

Before the  
**MAHARASHTRA ELECTRICITY REGULATORY COMMISSION**  
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**Case No. 7 of 2007**

In the matter of  
**Complaint filed by Shri. Robby C. Sakhare under Section 142 of the Electricity Act, 2003 against the Maharashtra State Electricity Distribution Company Limited for non-compliance of the order dated August 25, 2006 passed by the Electricity Ombudsman in Representation No. 34 of 2006**

**Dr. Pramod Deo, Chairman**  
**Shri. A. Velayutham, Member**

**ORDER**

**Dated: September 28, 2007**

Shri. Robby C. Sakhare (“**the Complainant**”) had filed a representation before the Commission in the nature of a complaint on January 12, 2007 under Section 142 of the Electricity Act, 2003 (“**EA 2003**”) against the Maharashtra State Electricity Distribution Company Limited (“**MSEDCL**”) for their alleged willful neglect to comply with the directions issued by the Electricity Ombudsman vide order dated August 25, 2006 passed in Representation No. 34 of 2006. On scrutiny, the Complainant was asked to resubmit his filing in accordance with the requirements of the MERC (Conduct of Business) Regulations, 2004 (“**CBR**”). Thereafter, the Complainant filed his complaint before the Commission on April 23, 2007 in accordance with the CBR.

2. The case of the Complainant is that Shri. Chandrabhan Ramji Sakhare (father of the Complainant) had filed a representation before the Electricity Ombudsman (Representation No. 34 of 2006 - *Shri. Chandrabhan Ramji Sakhare vs. MSEDCL- Civil Lines Division, NUC, Nagpur* - in the matter of erroneous bills and disconnection of electricity) against an order dated May 22, 2006 passed by the Consumer Grievance Redressal Forum, Nagpur in Case No. CGRF(NUZ)/0126/2006, wherein, admission of Grievance under Regulation 6.6 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum and Electricity Ombudsman) Regulations, 2006 (“**CGRF Regulations**”) was rejected on grounds of limitation. On hearing the case, the Electricity Ombudsman passed an order on August 25, 2006 and observed thereunder that though “*the Forum cannot be faulted for its decision if viewed alone on the basis of the Regulation 6.6*” the delay in filing the grievance being only for 5 days on one hand, and

the “*apparent glaring lapses*” of MSEDCL being voluminous on the other hand, it would be judicious to “*consider the matter on its merit instead of going into more technicalities of the Regulations*” and uphold the principles of natural justice. It was further observed therein that the representation as filed discloses a two-fold grievance of (i) continuous over billing from March 1998 to November 1999 and (ii) wrongful disconnection of supply in March 2004 without prior notice, which is mandatory as per Section 56 of the EA 2003. Relevant extracts from the order dated August 25, 2006 are reproduced below:

“3. *The Appellant is aggrieved with the series of erroneous bills raised by the Respondent and the wrongful disconnection of electricity to his premises causing him mental and physical harassment and tension. To make his point, he requested to check up the facts and figures of energy consumption and the bills as displayed in the Consumer’s Personal Ledger for the entire old periods from the year 1997. It is alleged that despite regular monthly payments, the Respondent presented a bill of Rs. 2586/- for March, 1998. He cited series of such erratic bills raised thereafter by the Respondent showing the arrears mounting to Rs. 23317/-, Rs, 38347/-, etc. This is erroneous and abnormal in the light of the fact that he has only two room premises, having a total load of 0.3kw.*

4. *The representation further says that the Respondent continued to neglect his request of correcting the bills. Finally, he stopped making payments from September, 2001 onwards. The Respondent continued to show arrears and finally disconnected electricity supply in March, 2004 without giving any notice, causing sufferings and loss.*

5. *In view of the above, the Appellant prays that the Respondent be directed to correct the wrong bills over a period of time up to the date of disconnection and reconnect the supply to save him from further harassment.*

6. *The Respondent, in its short reply, filed on 19th July, 2006 submits that the Appellant had requested for correction of bills, on 10th February, 2006 and 22nd February, 2006. On verification of the Consumer’s Personal Ledger, the consumer was asked to pay arrears of Rs. 21640.87 outstanding against him. The Respondent conceded having issued wrong bills between March, 1998 and September, 1998, between January, 1999 and May, 1999, and again between July, 1999 and March, 2000. It says that credits were subsequently given to the consumer for the above periods. Considering the above, the Appellant is now required to pay Rs. 21640.87. The Respondent did not furnish details of month wise consumption, payments made by the Appellant and explanation for issue of erratic bills.*

.....

10.....There were several mistakes in the bills raised during that period. As such, credit for 10578 units was given, leaving the net units to be charged as 4268 upto January, 2000. As regards, the disconnection of electricity in March, 2004, the Respondent conceded that it was done without any notice.

11. ....Written submissions and arguments during the hearings reveal that on several instances, the Respondent had indeed billed the consumer without any basis and without any proper readings taken. It is on record that the consumer had a mere 0.30 kw load in his two room premises. Therefore, raising the bills and arrears, which run into thousands of rupees, had no basis or logic. Prima facie, the Respondent had erred on several occasions to bill the Appellant wrongly and erratically. Over billing during the period from March, 1998 and upto December, 1999 and the resultant arrears were carried forward until March, 2004. This finally culminated in disconnection of electricity to the Appellant's premises, without any notice.

.....

16. While on merits, it is seen from the Consumer's Personal Ledger, that the consumer's meter shows a reading of 9915 in September, 1997. The same reading continued to be shown in the bill of November, 1997 and January, 1998. The bill issued in the month of March, 1998, i.e. for consumption of energy for two months upto the meter reading taken in March, 1998, however, indicates a reading of 2555 units, clearly as an overflow reading beyond 10000 units. It is, thus, clear that the Respondent did not record the correct readings for several months until the meter crossed the figure of 10000. It is on record that the Appellant has made regular payments for the earlier bills in August, October and December, 1997, before the overflow reading of the meter is indicated. Bills were raised, may be on some average basis prior to January, 1998 and were paid by the consumer from time to time. Therefore, there can be no arrears left as on the date of payment in January, 1998. The Respondent, therefore, has no right and reason to claim any arrears prior to January, 1998 bill. If for any reason, the Respondent did not read the meter prior to this period and continued to bill on some other basis, it is not a fault of the consumer especially when the consumer has paid such bills, regularly.

17. Over flow of the meter beyond the reading of 10000 appears to have happened sometime prior to March, 1998 and some reading after over flow was recorded in the bill of March, 1998. Consumer's Personal Ledger, however, shows that the Respondent has also not bothered to read the meter even thereafter, properly, which is evident from the erratic readings shown in the Consumer's Personal Ledger. This continued until the end of November, 1999 when this meter was finally replaced with a final closing reading of 3904 units. Despite replacement of the meter at the end of November, 1999, wrong billing continued on the incorrect reading of the old meter and shown in the billing month of January, 2000. This needs to be corrected. The interim erratic readings,

such as 3511 in July, 1998 followed by 937 in September, 1998, 4594 in March, 1999 until July, 1999 and again reducing to 2554 in September, 1999 and 2874 in November, 1999 clearly show that the readings recorded in the Consumer's Personal Ledger for these periods are absurd.

18. Now, the Respondent, by its letter dated 8th August, 2006 has confirmed that the final reading upon removal of this meter was 3904 at the end of November, 1999 since there is no dispute about the readings recorded by the new meter replaced after this, it is not necessary to go beyond this consumption period. The inference clearly would be that the consumer has used total 3904 units upto November, 1999 from March, 1998 when the dispute about the billing and payments started. The Consumer is, therefore, reasonably liable and expected to pay for this consumption although the interim readings till the meter replacement were evidently wrong. During this period, the Appellant has reportedly paid Rs. 6300/- on various occasions as mentioned below:

<u>Month</u>	<u>Amount paid</u>
a) May, 1998	Rs. 700/-
b) December, 1998	Rs. 800/-
c) May, 1999	Rs. 800/-
d) <u>September, 2001</u>	<u>Rs. 4000/-</u>
TOTAL	Rs. 6300/-

19. The Respondent during the hearing confirmed the above payments. In view of this it can be reasonably concluded that the Appellant is required to pay for 3904 energy units from March, 1998 onwards till the meter was replaced at the end of November, 1999. The consumption being over a period of time, the Respondent should rework out the bills for this period by giving a slab benefit to the consumer. Payment of Rs. 6300/- as detailed above, should be adjusted against these bills and the necessary net bill raised after verification of the details. Bills raised and shown in the Consumer's Personal Ledger during this period, being on absurd basis, need to be struck down.

20. Another important point raised by the Appellant relates to the illegal disconnection of electricity to his premises in March, 2004. The Respondent was asked to show whether and if any notice was issued to the consumer before effecting the disconnection. During both the hearings, the Respondent confessed that no such notice was given nor there is any, on record. Therefore, the Act of disconnection renders patently illegal in terms of provision under Section 56 (1) of the Electricity Act, 2003. This has caused avoidable hardship and harassment to the Appellant. The Respondent is directed to pay the compensation of Rs. 2000/- for its act of illegal disconnection. The Respondent is directed to work out

*the revised bills accordingly and take necessary action on reconnection of electricity to the premises of the consumer.*

**ORDER**

1. *Compensation of Rs. 2000/- is awarded for illegal disconnection of electricity as elaborated in the preceding paragraphs. Respondent is directed to pay the compensation by credit in the bill as on the date of disconnection and reconnect the supply of electricity within 15 days hereof.*
2. *Electricity bills issued to the Appellant from the billing month of March, 1998 are hereby quashed. The Respondent is directed to carry out rebilling from March, 1998 based on consumption of 3904 units from March 1998 till replacement of meter in November, 1999 uniformly spread over, giving slab benefit in tariff and thereafter only on actual units consumed as recorded by the new meter. Payments made by the Appellant shall be adjusted against the bills as on the dates of receipt of the payments. No delayed payment charge and interest shall be levied until rebilling and issue of the final bill.*
3. *The Representation is disposed off with above directions. Compliance shall be reported within 30 days hereof.”*

3. It has been averred in the complaint that MSEDCL failed or neglected to comply with the said order dated August 25, 2006 passed by the Electricity Ombudsman despite the Complainant making repeated written reminders and requests, in the midst of agony and suffering caused on account of MSEDCL not reconnecting supply of electricity. The grievances of the Complainant in this regard are as follows:

- (i) Reconnection was delayed by 12 days despite improved network communicating systems that have been employed by MSEDCL.
- (ii) Rebilling was delayed by 15 days and further, has been erroneous and in defiance of the order of the Electricity Ombudsman dated August 25, 2006. While MSEDCL have been “*directed to carry out rebilling from March, 1998 based on consumption of 3904 units from March 1998 till replacement of meter in November, 1999*” MSEDCL have calculated the consumption for an additional 84 units over and above the 3904 units and later for an additional 197 units over and above the 3904 units, and even charged for units consumed before March 1998.
- (iii) MSEDCL have, in effect, not quashed the earlier bills issued from March 1998.
- (iv) Issuance of billing statements has been delayed by 82 days.
- (v) While carrying out rebilling from March 1998 based on consumption of 3904 units from March 1998 till replacement of meter in November 1999

uniformly spread over, MSEDCL have not provided any “*slab benefit in tariff*”. Computation has been further faulty as the same has been done on a lumpsum 4197 units and not as per “*actual units consumed as recorded by the new meter*”.

- (vi) The final amount after the rebilling exercise should have been Rs. 10,848.28/-. Considering the adjustments as per the order dated August 25, 2006, the same should have been Rs. 12,279/-. MSEDCL have erroneously and wrongfully worked out the said figure at Rs. 20,140/- (Rs. 11,840/- + Rs. 6,300/- + Rs. 2000/-). Thus, amounts of Rs. 6,300/- (towards payments already made) and Rs. 2000/- (compensation) have not been deducted as per the clear directions under the Electricity Ombudsman’s order dated August 25, 2006.
- (vii) MSEDCL have arbitrarily levied a charge of Rs. 660/- @Rs. 20/- per month towards the incidence of permanent disconnection subsisting from February, 2004 to October, 2006 (33 months), while calculating costs towards reconnection. Levy of this charge has no sanctity under the Electricity Ombudsman’s order dated August 25, 2006. In an order dated December 21, 2006 passed by the Electricity Ombudsman in Representation No. 70 of 2006 – [*Shri. Chandrabhan Ramji Sakhare vs. MSEDCL- Civil Lines Division, NUC, Nagpur* - in the matter of Compensation for Loss, Agony and Damages], it was observed that MSEDCL failed to “*justify as to how the fixed charges of Rs. 20 per month were levied as the disconnection effected in March, 2004, was held illegal by the Electricity Ombudsman’s order*” dated August 25, 2006.
- (viii) MSEDCL have charged for units of consumption at Rs. 0.70/- instead of Rs. 0.60/- for the first 30 units, Rs. 0.84/- instead of Rs. 0.60/- for the first 50 units and at Rs. 2.70/- for the following 50 unit-blocks instead of Rs. 1.70/-.
- (ix) MSEDCL has wrongfully charged FOCA, FCA, ED, MR and fixed charges while calculating the rebilling amounts.
- (x) No efforts were taken by MSEDCL to rectify the erroneous bills, e.g. the bill issued on February 4, 2007 which required the payment of Rs.29,900/-. These bills failed to reflect the actual consumption undertaken by the Complainant who is on a single-phase supply with total load of 0.3 kW.
- (xi) MSEDCL have illegally threatened the Complainant that reconnection will be made only if payments as per bills issued by MSEDCL post the order of the Electricity Ombudsman dated August 25, 2006 is made. It has been contended by the Complainant that the disconnection of supply in March 2004 itself has been unlawful since prior notice in terms of Section 56 of the EA 2003, was not issued to the Complainant. While written correspondence was made to MSEDCL vide letters dated February 17 and 28, 2007, March 3, 2007 and April 12, 2007, and on several other

occasions, MSEDCL have not taken steps in terms of the Electricity Ombudsman's order dated August 25, 2006. MSEDCL have on the contrary, again disconnected supply on April 12, 2007 to the detriment of the Complainant, his wife and children who have been thereby forced to withstand the summer season without electricity.

The prayers sought by the Complainant under the present complaint read as under:

*“It is most humbly prayed before your Honour that the strict penal action may please be taken against licensee for violation of the law (a) by contravening hon'ble ombudsman order the essential penal action for 23 contravenes mentioned above under section 142 and section 149 (b) penal action for the protection of consumer, standard of performance be maintained by penal action under section 57(1), (2) and section 59(1) (a) & (b) and most humble request to take penal action against (c) violation of settled law section 56(1)(b) and section 56(2) which caused lot of damage to common people, prestigious people and the same penal action mention above (a),(b),(c) may please be awarded as relief compensation to complainant applicant according to electricity act 2003.”*

4. MSEDCL were asked, vide the Commission's letter dated January 17, 2007 (copies of which were sent to the Complainant, the Chief Engineer-MSEDCL, Nagpur and the Executive Engineer-MSEDCL, Nagpur), to submit comments and/or clarifications on the complaint as filed, by January 30, 2007 under intimation to the Complainant. Under letter dated January 24, 2007 bearing ref. no. NUC/EE/CLDN/TECH/434, submitted on February 5, 2007, the Executive Engineer-MSEDCL, Nagpur submitted necessary documents revealing the status on the issues raised by the Complainant, and submitted *inter alia* that (i) the Complainant had initiated proceedings before the Electricity Ombudsman [Representation No. 70 of 2006] in the nature of review of the order dated August 25, 2006, on which final order has been passed on December 21, 2006; (ii) as per the said order dated December 21, 2006, revised bill has been issued to the Complainant under letter dated January 16, 2007 and compliance report has been intimated to the Electricity Ombudsman vide letter dated January 17, 2007. On April 2, 2007, under letter dated March 23, 2007 bearing ref. no. NUC/EE/CL Dn./Rev/1454, the Executive Engineer-MSEDCL, Civil Lines Division, Nagpur, submitted written submissions in response to the letter of the Commission dated January 17, 2007. Further, on May 14, 2007, under letter dated May 12, 2007, bearing ref. no. SE/NUC/Tech/MERC176, the Superintending Engineer-MSEDCL, Nagpur Urban Circle, filed additional affidavit-in-reply together with a copy of the last mentioned written submissions. A summary of the overall submissions and contentions arising out of the said counter pleadings of MSEDCL is as hereunder:

- (i) The Complainant does not have any *locus standi* to initiate the present proceedings before the Commission as the electric connection bearing Consumer No. 410011090463 is in the name of Shri. Chandrabhan Ramji Sakhare.
- (ii) The complaint at the outset is devoid of merits and records only frivolous and vexatious allegations against MSEDCL. The issues raised by the Complainant are full of sound and fury with intent to avoid the legal liability in making payments as per meter readings recorded in the new meter that was installed in December 1999; as required under bills revised in terms of the order passed by the Electricity Ombudsman on December 21, 2006 in Representation No. 70 of 2006; and for subsequent consumption of electricity from September 21, 2006 on which day reconnection of supply was made.
- (iii) So far as delay is concerned in providing reconnection of supply, issuance of fresh bills and billing statements, MSEDCL should not be held liable for non-compliance. The order of the Electricity Ombudsman dated August 25, 2006 was received by the divisional office of MSEDCL on or around September 13, 2006 which was communicated to the Executive Engineer-MSEDCL, Civil Lines Division, Nagpur Urban Zone, on September 15, 2006. Further, the delay should be condoned keeping in view the nature of calculations which the order dated August 25, 2006 necessitated.
- (iv) The error in calculating 85 units over and above 3904 units, the only substantial issue in question that was in the Representation No. 70 of 2006, has been admitted as their unfortunate misinterpretation of the order dated August 25, 2006. However, MSEDCL have made good the defect through strict compliance to the order dated December 21, 2006 passed in Representation No. 70 of 2006. In terms of the annexures appended under letter dated March 23, 2007 bearing ref. no. NUC/EE/CL Dn./Rev/1454, submitted by the Executive Engineer-MSEDCL, Civil Lines Division, Nagpur, on April 2, 2007, it has been contended that the amount which is payable by the Complainant considering the directions issued under the orders passed by the Electricity Ombudsman on August 25, 2006 and December 21, 2006 in Representation No.s 34 and 70 of 2006 respectively, and further considering actual consumption of 5037 units recorded in the new meter (installed in December 1999) upto March 2004 (when disconnection was effected), is Rs. 13,351.82/-, as worked out by MSEDCL. A bill to that effect has been issued to the Complainant under letter dated February 15, 2007 in lieu whereof payment was required to be made by the Complainant within 15 days. While there has been an outright disobedience in making payments as called for, the Complainant has been repeatedly making frivolous written representations seeking revisions in this last mentioned bill, coupled with untenable accusations of non-compliance of the orders of the Electricity Ombudsman. This has led to the Complainant initiating the present proceedings. The grievances and disputes raised under the present proceedings are in repetition to the ones raised before the Electricity Ombudsman, and are substantially an after-thought.
- (v) The accusations of the Complainant in relation to MSEDCL considering 197 units over and above 3904 units in the exercise of revised rebilling, and that of

MSEDCL computing consumption charges based on wrong tariff, are false and should be rejected.

- (vi) MSEDCL has never charged a fixed amount of Rs. 20/- per month during the period when electricity connection to the Complainant was under permanent disconnection and it is denied that an amount of Rs. 660/- has been charged to the Complainant.

5. An admissibility hearing in the matter was scheduled for May 15, 2007. On May 15, 2007, the Complainant was present in person. Shri. A.M. Quazi, Counsel, appeared on behalf of MSEDCL. The Commission observed that the Complainant has not received copies of the counter pleadings submitted by MSEDCL, though MSEDCL submitted that the same have been served upon the Complainant. The Commission directed MSEDCL to re-effect service of counter pleadings upon the Complainant and adjourned the matter. The admissibility hearing in the matter was subsequently conducted on June 12, 2007 on which day the Complainant was present in person along with his wife, Smt. Rohini Sakhare. Shri. A.M. Quazi, Counsel, appeared on behalf of MSEDCL. Shri. S.L. Patil, Thane Belapur Industries Association, a consumer representative, was present. The Complainant submitted that his family has been suffering agony in the hands of MSEDCL continuously for a period of 10 years. Shri. Quazi submitted that the present complaint should be rejected in view of review proceedings initiated by the Complainant before the Electricity Ombudsman under Representation No. 70 of 2006. MSEDCL cannot be held for non-compliance of an order for which review has been sought for by the Complainant. It was further submitted by Counsel that the Complainant should have taken reasonable care and done his side of equities before initiating proceedings under Section 142 of the EA 2003. Per contra, the Complainant took strong objection to the said submissions of Counsel so far as a co-relation has been contended between proceedings initiated under Representation No. 34 of 2006 with proceedings initiated under Representation No. 70 of 2006. It was submitted by the Complainant that Representation No. 70 of 2006 has been initiated solely seeking damages as against the loss and agony that the Complainant has endured.

6. Having considered the material placed on record and the counter arguments advanced by both the parties, the Commission is of the view that the complaint filed by the present Complainant needs to be considered in detail as against the contentions of the Respondents on factual issues. The sole issue that is relevant in view of the Commission to examine is whether the Respondents have indeed not willfully complied with the Electricity Ombudsman's order dated August 25, 2006 passed in Representation No. 34 of 2006. The Commission further observes that under the present proceedings, various issues of fact raised by the Complainant have been refuted by MSEDCL and various issues of fact raised by MSEDCL have been refuted by the Complainant. While the Complainant has contended that MSEDCL, while calculating outstanding amounts for reconnection, has charged fixed charges at Rs. 20/- per month in lieu of permanent disconnection for 33 months (amounting to Rs. 660/-), MSEDCL has refuted the said submission. Similarly, the Complainant has refuted the contention of MSEDCL that due

compliance of the Electricity Ombudsman's order dated August 25, 2006 have been effected post the passing of the order dated December 21, 2006. Apart from the aforesaid observation with respect to one party refuting the submissions of the other party, so far as factual issues are concerned, the Commission is of the further view that the accuracy of the revised bill dated January 16, 2007 raised by MSEDCL for an amount of Rs. 13,351.82/- is another vital issue of concern. Although, counter arguments have been made against each other by both the parties regarding the compliance of the said order, the Commission finds that the Electricity Ombudsman did go into the issue of non-compliance of the said order as the Complainant alleged vide his letter dated October 15, 2006 filed before the Electricity Ombudsman. While disposing of the contentions raised under the said letter dated October 15, 2006 by an order dated December 21, 2006 (Review Application No. 70 of 2006), the Electricity Ombudsman did examine the issue of non-compliance of its order dated August 25, 2006. The specific findings on this aspect are provided under paragraphs 9 and 14 of the said order dated December 21, 2006 which reads as follows:

*“9. On the point of non compliance as alleged by the Appellant, the Respondent clarified that instead of calculating the bills from March, 1998 to November, 1999, it was done up to March, 2000 and for 4186 units instead of 3904 units as contained in the Electricity Ombudsman's order. He conceded that the said order covers a disputed period from March, 1998 to November, 1999 and not beyond. The Respondent further conceded that the Order does not authorize the Respondent to levy any charge for energy prior to March, 1998. He could not justify as to how the fixed charges of Rs. 20 per month were levied as the disconnection effected in March, 2004, was held illegal by the Electricity Ombudsman's order.*

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*14. On the issue of non compliance of the Electricity Ombudsman's Order, as alleged by the Appellant, a brief look at the issue was taken during the hearing. The Respondent conceded that it ought to have worked out the bills strictly as per the Order. It was also made clear to the Respondent that the Order does not authorize recovery of any charges (85 units shown by the Respondent) prior to March, 1998. He was advised to adhere to billing, strictly as per the Order so that the Appellant should not be required to move a process for non compliance of the Order as prescribed under the Electricity Act, 2003. The Respondent acknowledged that bills beyond November, 1999 have been raised as per the consumption recorded by the meter without levying any delayed payment charges and interest. In view of this, no separate direction is required to be issued for compliance at this stage as the Respondent is duty bound to do so.”*

The aforesaid findings made by the Electricity Ombudsman and the recordal of the Respondent conceding that the steps taken by the Respondents were in non-conformance and non-compliance of the order dated August 25, 2006, leaves no ambiguity or doubt as to the fact that the Respondents have indeed not complied with the directions given in the aforesaid order dated August 25, 2006 passed by the Electricity Ombudsman. However, in the present proceedings, the Respondents have submitted that as per the said order dated December 21, 2006, revised bill has been issued to the Complainant under letter dated January 16, 2007 and compliance report has been intimated to the Electricity Ombudsman vide letter dated January 17, 2007.

7. While scrutinizing the electricity bills raised by MSEDCL (then MSEB) on Shri. Sakhare for the period March 1998 – November 1999, following incidences of over-charging were observed by the Commission:

For the above-mentioned period, the following tariff Orders of MSEDCL (the erstwhile MSEB) are applicable:

March 98 to 31 August 98	MSEB Tariff Order, PR-3/R1/No 15336 of 1 April 1997
1 Sept 98 to 4 <sup>th</sup> May 2000	MSEB tariff Order of 1 <sup>st</sup> Sept 1998

- a) It has been observed that MSEDCL (then MSEB) had applied the tariff Order dated 1<sup>st</sup> September 1998 for bill of the month August 1998 (as the same was clubbed with September 1998 bill)
- b) Although the billing period was 21 months, the Meter rent was charged for 23 months, instead of 21 months (March 1998 – Nov 1999), and that at a flat rate of Rs 14/- per month, instead of the correct applicable rates under the respective tariff orders.

The errors were brought to the notice of MSEDCL, whereupon, MSEDCL has vide their letter dated SE/ NUC/ Tech/MERC/R Sakhare/ 4848 dated 31-07-2007 admitted to the overcharging as above and assured to give the credit of the overcharged amount to Shri. Sakhare in his bill of August 2007.

8. It is, therefore, seen from the above that MSEDCL have, in their clarifications, admitted that there has been an anomaly in the revision of bills pursuant to Electricity Ombudsman's order dated August 25, 2006 read with order dated December 21, 2006. However, MSEDCL has assured to give the credit of the overcharged amount to Shri. Sakhare in his bill of August 2007. In view of the aforesaid assurance on the part of MSEDCL it is not necessary to penalize MSEDCL by invoking the provisions of Section 142 of the EA 2003 and, accordingly, no penalty is being imposed on MSEDCL. At the same time, in view of the negligence on the part of MSEDCL, the Commission is of the view that the present Complaint is a fit case to award costs to the Complainant for the purpose of meeting the expenses of litigation and having regard to the equities of the situation and in the circumstances of the case. It would also be necessary to prevent the

abuse of the process of the Commission and to secure ends of justice. The costs will instill a correctional responsibility on MSEDCL. The Commission therefore directs that MSEDCL shall pay costs, which have been quantified at Rs. 10,000/- to the Complainant. The costs shall be paid within thirty (30) days from the date of this Order and MSEDCL shall produce proof of payment to the Commission. In the passing, the Commission observes that the incidences of over-charging on consumers reflect on the inefficiency of MSEDCL and poor management. MSEDCL must take immediate steps to streamline their billing practices and avoid being negligent.

The Complaint filed by Shri. Robby C. Sakhare is disposed of in terms of the above directions.

Sd/-  
(A. Velayutham)  
Member

Sd/-  
(Dr. Pramod Deo)  
Chairman

(P.B. Patil)  
Secretary, MERC