

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

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**Case No. CGRF(NUZ)/017/2008**

- Applicant : Shri Girdhar Bapuraoji Divate,  
At post Kalapatha, Mahuli,  
Taluka Parshivani,  
Dist. Nagpur.
- Non-applicant : MSEDCL represented by  
the Nodal Officer-  
Executive Engineer,  
Division No. II, 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 28.03.2008)**

This grievance application is filed on 12.03.2008  
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 non-issuance of energy bills since 31.07.1997 till 21.01.2004 and also after 22.01.2004 onwards despite repeated requests having been made by him to the non-applicant. His grievance is also in respect of erroneous arrear amount bill of Rs.67,621/- issued by the non-applicant for consumption of electricity over the past period of 128 months for which the last date of payment was 05.12.2007. He has also complained that his power supply was disconnected illegally.

The applicant in his grievance application has demanded compensation on account of destruction of crops in his agricultural land due to illegal disconnection of his power supply.

Before approaching this Forum, the applicant had raised this grievance by filing his application dated 26.12.2007 before the Executive Engineer, Division No. II, MSEDCL, Nagpur. However, no remedy was provided to his grievance and hence, the present grievance application.

The intimation given to the Executive Engineer on 26.12.2007 by the applicant in respect of this grievance 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 in terms of the said Regulations.

The matter was heard on 28.03.2008.

The applicant's case was presented by his nominated representative one Shri Dinesh Sheshrao Bhadewar while UDC Shri S.R. Bagade of Division No. II represented the non-applicant Company.

The contention of the applicant's representative is that Electricity connection for energization of agricultural pump in the field of the applicant was released on 12.06.1996. Thereafter, the only energy bill that was received by the applicant was of Rs.250/- which was paid by him on 31.07.1997. After 31.07.1997, the applicant did not receive any electric bills despite the fact that he repeatedly approached various officers of the non-applicant and filed applications right from the year 1999 till the year 2004 with a request to issue energy bills. He has filed on record copies of applications submitted by him to the non-applicant's officers. Despite this position, the non-applicant never issued any energy bills to the applicant. There was a Government scheme known as Krishi Sanjivani implemented in the year 2004 by which certain concessions were given to agriculturalists in respect of waiver of arrear amount outstanding against them along with interest and DPC thereon. The applicant received a bill of Rs. 9000/- under this scheme which he diligently paid in January 2004. Thereafter, the applicant did not receive any energy bills till December 2007. The non-applicant issued an arrear bill of Rs.67,660/- pertaining to the period of 128 months from 01.05.1997 to 30.12.2007 in or about December, 2007. The applicant's representative strongly contended that this arrear bill is unjust, improper and illegal. He, therefore, prayed that this bill may be quashed.

The applicant's representative during the course of hearing showed willingness to make payment of reasonable amount of charges for electricity consumed by the applicant as per rules after payment of his last bill of Rs.9000/- which was paid by him on 20.01.2004.

The applicant's representative added that the applicant's power supply was disconnected on 06.12.2007 on the erroneous ground of non-payment of a huge arrear amount which has resulted in the financial loss on account of destruction of crops. He has, therefore, prayed for immediate restoration of his power supply. The applicant has also requested for awarding compensation towards the loss incurred by him due to illegal disconnection of his power supply.

He lastly prayed that appropriate relief may be granted to the applicant.

The non-applicant submitted his parawsire report which is on record. It has been stated in this report that the arrear bill of Rs. 67,621/- is correct. Since the applicant did not pay this arrear amount, a notice dated 17.11.2007 was served upon the applicant under Section 56 (1) of the Electricity Act, 2003 asking him to pay this amount on or before 05.12.2007 failing which his electric connection would be disconnected. The applicant failed to make this payment before the due date of 05.12.2007 and hence, his power supply was disconnected on 06.12.2007. While giving the break-up of arrear bill of Rs.67,621/-, it is stated in the parawise report that this bill pertains to 128 months from 01.05.1997 to 31.12.2007 and the total arrear amount liable to be paid the applicant comes to

Rs.76,621/-. The applicant had paid an amount of Rs.9000/- on 20.01.2004 and hence, the net arrear amount to be paid by the applicant comes to Rs.67,621/-. The applicant's contention about payment of amount of Rs.9000/- under Krishi Sanjavani Scheme has been denied by the non-applicant in this report. In short, the non-applicant has tried to justify the entire action. The UDC representing the non-applicant Company reiterated the contents of this parawise report during the course of hearing.

In this case, the applicant's first complaint is about non-issuance of energy bills after 31.07.1997 till January 2004 and also after January 2004 till the arrear bill of Rs.67,621/- was served upon him for which the last date of payment was 05.12.2007.

The record of the case demonstrates that this particular grievance of the applicant is quite correct and genuine. The applicant has been repeatedly approaching the non-applicant's officers right from the year 1999 in the past for issuance of energy bills. But no periodical and regular energy bills were ever issued by the non-applicant. The non-applicant's parawise report is also conspicuously silent on this particular issue.

It is pertinent to note that the first energy bill dated 06.03.1997 was issued by the non-applicant against the consumer's agricultural pump connection bearing consumer no. Ag.-73. It is, therefore, not understood as to why no periodical energy bills were issued by the non-applicant after March 1997 particularly when the applicant was a duly registered consumer of the non-applicant. There is no iota of

explanation forth-coming from the non-applicant's side in this regard. The fact, therefore, remains that the non-applicant erred miserably in the past in not issuing regular energy bills to the applicant.

As regards the arrear bill of Rs.67,621/-, it is a matter of record that this bill pertains to 128 months pertaining to the period from 01.05.1997 to 31.12.2007. As laid down in Section 56 (2) of the Electricity Act, 2003, 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 as arrear of charges for electricity supplied and the licensee shall not cut off the supply of the electricity. It is crystal clear in this case that the arrear amount of Rs.67,621/- pertains to 128 months and the same was issued after expiration of about 10 years and as such, the non-applicant cannot recover this entire arrear amount. What is permissible under Section 56 (2) is the recovery of arrear amount pertaining to past two years only prior 31.12.2007. This amount as confirmed by the non-applicant in a document annexed to the parawise report comes to Rs.10,800/-. It is an admitted and un-disputed position that this arrear amount of Rs. 67,621/- was not also shown as continuously recoverable from 01.05.1997 onwards till the date of issue of the erroneous arrear amount of Rs.67,621/-. The energy bill of Rs.67,621/- is thus bad in law and the same stands quashed. The non-applicant is now directed to recover arrear amount for a period of two years only as aforesaid. Recovery of energy

charges prior to the period of two years is clearly time barred in terms of Section 56 (2).

As regards the applicant's grievance of disconnection of his power supply, the non-applicant has stated that a notice dated 17.11.2007 was issued and served on the applicant asking him to pay the arrear amount of Rs.67,621/- on or before 05.12.2007 failing which the supply would be disconnected. Since the applicant did not make payment of this amount on or before 05.12.2007, his power supply comes to be disconnected on 06.12.2007. In this respect, it is interesting to note that the bill of Rs.67,621/- issued to the applicant does not bear the date of issue thereof. What is mentioned in this bill is only the last date of payment which is 05.12.2007. Moreover, scrutiny of this bill discloses that it pertains to a period from 01.05.1997 to 30.12.2007. This date of 30.12.2007 of current reading mentioned in this bill is not very legible. It sounds to be 30.12.2007. This bill interestingly states that the bill amount pertains to 106 months as against the statement made by the non-applicant in his parawise report that this bill relates to 128 months from 01.05.1997 to 31.12.1997. If this arrear bill pertains to 128 months from 01.05.1997 to 31.12.1997 as stated by the non-applicant, it is not understood as to how the arrear bill can be issued by the non-applicant making a mention of the last date of payment as 05.12.2007. Entire action of the non-applicant in issuing a notice dated 17.11.2007 to the applicant asking him to pay the arrear amount before 05.12.2007 seems to be suspicious and manipulated. There are glaring contradictions in this notice and the bill.

We, therefore, hold that the disconnection notice dated 17.11.2007 is ab-initio illegal. It, therefore, follows that the non-applicant's action of disconnecting power supply on 06.12.2007 was bad in law. In view of this position, the applicant's power supply deserves to be restored immediately free of charge. We, therefore, direct the non-applicant to restore the power supply immediately and in any case, before 07.04.2004 free of charge.

The applicant in his grievance application has demanded compensation for loss of his crops due to illegal disconnection of his power supply. However, during the course of hearing, the applicant's representative did not produce on record any documentary or other evidence to quantify losses incurred by the applicant. He also did not press this point rigorously. The applicant has mentioned in his application dated 26.12.2007 addressed to the Executive Engineer, Division No. II, MSEDCL, Nagpur that the applicant has incurred crop loss of Rs.35,000 to Rs. 40,000/- because of disconnection of his power supply. However, this point has not been pressed before us during the course of hearing by the applicant's representative.

In view of this position, we are unable to provide any compensation to the applicant. His request for awarding of compensation stands rejected.

In the light of above, the applicant's grievance application is partly allowed and it stands disposed off in terms of this order.



The non-applicant shall carryout this order and report compliance thereof to this Forum on or before 30.04.2008.

Sd/-	Sd/-	Sd/-
<b>(S.J. Bhargawa)</b>	<b>(Smt. Gauri Chandrayan)</b>	<b>(S.D. Jahagirdar)</b>
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