

BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM
NAGPUR ZONE-RURAL, M. S. E.D.C.L.NAGPUR.

Application/Case No. CGRF/NZ/Rural/ 6 of 2006

Applicant : Shri Neminath Eknath Pinjarkar ,
Kejaji Chowk, Gond Plot, Wardha-442001.
-- VS --
Non-applicant. : 1.Executive Engineer/Nodal Officer
Internal Grievance Redressed Unit, Circle Office,
M.S.E.D.C.L., Wardha.
2.Exe.Engineer, CC O&M Dn. MSETCL,Wardha..
Presence : 1.Shri N.J.Ramteke,Chairman
2.Shri M.G.Deodhar,Member
3.Shri M.S.Shrisat, Member/Secy.
Appearance. : 1. Shri N.E.Pinjarkar, Applicant .
2. Shri D.K.Choudhary, Exe.Engr./N.O.
3. Shri S.M.Gadhe, Dy.E.E. Urban Sub/Dn.
MSEDCL, Wardha.(Non-applicants.)

ORDER

(Passed this 16th day of August,2005)
(Per Shri N.J.Ramteke, CHAIRMAN)

Applicant presented an application in schedule 'A' under Regulation 6.3 of MERC (CGRF&O) Regulations, 2003 (hereinafter called the Regulations) for redressal of his grievance as mentioned in the application and enclosed papers . Applicant had made an application in form "X" to the Internal Grievance Redressed Unit, Wardha (for short, Unit) on 5.5.2005. It was received by the non-applicants and acknowledgement was given . Applicant did not receive any reply from the non-applicants and, therefore, he approached this Forum for redressal of his grievance. Applicant can approach the Forum constituted in Chapter II of the Regulations, if the D.L. fails to send any reply to consumer on expiry of two months. The consumer can also make an application in form "A" to the Forum if he is not satisfied by the reply of the D.L. In the present case the non-applicants failed to given any reply though a period of two months expired.

The facts in brief in this case are that applicant is the electricity consumer of the MSEDCL. His consumer number if 390010126218 and meter Number 10261978. He is a retired Govt. servant resident of Subhash Chowk, Gond Plot, Wardha. Applicant received a bill of Rs. 2000/- on 8.8.91. He was in arrears of Rs. 1690.68. The D.L. permanently disconnected his electricity supply on 19.2.191. He made the payment of arrears on 7.8.91 and paid Rs. 12/- as reconnection charges on 7.8.91 vide receipt No. 449547. His electric supply was restored but it did not come on the record of the D.L. and, therefore, he did not receive the electricity energy charges bill for subsequent period. The D.L. issued him a provisional bill of Rs. 90,000/-, showing last date of payment as 7/10/2004. Subsequently, the D.L. issued him a revised bill of Rs. 62,630/- , showing last date of payment as 15.2.2005. Before that the D.L. issued him a provisional bill of Rs. 10,000/- as instalment , showing last date of payment as 9.11.2004. Applicant served a notice through his Advocate on 1.10.04 to the D.L. , challenging the bill of Rs. 10000/- One citizen complained (an anonymous, complaint.) to the E.E. , MSEDCL, Wardha about unauthorized use of electricity by Applicant.

The main contention of Applicant is that a provisional electricity bill of Rs. 10,000/- is not acceptable to him, without showing units of consumption. He made many oral complaints to the non-applicants about non-receipt of the bills by him though there was a regular meter reading by the staff of the D.L. The non-applicants without information and without issuing average bill for last six months all of a sudden disconnected the electricity supply on 19.1.05. Subsequent bill of Rs. 62,630 /- is not correct as the previous bill was of Rs. 90,000/-. He had also made a complaint to the S.E.,MSEDCL,Wardha on 14.3.05 with a request to keep his grievance before the Grievance committee. But unfortunately he received no notice from the S.E.,Wardha about the hearing. The S.E. advised him to approach Shri Choudhary, E.E. by submitting his grievance in form "X" Shri Choudhary instead of keeping the matter before the Grievance Committee spoke with the complainant in arrogant manner and told him that he would send the notice and keep the matter as per his choice. He made the prayer in the detailed statement enclosed with form "A" that non-applicants have no legal right to demand the time barred bill for more than 13 year and direct the non-applicants to reconnect his electric supply forthwith by installation of meter, removed by the non-applicants. He also demanded Rs. 15,000/0 towards physical and mental agony suffered by him and loss of study of his son. He also demanded a cost of Rs. 1500/- and any other relief deemed by the Forum. Applicant wants relief u/s 56(2) of the electricity Act, 2003 as action of the non-applicants is contrary to this section. .

The copies of the grievance application in form "A" alongwith the set of papers as enclosed by the Applicant, were sent to the E.E.(NA) AND Nodal Officer as required under Regulation 6.7 of the Regulations. On receipt of the grievance application, the case was duly registered, acknowledgement was given and letter dated 13.7.05 was sent to the Non-applicants for their parawise comments as required under Regulation 6.8 of the Regulations.

The non-applicants furnished the parawise comments vide their letter dated 22.7.05 and the copy of the same alongwith the enclosed papers as submitted by the non-applicants , was sent to applicant. Notices under Regulation 6.9 of the Regulations were sent to both the parties for hearing.

The parties were present before the Forum for hearing on 8.8.05 . The Forum heard both the parties and gave them fair and reasonable opportunity of hearing for submission of their respective cases. Applicant also submitted a note of his submissions dated 8.8.05 at the time of hearing and the copy of the same was given to the non-applicants.

The main contention of the non-applicants is that the electricity supply was permanently disconnected on 19.2.91 due to non-payment of outstanding bill of Rs. 3690/- . Applicant made the part payment of Rs. 2000/- on 7.8.91 and restoration connection charges Rs. 12/- . The supply was reconnected on 7.8.91 . But due to non-receipt of necessary reconnection report by the then Section Incharge the said consumer could not be made live by feeding necessary documents. Applicant also never approached the billing unit for bills and neither gave any written application in this regard. In August,03 the sectional Incharge noticed about unbilled consumer and informed the billing section with meter bills and reading for issue of bill. Hence a provisional bill of Rs. 90,000/- was issued on 1.10.04 . The claim of applicant for relief in light of the provisions under Section 56 of the then Electricity Act, 2003 is not acceptable to the non-applicants . The non-applicants further contended that as per actual consumption by Applicant bill for 168 months was given as Rs. 62,630/- with instalment bill of Rs. 10,000/- dated 9.11.04. Due to non-payment of bill, supply was temporarily disconnected in the month of Jan,05 and after issue of notice supply was permanently disconnected on 19.1.05 . The DY.E.E., MSEDCL, Urban Sub-Dn, Wardha was authorized to submit the parawise comments by the E.E.(NA) under authority letter dated

5.8.05 . Thus , the parawise comments are signed by Shri Gadhe, DY.E.E. O&M Sub/Dn.(U) Wardha.

At the time of hearing, Shri Gadhe made his submissions on behalf of the non-applicants . Shri D.K.Choudhary, E.E.(NO) was also present. Shri Gadhe did not make any comments on para No. 11, 12 and 14 as it pertains to Consumer Grievance Redressed Unit, Circle Office, Wardha.

On hearing both the parties and perusal of the record , the forum noticed with great surprise certain facts. The consumer did not receive the bill of electricity charges from 1991 to 2004 though he was actually in use of electricity. The bill of Rs. 90,000/- does not show the period and the units. It is only a provisional bill. The subsequent bill of Rs. 62,630/- also do not show the period but only speaks about the current reading of October,04 . The then Dy.E.E.(U) Sub-Dn., MSEDCL, Wardha under his letter dated 12.10.04 addressed to Advocate Kurzadkar clearly admitted that he did not receive the report about the reconnection of supply and, therefore, bills were not issued to Applicant . It means the non-applicants slept over the papers for continuously 13 years (168 months) at the loss of their employer, namely, M.S.E.D.C.L.

The Forum also noticed with great surprise that the Internal Grievance Redressed Unit did not take any action on the grievance application in Form"X" though it was received in their office on 5.5.05 . During the course of hearing Shri Choudhary, E.E. (Incharge of IGRU) informed the Forum that notice of hearing was issued to Applicant on 30.6.05 . It means , the non-applicants kept silent for 55 days . Even for the sake of arguments, the notice was issued on 30.6.05 (expiry of 2 months) Shri Choudhary could not show any document about registration of the case and the proceedings of Unit, if any. The last sentence in para No.10 of the parawise comments dt. 22.7.05 shows a glaring negligence on the part of the non-applicants as there is no coordination between the DY.E.E. , E.E. and the Nodal Officer. It reads, "para No. 11, 12 and 14 pertains to Consumer Grievance Redressed Unit, Circle Office, Wardha".

The Applicant wants the benefit and shelter as provided under Section 56 of the Electricity Act, 2003. It has been specifically laid down under sub/section 2 of Section 56 of this Act, " Notwithstanding anything contained in any other law for the time being in force, no sum due from any consumer, under this section shall be recoverable after the period of two years from the date when such sum became first due unless such sum has been shown continuously as recoverable las arrears of charges for electricity supplied and the licensee shall not cut off the supply of the electricity". The provisions under this sub-section are clear and specific. No sum due from any consumer is recoverable after a period of two years from the date when such sum became first due unless such sum has been shown continuously as recoverable as arrears. In this case no bills from 1991 to 2004 were issued to Applicant . The non-applicants awoked in 2004 and issued the bills las mentioned above of Rs. 90,000/- and revised bill of Rs. 62,630/- . who is responsible for this glaring default, dereliction of duty and negligence? It is quite apparent that the concerned officers of the MSEDCL who were working during this period of 13 years are certainly responsible and accountable for this loss caused to the D.L. It is not understood and beyond imanination that Applicant was consuming the electricity but was not receiving the bills though there was a regular meter reading for the mistake as reconnection report was not received in the concerned section. shri Gadhe , DY.E.E. presented a letter dated 22.7.05 (Record page 36) that he joined in sub-dn. Urban , Wardha on Feb,04 . He is not responsible for non-issuance of energy bill for the period of Aug,1991 to Feb,2004 . Even Shri Gadhe cannot shirk and escape from his responsibility by taking the shelter of this letter dated 22.7.05. The consumer is using the

electricity for 13 years without the notice and bills of the D.L. is really a matter to worry. It should have been the worry and precaution of the concerned officers and not Applicant.

The M.E.R.C.(Supply code) Regulations, 2005 laid down the provision for billing. It has been clearly and specifically mentioned in Regulation 15.1.1 that the D.L. shall issue the bill to the consumer at intervals at least once in every two months in towns and cities. Hence the D.L. failed to issue the bills for continuously 13 years and therefore they cannot claim any energy charges from Applicant in terms of section 56(2) of the Electricity Act,2003. The non-applicants insisted that Applicant did not make any application in writing to them for non-receipt of bills. The duty cannot be casted on the Applicant but duty lies on the non-applicants to issue the bills for consumption of electricity. They failed to do so for 13 years. It is also surprising to note that there was a regular meter reading but without the bills . The C.P.L. of Applicant does not show the presentation of the bills to him by non-applicants. This C.P.L. is produced by the non-applicants for the period Aug,99 to Feb,05 . The arrears are shown as Rs. 1690/- upto Feb,04 and no energy charges are shown. It means even the C.P.L. is not supporting the case of the non-applicants. There is a clearcut admission on the part of the non-applicants as reconnection of the electricity was not taken in their record and no report to the concerned section. This is clear from the letter dt. 12.10.04 (Record page 31) and admission of Shri Gadhe, Dy.E.E. under his letter dt. 22.7.05 . Since the provisions under section 56(2) are very clear and specific , the non-applicants cannot demand the bill of Rs. 62,630/- .

It is obvious that the D.L. is at a loss of electricity charges for 13 years but applicant is not responsible for the same. It was the duty of the non-applicants and concerned officers to issue the bill and recover energy charges regularly. It is for the D.L. to decide what course of action to be taken about this loss by taking suitable action against the concerned officers. The Forum cannot give any specific direction about fixing the responsibility against certain official for the loss as it is the jurisdiction and purview of the D.L.

In respect of the reconnection of electricity to Applicant, the Forum is of the opinion that the D.L. should gave reconnection to Applicant on following standard procedure and payment of the charges about restoration of supply of electricity as laid down under Regulation 16 of the Supply code. It is also a matter of fact that the permanent disconnection was made on 19.1.05 and the period of 6 months is over and therefore the procedure about restoration of the electricity supply as laid down under the Supply Code should be followed. Thus , no relief is granted to Applicant about restoration of electricity supply as demanded by him. The D.L. should restore the electric supply on following mandate of supply code as mentioned above.

In view of above position and circumstances , the Forum unanimously pass the following order.

O R D E R

1. Application is allowed
2. The Electricity bill of Rs. 62,630/- and the instalment bill of Rs. 10,000/- are squashed.
3. Restoration of electric supply to be made on following the provisions of Supply code and standard procedure of the D.L.
4. There is no order about the cost and compensation as demanded by the Applicant.
5. Parties to bear their own cost of the present proceedings. .

CHAIRMAN

MEMBER

MEMBER/SECY.

CONSUMER GRIEVANCE REDRESSAL FORUM

M.S.E.D.C.L.(NAGPUR ZONE – RURAL)NAGPUR