકમ યોગ્ય હોઈ, અરજદારની દાદ સ્વીકારવાપાત્ર નથી.

::: ORDER :::

4.0. I have considered the written 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. This is case in which Appellant has raised grievance against Respondent as well as CGRF.

As per Para 2.2, Appellant has raised issue in relation with procedure not followed by CGRF. Appellant had not presented his contention before CGRF due to short period given to him to remain present before CGRF.

In all three times, intimation letter issued by CGRF prior to a week to appellant and due to that Appellant could not remain present due to either non-receipt of intimation letter of hearing or else.

Notification No.2 of 2011, Clause 2.41 and 2.42 speak as under:

2.41: Where the Complainant or the Licensee or their representative fails to appear before the Forum on the date fixed for hearing on more than two occasions, the Forum may decide the Grievance ex-parte.

2.42: No adjournment shall ordinarily be granted by the Forum unless sufficient cause is shown and the reasons for grant of adjournment have been recorded in writing by the Forum. The Forum may make an order as to the cost occasioned by the adjournment to be paid by the defaulting party to the non-defaulting party and/or to the Forum.

It is to note that after receipt of intimation letter dated 16.02.18, Appellant had not produced any correspondence made with CGRF regarding late receipt of intimation letter for hearing or with any other reason, hearing was not attended before CGRF. In fact, Convener, CGRF had issued three time notice to Appellant in the present case and later on grievance was decided ex-parte.

It is hereby noted that while functioning the work at CGRF, Convener has to observe that while issuing notice for hearing to parties sufficient time may be given, so that parties would get advance intimation for hearing. Intimation notice would also be issued to parties to their e-mail ID so that it can reach to parties in advance prior to hearing.

4.2. Appellant is an agriculture consumer of Respondent, having contracted load of 15 HP, under 'A-2' meter tariff. The connection was released on 06.01.15.

Consumer Ledger PRT-145, consumption data shown by Respondent is as per Para No. 3.5.

4.3. As per grievance filed by Appellant before Respondent vide letter dated 24.11.2017, Appellant had raised issues regarding (1) excessive energy bill of Rs. 18,163/- dated 21.11.17 and (2) on line complaint No.10192874 dated 21.11.17 and No.10202169 dated 23.11.17 filed before Respondent not attended.

On 08.12.17, grievance was filed before CGRF and the facts were stated that out of above mentioned two complaints, one complaint was closed by Respondent whereas another complaint was not resolved.

- Oral complaint to local authority of Respondent was made for change the line poles but it was not attended.
- Complaint was made for the bill dated 21.11.17 to reduce inflated bill amount of Rs.18,163/-.

4.4. Forum has decided the billing related issue of Appellant as per Para No. 3.3 of order of CGRF.

The issue concerned with billing needs to be focus here:

The agriculture connection was released by Respondent on 06.01.15. As per Consumer Ledger entry, consumption records are there, while as per copy of bills submitted by Appellant in Para No. 2.9, bill dated 08.07.2016 and 14.09.16 found locked bills. Consumption records of Appellant is not having any uniform pattern.

4.5. As per Para 3.4, Respondent had disconnected electric supply of Appellant on 07.02.18 due to non-payment of energy bill dated 21.11.17. Appellant had filed complaints before Respondent through on-line portal as mentioned in Para No.4.3, but complaints were not redressed by Respondent. Respondent should have corrected the mechanism for redressal of on-line complaints, which is the main cause of present subject issue.

In fact, written complaint dated 24.11.17 of Appellant regarding excessive energy bill was not attended by Respondent Deputy Engineer, Rapar sub-division.

4.6. On 07.02.18, Respondent has visited site of Appellant and observed as under as per Sheet No.2630.

Meter make: Genus. Sr.No.: PG569597.

Capacity: 10-60Amp. Meter reading: 045209.6 KWh.

031823.7 KVArh.

Meter MMB not sealed. Meter was not recording energy while removing cut-off of load side. Meter position was OK. Meter was removed in absence of Appellant and wrapped for further laboratory inspection.

- 4.7. In notice issued to Appellant by Respondent dated 15.02.18 to remain present in laboratory during inspection of meter on 17.02.18, 20.02.18 and 21.02.18, the time period given to remain present in Laboratory is very short as meter was removed from site in absence of Appellant. Notice served to Appellant and acknowledgement of the same is also not produced by Respondent. Respondent has not acted as per provisions of Supply code 2015 in reference to meter inspection at Laboratory in presence of Appellant specially in case of complaint of excessive energy bill and to ascertain the last reading of meter. A letter dated 15.02.18, draft made by Respondent is contrary to the action taken by Respondent on 07.02.18 i.e. disconnection of connection and removal of meter from site in absence of Appellant.
- 4.8. Respondent has retrieved meter MRI data on 22.02.18. As per billing data of meter MRI, energy parameters recorded as under:

Billing	Billing Reset No.	Active energy cumulative (KWh)	Apparent energy cumulative (KVAh)	Max. demand (KW)	MD KW Date & time
Current	-	45209.6800	55543.4900	17.060	06.02.18/04:30
Billing 1	31	44345.3350	54517.2250	16.140	07.01.18/06:00
Billing 2	30	40554.5050	50033.1950	21.940	14.12.17/12:00
Billing 3	29	36649.4250	45487.7100	21.480	09.11.17/21:00
Billing 4	28	32805.0300	41052.5750	21.220	31.10.17/00:30
Billing 5	27	28322.1700	35865.0150	21.580	18.09.17/04:00
Billing 6	26	25752.0650	32886.9050	21.240	05.08.17/13:30

Respondent has inspected and tested the meter at Laboratory and accuracy of meter recorded is 0.73% which is within permissible limit. From the above, it proves that energy has been recorded by meter as per consumption of Appellant. Maximum Demand was also recorded between 17.00KW to 21.94KW during the period 05.08.17 to 06.02.18. The grievance of Appellant of excessive energy bill dated 21.11.17 for the month of November,2017 is developed due to not proper and correct billing made by Respondent as per actual meter reading taken by Meter Reader. In such circumstances, records of meter MRI data

stands valid and amount of bill issued by Respondent is recoverable from Appellant.

- 4.9. On 07.02.18, disconnection order No.494 was issued by Respondent for connection No.38664/10321/6 mentioning that Appellant has not paid energy bills since last six months. On same day Respondent has disconnected agriculture connection of Appellant and removed meter from site.
- 4.10. Appellant has filed first complaint before Respondent and thereafter before CGRF for excessive energy bill for the month of November,2017, but it is surprising to note that meter reading/billing and excessive energy bill complaint is not properly dealt by Respondent as well as CGRF.

CGRF has received complaint dated 08.12.17 vide inward dated 13.12.17 and issued acknowledgement vide letter dated 06.01.18 to Appellant.

- 4.11. The complaint of excessive energy bill dated 21.11.17 was not attended as per schedule time period as per SOP Regulations. Disconnection of electric supply was made 07.02.2018 and meter was removed from site and ex-parte meter testing was conducted on 22.02.2018.
- 4.12. From the above it reveals that for whole issue of Appellant regarding billing, serious lacuna has been observed on part of Respondent level. Necessary action as per provisions of Supply Code 2015, relating to meter reading/billing/complaint redressal has not been followed by concerned staff of Respondent.

As per Para No. 4.8, meter accuracy was found in order and meter MRI data has confirmed the energy parameters for actual consumption. In such scenario, energy bills issued by Respondent is payable by Appellant.

Appellant has paid 33% amount of energy bill for filing the representation before Ombudsman. Therefore, remaining amount of energy bill is required to be paid by Appellant.

Appellant was remain absent during hearing all times, even though looking to the nature of grievance and principle of natural justice it feels that if Appellant is ready to pay the remaining amount of energy bill and give consent for making the payment in instalments, then electric supply of Appellant should be reconnected within 15 days of receipt of this order.

- 4.13. Respondent has not observed the Standard of Performance in relation with Billing & Meter Related Grievance of Appellant. Appellant has not asked any compensation but Respondent has made serious mistake in dealing with grievance of Appellant. Hence it would like that Appellant is eligible to get compensation on delay part of redressal of complaint in reference to SOP Regulation, 2005, Chapter X, Clause No.10.2, which reads as under:

“The licensee shall resolve a complaint about electricity bills regarding arithmetical errors or non-receipt or inadequate time for payment, on the same day if made in person and on the day of acknowledgement, if complaint is made by post. In other cases and also, where any additional information is required to be collected, the complaint shall be resolved within 10 days of receipt. If a site visit is required for collection of additional information, the complaint shall be resolved within 15 days.”

Complaint dated 24.11.2017 if looked into, it was required to be redressed within 15 days i.e. before 09.12.2017, but it was not redressed by Respondent within time limit and therefore Appellant has made grievance before CGRF and meantime electric supply of agriculture connection was disconnected on ground of non-payment of energy bill for last six months. Regarding consumer’s complaint dated 24.11.17, Respondent has not produced any documentary evidence regarding reply given to Appellant and due to that reason Appellant could have filed grievance before CGRF.

As per SOP Regulations, 2005, Chapter XIV, Clause No. 14.1(6) compensation in case of under performance speaks as under:

Responding to consumer’s complaint.	Rs.25/- for each day of delay subject to maximum of Rs.500/-
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Looking to the gravity of nature of grievance, Respondent is directed to give compensation of Rs. 500/- to Appellant within 60 days of receipt of order.

- 4.14. Respondent is directed to fix the responsibility of concerned in reference to above complaint and to take suitable punitive action against him so as to avoid the unnecessary dispute with consumer.
- 4.15. Regarding electric lines and pole related issue as raised by the Appellant, CGRF has not given any directives. Looking to the safety of human and animals and reliability of electric supply network, Respondent is directed to submit detail report after site verification jointly with Appellant and take necessary maintenance activities to avoid any accident and to maintain line work activities as per safety provisions, for supply of electricity.
- 4.16. I order accordingly.
- 4.17. No order as to costs.
- 4.18. With this order, representation/Application stands disposed of.

(Dilip Raval)
Electricity Ombudsman
Gujarat State

Ahmedabad.
Date: 03.07.2018.