

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

Case No. CGRF(NUZ)/032/2008

Applicant : Shri Dhanraj Manikrao Bawane
Besides Sant Tukaram Sabhagruh
Parshivani,
Tahsil Parshivani,
Dist. Nagpur.

Non-applicant : MSEDCL represented by
the Nodal Officer-
Executive Engineer,
Division No. II, NUZ,
Nagpur & his Assistant Engineer.

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 20.06.2008)

This grievance application is filed on 27.05.2008
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 arrear bill amount of Rs.8835/- which is now revised to Rs. 6381.91 by the non-applicant. The applicant has also requested to restore his power supply which was disconnected way back in year 2005.

Before approaching this Forum, the applicant had intimated the non-applicant about this grievance. Vide his applications dated 11.04.2005, 04.07.2005, 26.08.2005, 10.09.2005 followed by subsequent applications dated 05.04.2008, 23.04.2008, 25.04.2008 and 07.05.2008. However, the applicant's grievance was not redressed. The intimation given as aforesaid to the non-applicant is deemed to be the intimation given to the Internal Grievance Redressal Cell (in short, the Cell) under the said Regulations and hence, the applicant was not required to approach the Cell before coming to this Forum.

The matter was heard on 16.06.2008.

The applicant submitted that in his application dated 11.04.2005 he informed the non-applicant that there was no usage of electricity in his house from April 2005 and hence electricity supply may be disconnected from the pole. He submitted subsequent application dated 04.07.2005 in continuation of his earlier application stating therein that erroneous energy bill was issued to him despite the fact that there is nobody residing in the house and further that he has also paid previous energy bill amounts of Rs.930/- and Rs. 520/- respectively on 14.03.2005 and 01.06.2005. He also

requested for revision of his energy bill and issuance of minimum charges bill vide his application 26.08.2005. He again submitted his 3rd application raising therein the same complaint specifically requesting the non-applicant to check his faulty meter. He also requested to change his faulty meter. Since no action was taken on these applications, he submitted yet another application dated 10.09.2005 stating therein that even though his power was disconnected still erroneous bills were being received by him and further that his meter may be removed. He also informed the non-applicant that he is not prepared to pay the exorbitant bill amounts. According to him, his power supply was disconnected on 20.04.2005 by the non-applicant upon receiving his application dated 11.04.2005. For a long time his bills were not revised and suddenly an arrear bill of Rs.8835/- was issued by the non-applicant in April 2008 after he made an application on 05.04.2008 for restoration of his power supply since he now needed electricity. This bill amount was revised to Rs.6383-91 in view of his application dated 07.05.2008. He strongly contended that no energy bills were issued to him after his supply was disconnected in the year 2005 and that he is not liable to pay any arrear amount which is now shown as outstanding against him after expiration of period of two years. He requested that this arrear bill may be quashed and the non-applicant be directed to restore his power supply immediately.

The non-applicant has submitted his parawise report dated 16.06.2008 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.

The Assistant Engineer representing the non-applicant Company has stated in this report as well as in his oral submissions before us that the applicant has used electricity at his premises as per metered consumption and as such he was liable to pay the arrear amount of Rs. 6383.91. This arrear amount pertains to the past period of November 2004 to October 2005. Earlier this arrear amount was worked out at Rs.8835/-. However, this was revised to Rs.6383.91 as per the applicant's application dated 07.05.2008 and a credit of Rs.1992.05 was given to him. Explaining further the methodology of charging this arrear amount, he stated that the applicant's meter, being meter no. 74034, was installed in November 2004 at initial reading of 00014 and that the meter's final reading was 1992 units on 07.01.2006 when the service connection was permanently disconnected. Hence, the applicant has rightly been charged for $(1992 - 14 =) 1978$ units for Rs.6383.91 after giving slab benefit. This revised amount in question pertains to charges for electricity actually consumed by the applicant and it also includes interest amount. The non-applicant has added that statements made by the applicant are contradictory to each other and that the applicant's meter was never faulty. The applicant's power supply was temporarily disconnected on 06.11.2005 followed by permanent disconnection on 07.01.2006. He further stated that though the applicant had applied for restoration of power supply on 05.04.2008, his power supply cannot be restored since as per the rules of the Company such a restoration of power supply is not permissible after expiration of six months from the date of disconnection of power supply. According to

him, the applicant is liable to pay the arrear amount in question.

On the applicant's complaint of allegedly illegal disconnection of his power supply without notice, he explained that the applicant himself had requested on 10.09.2005 to take away his meter and hence, his power supply came to be disconnected temporarily on 06.11.2005 in pursuance of his own request. He, therefore, stated that nothing improper and illegal has happened in this case and further that there is no substance in the applicant's grievance.

In this case, it is to be decided whether the arrear bill of Rs.6383.91 issued by the non-applicant is legal and payable by the applicant and also whether the applicant is entitled to get his power supply restored.

In the first place, this Forum observes that the applicant did apply to the non-applicant on 11.04.2005 to disconnect his power supply from the pole since nobody was residing in his house. It is also a matter of record that the applicant reminded the non-applicant on 04.07.2005, 26.08.2005 and 10.09.2005 for revising his erroneous energy bills and also for testing his faulty meter. However, there is no record produced by the non-applicant to show that the applicant's meter was ever tested in any testing laboratory. The mere statement of the non-applicant that the applicant's meter, being meter no. 90000074034, was not faulty is of no use. He should have tested the applicant's meter in the testing laboratory immediately after the applicant complained about working of his meter. Moreover, the applicant's energy bill amounts were also not revised despite his applications

furnished in the year 2005 nor any reply, whatsoever, was given to him in response to his various applications. It was in or about April 2008 that an arrear bill of Rs.8835/- was issued by the non-applicant and the applicant was asked to pay this amount before a new connection is released. This was done by the non-applicant in reply to the applicant's application dated 05.04.2008 requesting for re-installation of his meter which was disconnected way back in the year 2005. This manually prepared arrear bill of Rs. 8835/- does not bear any date of issue nor any due date of payment. It is admitted by the non-applicant during the hearing that such a bill was issued in April 2008. No plausible explanation is forthcoming from the non-applicant's side as to how and why these omissions occurred. This bill pertains to consumption of electricity by the applicant during the period from July 2005 to October 2005 for 1397 units. This bill has now been revised to Rs. 6383.91 as revealed by the tabular statement produced on record along with the non-applicant's parawise report. The tabular statement indicates that the arrear amount now pertains to the period from November 2004 to October 2005. In short, the arrear amount in question is admittedly for the period upto October 2005 and the bill for the same has been issued for the first time in April / May 2008 i.e. much after expiration of period of two years from the date when such sum became first due. It is also admitted by the non-applicant that since the applicant's power supply was permanently disconnected on 07.01.2006, no bills were issued to the applicant. The applicant was also not informed immediately after permanent disconnection as to the quantum of arrear amount payable by

him at the time of permanent disconnection. It was in April 2008 that the applicant was informed about arrear amount payable when he applied for restoration of his power supply. This action of the non-applicant is adversely hit by the legal provision contained in Section 56 (2) of the Electricity Act, 2003.

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.

In view of this legal provision, the recovery of the arrear amount in question becomes time-barred since it is claimed for recovery after expiration of the prescribed period of two years.

In the light of above, the arrear bill in question stands quashed.

The applicant is not liable to pay this arrear amount since recovery thereof is time-barred in terms of Section 56 (2).

As regards the applicant's grievance of restoration of his power supply, this Forum observes that his power supply was disconnected in the year 2005 as per his own request for removing his meter vide his application dated 10.09.2005. His power supply was disconnected on 06.11.2005

temporarily followed by its permanent disconnection on 07.01.2006.

Hence, it cannot be stated that the applicant's power supply was disconnected without any justification. His power supply is thus disconnected and meter removed as per the applicant's request. Hence, the applicant's grievance of illegal disconnection of power supply without notice is devoid of any merit.

The applicant in his grievance application has requested for restoration of his power supply. This request cannot be granted since a period of more than six months has already elapsed since the date of permanent disconnection. However, the applicant is entitled to get a new connection provided he applies to non-applicant afresh in the prescribed form A-1 as per Company's rules subject to his completing the requisite formalities for getting a new connection. He can still do this and in that event, the non-applicant shall be bound to consider his application for a new connection subject to the applicant's completing the requisite formalities as stated above. In that event, the non-applicant shall not be entitled to put a condition of payment of the past arrear amount in question.

In view of above, the applicant's grievance application is partly allowed and the same stands disposed off accordingly.

The non-applicant shall carry out this order and report compliance to this Forum in terms of this order on or before 31.07.2008.

Sd/-	Sd/-	Sd/-
(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.