

**Maharashtra State Electricity Distribution Co. Ltd.'s
Consumer Grievance Redressal Forum
Nagpur Urban Zone, Nagpur**

Case No. CGRF(NUZ)/008/2008

- Applicant : Smt. Neeta Patel
Flat No. 305, Hyatt Enclave,
Plot No. 30,
Hampyard, Dhantoli,
NAGPUR.
- Non-applicant : MSEDCL represented by
the Nodal Officer-
Executive Engineer,
Congress Nagar Division, NUZ,
Nagpur.
- Quorum Present : 1) Shri S.D. Jahagirdar,
Chairman,
Consumer Grievance Redressal
Forum,
Nagpur Urban Zone,
Nagpur.
- 2) Smt. Gouri Chandrayan,
Member,
Consumer Grievance Redressal
Forum,
Nagpur Urban Zone,
Nagpur.
- 3) Shri S.J. Bhargawa
Executive Engineer &
Member Secretary,
Consumer Grievance Redressal
Forum, Nagpur Urban Zone,
Nagpur.

ORDER (Passed on 18.02.2008)

This grievance application has been filed on
24.01.2008 under Regulation 6.4 of the Maharashtra
Electricity Regulatory Commission (Consumer Grievance

Redressal Forum & Electricity Ombudsman) Regulations, 2006 here-in-after referred-to-as the said Regulations.

The grievance of the applicant is in respect of energy bill dated 13.05.2007 in which an amount of Rs.40,155.53 has been shown to be recoverable from her erroneously.

Before approaching this Forum, the applicant has filed her grievance on the same subject matter on 21.05.2007 before the Dy. E.E. Dhantoli, MSEDCL, Nagpur requesting him to correct the bill in question. She also addressed a similar letter to the Executive Engineer on 14.07.2007. However, it seems that no remedy was provided to her grievance and hence, the present grievance application.

The intimation dated 21.05.2007 given to the Dy.E.E. is deemed to the intimation given to the Internal Grievance Redressal Cell (in short, the Cell) under the said Regulations and as such, the applicant was not required to approach the cell before coming to this Forum.

The matter was heard on 14.02.2008.

The applicant's case was presented by her nominated representative one Shri Nikhil Prakash Mahajan and also by herself while the Executive Engineer, Congressnagar Division, MSEDCL, Nagpur represented the non-applicant Company.

It is strongly contended by the applicant that she is working at Hinganghat and the Flat, being flat no. Flat No. 305, Hyatt Enclave, Plot No. 30, Hampyard, Dhantoli, Nagpur is vacant since long period. Her consumption on an average basis per month has been only 9 to 15 units. However, to her

shock and surprise, she received energy bill dated 13.05.2007 for an amount of Rs. 40,220/- which, according to her, is not only exorbitant but it is also unjust and improper. On receiving this bill, she complained to the non-applicant's officials on 29.05.2007 and 14.05.2007 but to no purpose. Hence, she urged that from the point view of principles of natural justice, her exorbitant bill in question may be revised. The applicant's representative added that the applicant has been paying her bills regularly till 29.03.2007. However, she could not pay the bill amount of Rs.40,220/- since it was unjust and improper. Her electricity connection was also disconnected in October, 2007 without any notice to her. This is causing lot of hardships to her since there is no electricity available right now in her residential flat from October 2007 onwards. She lastly prayed that her electricity supply may be restored immediately and her bill in question revised appropriately.

The non-applicant has submitted his parawise report dated 14.02.2008 which is on record. A copy of this report was given to the applicant and she was given opportunity to offer comments on this report.

It is stated by the non-applicant that in the month of April 2007, the applicant was charged for consumption of 6987 units properly. The meter attached to the applicant's premises is also replaced upon the applicant's request and the old meter bearing meter no. 4482226 was sent to the meter testing unit for the purpose of confirming accuracy or otherwise of the said meter. Accordingly, her meter was tested on 26.06.2007 by the meter testing unit of Congressnagar

Division and it is found that the meter is fault-free. A copy of the meter testing report is produced on record by him. Relying on this report, the non-applicant strongly argued that the applicant was billed strictly as per her metered consumption and that no fault can be attributed to the non-applicant in this behalf. He also submitted that possibility of the applicant's meter being used by others can not be ruled out.

He lastly prayed that the grievance application may be dismissed and the applicant may be directed to discharge her legal liability of payment.

It is a matter of record that the applicant's meter was tested on 26.06.2007 in the meter testing unit of Congressnagar Division and it was found that the applicant's meter is alright and fault-free. Hence, the energy bill generated by this fault-free meter cannot be said to be incorrect. The applicant's actual consumption in the billing month of April 2007 is 6980 units. The applicant's contention that her residential flat is vacant since long and further that her monthly average consumption was ranging between 7-15 unit per month and hence, she should have been billed accordingly cannot be accepted for the simple reason that the applicant was billed appropriately as per her metered consumption through-out through a fault-free meter.

The applicant has stated before this Forum that her flat is vacant since long and that she is working at Hinganghat. Hence, possibility of the applicant's meter being used by somebody else can not be ruled out. The electricity meter provided is in the possession of consumer and it is his

responsibility to ensure that nobody makes any misuse of the meter.

A point has been made by the applicant's representative that the applicant's meter was tested on 26.07.2007 in the testing unit in the absence of applicant. When asked by us, the non-applicant admitted that no notice was given to the applicant before inspecting the meter on 26.06.2007. May that the case be, the fact remains that applicant's meter was found to be OK upon testing on 26.06.2007 and that the meter testing result cannot be negated only because the meter was not tested in her presence. There is also no ill-will of officials of MSEDCL against the applicant. Hence, there is no reason to disbelieve the meter testing report.

This Forum, during the course of hearing, suggested to the applicant that her meter can be tested once again in her presence in the testing laboratory of NUZ and in that event, she has the opportunity to remain present at the time of meter testing. However, the applicant denied this opportunity by saying that the applicant's meter was in the custody of the non-applicant for a long period and no fruitful purpose is going to be served. The offer given to the applicant was thus not acceptable to her.

In view of this position, there is no other alternative before us than to confirm the action of the non-applicant in billing as per metered consumption. No fault can be attributed to the non-applicant Company in this regard.

A point is raised by the applicant in respect of disconnection of her supply without notice. In reply, the non-applicant produced on record a copy of notice, being notice dated 14.05.2007, addressed to the applicant asking her to pay the outstanding amount of Rs.40,756/- without 15 days failing which her supply of electricity shall be disconnected. This notice is issued under Section 56 (1) of the Electricity Act, 2003. There is also a signature of somebody appearing on this notice in token of having received such a notice. When this notice was shown to the applicant, she denied to have received any such notice. Both the parties could not pin-point the name of the person receiving this notice. The non-applicant, however, stated that since such a notice has been issued way back on 14.05.2007, he has complied with the requirement of Section 56 of the Electricity Act, 2003 and also that the applicant's supply was disconnected on 14.10.2007 i.e. much after expiration of period of 15 days as per this notice. In this regard, it is an admitted position that the applicant's flat is vacant since long past. The applicant herself has admitted that she is working at Hinganghat. It is, therefore, possible that somebody might have received the notice on her behalf but might not have informed her at Hinganghat. The fact remains that a legal notice was issued by the non-applicant and the that applicant's supply was disconnected after issuance of such a notice. It is also a fact that the applicant did not pay the energy charges which she could have paid under protest. This is the reason why her supply was disconnected. No fault, therefore, can be attributed to the non-applicant in this respect.

In the result, the applicant's grievance application stands rejected.

(S.J. Bhargawa) (Smt. Gauri Chandrayan) (S.D. Jahagirdar)
Member-Secretary MEMBER CHAIRMAN
CONSUMER GRIEVANCE REDRESSAL FORUM
MAHARASHTRA STATE ELECTRICITY DISTRIBUTION CO LTD's
NAGPUR URBAN ZONE, NAGPUR.

Member-Secretary
Consumer Grievance Redressal Forum,
Maharashtra State Electricity Distribution Co.Ltd.,
Nagpur Urban Zone, NAGPUR.