

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

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**Case No. CGRF(NUZ)/030/2008**

- Applicant : Shri Vidhekar K. Shende  
C/o Bhimrao Shende  
79, Babulban, Garoba Maidan,  
NAGPUR 440008.
- Non-applicant : MSEDCL represented by  
the Nodal Officer-  
Executive Engineer,  
Mahal 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 13.06.2008)**

This grievance application is filed on 20.05.2008 under  
Regulation 6.4 of the Maharashtra Electricity Regulatory Commission

(Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 hereinafter referred-to-as the said Regulations.

The grievance of the applicant is in respect of erroneous energy bill amounting to Rs.43,051/- issued by the non-applicant in October 2007 for the period from March 2004 to October 2007. His grievance is also in respect of non-refund of appropriate amount out of sum of Rs.30,000/- already paid by the applicant against the arrear bill amount of Rs. 43,051/-. The applicant has also requested for awarding compensation of Rs.20,000/- to him.

Before approaching this Forum, the applicant had filed his complaint on the same subject-matter before the Internal Grievance Redressal Cell (in short, the Cell) under the said Regulations Vide his application dated 04.04.2008 received by the Cell on 07.04.2008. The Cell, upon enquiry, replied the applicant by its letter, being letter no. 2600 dated 25.04.2008, that his meter, being meter no. 36178 was changed in March 2004 and a new meter, being meter no. 142068, was installed. However, due to some reason energy bills were not issued to the applicant. The Cell further informed him that the applicant's meter came to be read in October 2007 and thereupon, the applicant was billed for a total amount of Rs. 43,051/- for 12850 units consumed by him over the past period of 44 months and he was also given slab benefit. The applicant was also allowed to pay this arrear amount in installments. The Cell finally stated in its reply that the arrear amount in question should be paid by him. The applicant is not satisfied with the decision given by the Cell and hence, the present grievance application.

The matter was heard on 06.06.2008.

The applicant submitted that the arrear bill of Rs.43,051/- issued by the non-applicant is time-barred since it is issued after expiration of period of two years. He added that he was receiving his electricity bills regularly till March 2005 but thereafter no bills were issued from April 2005 to December 2007 even though the non-applicant was reminded by him to issue the bills. According to him, the arrear bill of Rs.46,795/- issued by the non-applicant is unjust and illegal. He has already paid amount of Rs. 20,000/- on 04.01.2008 and also an amount of Rs.10,000/- on 15.04.2008 against this arrear bill amount at the behest of the non-applicant. He has paid these amounts under protest. He had requested the non-applicant to settle his dispute of energy bill. However, no action was taken though he submitted his applications dated 12.10.2007, 08.11.2007, 02.01.2008, 24.03.2008 and another date 15.04.2008. The non-applicant's inaction compelled him to approach the Cell under the said Regulations. However, the Cell came to a wrong conclusion. The Cell's order in question is not acceptable to him. He requested that the arrear bill in question being time-barred may be quashed.

On the point of awarding compensation of Rs.20,000/- to him, he stated that the Cell did not give any decision on this request. Clarifying further, he added that his power supply was disconnected from 18.02.2008 to 30.03.2008 without notice and this has caused great hardship to his family. In particular hardship was caused to his daughter during this period since she was studying and taking up her Board examination. He prayed that compensation of Rs.20,000/- may be awarded to him.

The non-applicant has submitted his parawise report dated 04.06.2008 which is on record. A copy of this report was given to the applicant and he was given opportunity to offer his say on this parawise report also.

It has been stated in this parawise report as well as in the oral submissions of the Nodal Officer that the applicant's old meter, bearing no. 361478 was replaced in March 2004 by another meter bearing Sr. No. 142068. The meter change documents were not fed to the billing computer system till January 2008. Hence, the applicant's CPL generated credit bills. This omission was noticed by the Dy. E.E. Nandanwan S/Dn. while checking credit bills in July 2007. Thereupon, the Jr. Engineer Vathoda gave his inspection report on 14.10.2007 stating therein that the applicant's meter's reading was 12855 on 14.10.2007. The Jr. Engineer / Dy. E.E, assessed energy bill for (12855 current reading – 00005 initial reading=) 12850 units for 44 months for Rs.46,795.01. The consumer had already paid amount of Rs.3780/- during March 2004 to October 2007 and hence, a net arrear bill of Rs.43,051/- was issued correctly to the applicant after giving slab benefit. This bill for 12850/- units was arrived at by considering the applicant's average consumption of 292.04 units per month. On issuing this bill, as per the applicant's request, installments were granted to him and accordingly, he has paid Rs.20,000/- on 04.01.2008 and Rs.10,000/- on 15.04.2008. According to the non-applicant, since the applicant has consumed electricity over the past period of 44 months and since no energy bills were issued in the past, the applicant cannot escape his liability of paying the electricity consumption charges.

The non-applicant has not offered any comments in the parawise report on the applicant's grievance of disconnection of his power supply.

During the course of hearing, when asked by us, the Nodal Officer representing the non-applicant Company admitted that no notice was issued before disconnecting the applicant's power supply.

In this case, it is not disputed that the energy bill for Rs. 43,051/- was issued in October 2007 and that this bill pertained to a period of 44 months from March 2004 to October 2007. Since the arrear bill in question was issued in October 2007 in one lumpsum and since this arrear amount was not shown as continuously recoverable since April 2004 till October 2007, the legal provision contained in Section 56 (2) of the Electricity Act, 2003 shall come into play.

As provided in Section 56 (2) of the 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 as arrear of charges for electricity supplied and the licensee shall not cut off the supply of the electricity.

Hence, it follows that the applicant's liability of payment of electricity consumption charges in this case shall be limited to a period of 24 months prior to October, 2007. The fact of issuance of provisional bill being provisional bill no. 33088 dated 25.10.2007 for Rs.46,795/- was in the knowledge of the applicant vide his application dated 08.11.2007. Hence, according to us, the applicant is liable to pay electricity consumption charges only for the past period of 24 months

prior to October 2007 and he is not liable to make payment of the consumption charges prior to this period of 24 months.

In view of above, the arrear bill of Rs.43,051/- issued by the non-applicant for the past period of 44 months from March 2004 to October 2007 becomes illegal and it stands quashed.

The non-applicant shall issue revised bill only for the past period of 24 months for the applicant's consumption of electricity prior to October 2007. The question that remains to be decided now is about the quantum of per month average consumption to be considered by the non-applicant for computing the sum payable by the applicant. Evidently, the non-applicant's decision to charge the applicant at the rate of 292.04 units per month for the past period of 44 months is not acceptable to us. It is a matter of record that the applicant's meter, being meter no. 142068, was installed in March 2004 at the initial reading of 00005. Though the applicant has stated in one of the applications that this meter was installed at initial reading 00150 units in April 2005, this plea is not supported by the non-applicant's record and it cannot be accepted by us. The applicant's CPL and the other record pertaining to the period from December 2001 to-date clearly reveal that there was only one change in the applicant's previous meter, bearing no. 361478 and that was in March 2004 by a new meter, being meter no. 142068. It is also verified by us that this meter i.e. meter no. 142068 was installed at the initial reading 00005 units. The applicant's contention that this meter was installed some time in April 2005 is not correct.

The applicant's CPL also shows that, till April 2004, the applicant was billed properly as per his metered consumption. It is

from the billing month of April 2004 that the problem of incorrect computation of billing has arisen. The applicant's meter's previous reading and current reading both are shown to be 4175 units from the billing month of April 2004 till the billing month of April 2005. It is seen that in the billing month of June 2005, the meter reader recorded the applicant's meter's current reading as 4263 units while the initial reading at the time of meter installation was 0005 units. Hence, it follows that the applicant had actually consumed  $(4263-00005=)$  4258 units over the past period of 16 months prior to the billing month of June, 2005. The per month average consumption over the past period of 16 months thus comes to 266.125 units i.e. 266 units.

We, therefore, hold that it will in the fitness of things if the applicant's energy bill for the past period of 24 months prior to October 2007 is based on this per month average consumption of 266 units. In other words, the applicant is liable to pay the energy bill for 24 months for  $(266 \times 24 = )$  6384 units.

The non-applicant shall accordingly issue a fresh bill. While issuing the fresh bill, the non-applicant shall take into consideration past payments made by the applicant during the period from March 2004 till to-day against the arrear amount shown to be payable by him. As stated by the applicant and as also confirmed by record, the applicant has already paid an amount of Rs.3780/- during the period from March 2004 till October 2007 and he has also paid amount of Rs. 20,000/- and Rs.10,000/- respectively on 04.01.2008 and 15.04.2008. The non-applicant shall assess the revised amount afresh and issue a fresh credit bill accordingly.

On the applicant's grievance of disconnection of his power supply, it is seen that the applicant himself has made contradictory statements in respect of the period of disconnection. In that, he states before us during hearing that his power supply was disconnected from 18.02.2008 on 30.03.2008 when the Board examination of his daughter was being conducted. However, in the written grievance filed by him before the Cell, he has stated in para 4 of his application that MSEDCL has disconnected his power supply from 25.12.2007 to 10.01.2008. The applicant's CPL shows that the applicant has consumed electricity in the billing months of February 2008, March 2008 and April 2008. All these three bills indicate previous and current readings of the applicant's meter. The applicant's contention that his power supply was disconnected from 18.02.2008 to 30.03.2008 is thus misconceived. It is also a matter of record that the applicant never complained about disconnection of his power supply to the non-applicant in the past. His applications dated 02.01.2008, 24.03.2008 and 15.04.2008 do not make any mention about disconnection of his power supply. It is on 04.04.2008 that the applicant has raised for the first time this grievance in his application addressed to the Cell and in that, he has mentioned the period of disconnection as 25.12.2007 to 10.01.2008. The non-applicant's original record is also verified by us and this record shows that the applicant's power supply was not disconnected even temporarily. Hence, we are convinced that the applicant's power supply was not disconnected. Question of awarding any compensation as requested for by the applicant, therefore, does not arise at all. Nevertheless, we do not understand as to why the non-applicant's parawise report is silent on this point and also as to how the



Nodal Officer representing the non-applicant Company made a wrong admission before us stating that the applicant's power was disconnected without notice. Evidently, the Nodal Officer has miserably failed in not seeing and verifying the entire record before making such a wrong admission.

The net result is that the applicant's grievance is partly allowed as stated above and the same stands disposed off accordingly. The Cell's order challenged before this Forum stands modified accordingly.

The non-applicant shall carry out this order and report compliance to this Forum in terms of this order on or before 15.07.2008.

<b>Sd/-</b>	<b>Sd/-</b>	<b>Sd/-</b>
<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.**