

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

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**Case No. CGRF(NUZ)/76/2013**

Applicant : Shri Ganpatrao K. Shende, Thr:-  
Mrs. Karuna V. Kanekar, Jaitala,  
NAGPUR.

Non-applicant : Nodal Officer,  
The Executive Engineer,  
Congressnagar Division,  
MSEDCL,  
NAGPUR.

Quorum Present : 1) Shri. Shivajirao S. Patil  
Chairman,  
  
2) Adv. Subhash Jichkar,  
Member,  
  
3) Shri B.A. Wasnik,  
Member Secretary.

**ORDER PASSED ON 25.7.2013.**

1. The applicant filed present grievance application before this Forum on 16.5.2013 under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as Regulations).

2. The applicant's case in brief is that Late Shri Ganpat Kaluji Shende is father in law of the applicant who is now no more. The applicant is retired from service and applicant is residing with his family at Aurangabad since long. The applicant was not residing at Nagpur and house was locked. Today also, the meter is in the name of deceased Shri Ganpatrao K. Shende. For the first time the applicant came to reside at Nagpur to search suitable match for marriage for one of family members in December 2012 and he found that electricity bill for the month of October 2012 and November 2012 are as per reading of old meter. Now new meter was installed and therefore bills of January 2013 and February 2013 were prepared. These bills are excessive and needs to be revised. At the most, M.S.E.D.C.L. can charge Rs. 30/- per month maintenance charges every month. Therefore claimed to revise the bills.

3. Non applicant denied applicant's case by filing reply dated 3.6.2013. It is submitted that deceased Shri Ganpatrao K. Shende is the consumer. Applicant is staying in this premises since December 2012 only. The applicant was not staying at the premises regularly, therefore energy bill of the meter was not available in each month which resulted in average billing. In subsequent month necessary credit was given by the system itself, which is shown in CPL. Meter was also tested on complaint of the applicant and was found O.K. on testing. On 18.1.2013 old meter was replaced by I.R. meter.

Final reading of old meter was 11055 and current reading of

new meter was 554. Thus total billed units for the month of February 2013 were 967 units which were for two months i.e. for January and February 2013. Average billing was done in January 2013 and therefore credit was given in February 2013 by the system itself, amounting to Rs. 413.77. Image of photo reading on old meter is filed along with reply. Thus bill issued for February 2013 is correct and liable for payment. Units recorded by the meter are correct and credit for accumulated units is already given to the consumer. Application may be dismissed.

4. Forum heard arguments of both the sides and perused the record.

5. Initially, it is an admitted fact that deceased Shri Ganpatrao K. Shende is the consumer who died long back but even then the applicant did not care to file an application for change of name. The applicant was also not residing at Nagpur since long till December 2012 and therefore till December 2012 house was locked and applicant was even not as the user. Therefore the applicant is not a consumer within the meaning of Section 2 (15) of Electricity Act 2003. It is bounden duty of the applicant to file application for change of name but no steps are taken by the applicant.

6. It is an admitted fact even in the application of the applicant that house and meter is in the name of deceased Shri Ganpatrao K. Shende, father in law of the applicant.

Applicant retired from the service and was residing at Aurangabad along with his family members for education and employment of children. Applicant was not residing at Nagpur and house was locked. It is also admitted fact that all of a sudden one fine morning in December 2012 the applicant came to Nagpur to search suitable match for the marriage of his family member. Therefore it is but natural that as the applicant was not staying at the premises regularly due to which reading of energy meter was not available in each month which resulted in average bill. In subsequent month necessary credit was given by the system itself which is shown in C.P.L.

7. Record shows that on application of the applicant, meter was tested by M.S.E.D.C.L. and it was found O.K. on testing. M.S.E.D.C.L. had produced meter testing report Dt. 18.4.2013 on record. It is specifically mentioned in the report that meter is O.K. Therefore it is clear that meter is not faulty. Hence consumption recorded by the meter is the consumption utilized and consumed by the consumer. M.S.E.D.C.L. also produced meter photo on record in which clear cut reading is appearing on the date of replacement of the meter and it is supported by the C.P.L. Image of photo reading of old meter is filed by M.S.E.D.C.L. along with reply.

8. Considering the entire record it appears that bills issued by M.S.E.D.C.L. are the bills of actual consumption utilized by the applicant. Necessary credits are already given

by the system itself. In our considered opinion now there is no need to revise the bills of the applicant.

9. This matter is filed by the applicant on 16.5.2013. Therefore it was necessary to dispose off it within 2 months i.e. on or before 16.7.2013. However, it is apparent from the record that after the applicant filed grievance application on 16.5.2013, matter was fixed for hearing on 5.6.2013 at 12.00, but before that date of hearing, on earlier date i.e. on 31.5.2013 the applicant requested for adjournment of the case and therefore on the date of hearing Dt. 5.6.2013, adjournment was granted to the applicant as a last chance. The applicant claimed long adjournment of one month and requested to fix the matter for hearing after a period of one month. Therefore considering his request last chance was granted to the applicant on 5.6.2013 and matter was fixed for hearing on 5.7.2013 as a last opportunity. However, it is rather surprising to note that on 4.7.2013, the applicant filed written application for adjournment along with medical certificate of Dr. V.R. Kardak of Aurangabad and claimed adjournment of one month on medical grounds. Therefore again one last adjournment was given to the applicant with specific directions that no further adjournments will be granted and matter was fixed for hearing on 11.7.2013. Therefore on 11.7.2013, arguments were heard and today we are deciding the case. Therefore record shows that for a period of one month and 7 days the applicant had unnecessarily prolonged the matter as he was residing at Aurangabad. Therefore in

deciding the matter delay is caused only due to the applicant and hence it was not possible for the Forum to dispose off the present grievance application within 2 months. It is principal of natural justice that opportunity of being heard should be given to both the parties and therefore no alternative was left with the Forum than to adjourn the matter at longer date as per request of the applicant and hence the Forum could not decide the matter within 2 months due to adjournment tactics of the applicant and due to his own fault.

10. Hence the following order :-

#### ORDER

1) Grievance application is dismissed.

Sd/-  
(Shri B.A. Wasnik)  
MEMBER  
SECRETARY

Sd/-  
(Adv.Subhash Jichkar)  
MEMBER

Sd/-  
(ShriShivajirao S.Patil)  
CHAIRMAN