

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

Case No. CGRF(NUZ)/041/2008

- Applicant : Mr. Felix Anthony Lawrence
At-3/1 M.I.G. Kukday Layout,
NAGPUR represented by
Advocate R. Lawrence.
- 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 26.08.2008)

This grievance application is filed on 04.08.2008
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.

Following are the applicant's grievances.

- (1) Non-redressal of his grievance about his faulty meter and excess billing of Rs.15,656/- vide his complaint dated 25.09.2006.
- (2) Non-acknowledgement of his request application to replace his faulty meter vide his application dated 13.03.2007.
- (3) Non-redressal of his grievance regarding tree branches brushing overhead service line vide his application dated 16.04.2007 and non-reimbursement of losses suffered by him.
- (4) Non-explanation of excess energy bills issued generally and not making available the Internal Grievance Redressal Cell's order dated 19.12.2006 and non-decision on his request to charge average monthly charge of Rs.345/- per month w.e.f. 10th May, 2006 vide his application dated 31.08.2007.
- (5) Deficiency in service by MSEDCL and violation of provisions of Electricity Act, 2003 in r/o entry into his premises without notice and illegal disconnection of power supply from the pole vide his application dated 17.10.2007 received by the non-applicant on 18.10.2007 with a copy thereof addressed to Duty Officer Police Station MSEDCL, Nagpur.

- (6) Threatening illegal disconnection of power supply again and contravening provisions of the Electricity Act, 2003 and MERC's Regulations.

The matter was heard on 22.08.2008. On this date the applicant did not remain present though duly noticed. There was also no application from him for adjournment of hearing. Hence, in terms of Regulation 6.16 of the said Regulations, the matter is decided ex-parte on the basis of the contents of the grievance application and on merits. Thus, the say of the applicant is taken as per the text of his grievance application.

It is also pertinent to mention that the applicant refused to receive a copy of non-applicant's parawise report dated 18.08.2008. This is clear from the endorsement dated 20.08.2008 made at 08.45 hrs. on the text of acknowledgement which also bears signatures of two witnesses. A copy of parawise report dated 18.08.2008 was therefore, sent by the non-applicant to the applicant by speed post on 20.08.2008. Postal acknowledgement is produced on record by the non-applicant.

He has stated in his grievance application that the grievances referred to above are not redressed by the non-applicant. He has produced alongwith his grievance application copies of his applications referred to in the afore-mentioned grievances. He has also narrated in his application various provisions of the Electricity Act, 2003 and the provisions of the said Regulations.

He has prayed for refund of excess energy charges amounting to Rs.20,000/- or more paid by him so far (final calculation to be made on explanation) and to pay compensation of Rs.31,000/- for the losses suffered and actual damage to computer equipment suffered by him. He has also prayed for awarding of compensation as per the MERC's Regulations in respect of observance of Standards of Performance of Distribution Licensees. In his grievance application, he requested to pass an interim order restraining the non-applicant from disconnecting his power supply as, according to him, the non-applicant has or is likely to contravene provisions of Electricity Act, 2003 and the Regulations of MERC.

The non-applicant's representative namely, the Executive Engineer, Mahal Division, MSEDCL, Nagpur was present and he was heard. The parawise report and additional submission submitted by the non-applicant is also perused.

The non-applicant has denied the charges made against him in his parawise reply. It is his say that the applicant is in the habit of accumulating arrears of energy charges on untenable grounds thereby necessitating disconnection of the applicant's power supply after due service of notices on the applicant. He has also stated that the applicant is also in the habit of refusing to take delivery of notices issued by the non-applicant in respect of disconnection of his power supply. According to him, there is no question of refund of any amount much less of Rs.20,000/- and also no compensation is payable at all to him. The allegations made by the applicant are absolutely malafide with the sole intention to

avoid the legal liability towards payment of energy charges. The complaints of the applicant are also ambiguous.

He added that the Internal Grievance Redressal Cell has not passed any order on 19.12.2006 or at any point of time. Though the applicant has been using and enjoying the electricity supply regularly, he has never been regular in making the payment of the consumption charges as per energy bills issued from time to time. The applicant was already in arrears till the month of February, 2006.

On 11.08.2006, his meter, being meter no. 3025554, came to be inspected by the Manewada Sub-Division accuchecking squad in the applicant's presence and the meter was found to be running slow by 30% and assessment of Rs.15,656/- was done accordingly under Section 126 of the Electricity Act and this amount was included in the energy bill of September 2006. Thereupon, the applicant submitted his complaint application dated 25.09.2006 and on his request, previously installed faulty electric meter, bearing no. 3025554 came to be replaced by a new meter bearing meter no. 5463401 on 27.09.2006. The new meter was installed at the initial reading of 00007.

As regards the applicant's complaint of excess charges of Rs.15,656/- included in the energy bill for September 2006, the non-applicant submitted that this amount was wrongly included in his energy bill for September, 2006 as assessment amount towards unauthorized use of electricity. However, this mistake was rectified in the next month i.e. October, 2006 by giving credit of Rs.13,977/- to the

applicant and he was charged Rs.1679/- only for the past period of three months due to meter being faulty.

He added that the applicant further failed to pay the consumption charges after 27.09.2006 till December 2006 and arrear amount of Rs. 4,338=65 was outstanding in the billing month of December, 2006. The applicant further failed to pay the energy charges from January 2007 till October 2007. A total arrear amount of Rs.10,204/- was outstanding from December 2006 to September 2007 against the applicant. Hence, a notice, being notice dated 01.10.2007, was issued to the applicant asking him to pay arrear amount of Rs. 10,204/- within 15 days failing which his power supply shall be disconnected. The applicant refused to accept this notice. His refusal to accept the notice is recorded in writing in the presence of three witnesses. A document to this effect is produced on record by the non-applicant. Since no payment was made, the applicant's power was disconnected on 18.10.2007 in the presence of three witnesses. A panchnama to that effect is already drawn & it is produced on record.

A police complaint has been made on 18.10.2007 contending therein that the applicant refused entry of officials of the non-applicant Company in his premises for the purpose of disconnection of his power supply and for removing the applicant's meter. The non-applicant submitted that the power supply was disconnected from the pole. After disconnection of the power supply from pole on 18.10.2007, the complainant realized the factual position and deposited amount of Rs.10,000/- on 22.10.2007 as part payment of the arrears and

hence his power supply was restored. Thereafter also, the applicant failed to pay energy charges even till today.

The applicant's meter, being meter no. 5463401 was also tested in the applicant's presence on 12.11.2007 and it was found that the meter was running slow by 4.1%. The inspection report also bears signature of the consumer Shri F.A. Lawrence. The consumer has actually been billed for less consumption due to running slow of his meter by of 4.1% and yet, these charges are not yet paid by him.

Because of non-payment of energy charges beyond 22.10.2007 till 04.07.2008, a power disconnection notice, being notice dated 04.07.2008 came to be issued to the applicant informing him that he should pay the arrear amount of Rs.9535/- within 15 days failing which his power supply shall be disconnected. The applicant refused to accept this notice and endorsement to that effect is recorded by the person who went to serve this notice on the applicant. In view of this position, a copy of the notice was sent to the applicant under certificate of posting on 05.07.2008. The postal acknowledgement of under certificate of posting is produced on record by the non-applicant. Since the applicant failed to pay the arrear amount his power supply came to be disconnected on 02.08.2008 in the presence of two panchas. The power supply was disconnected from the pole. A panchnama to that effect was drawn and it is produced on record.

The non-applicant strongly contended that no fault, whatsoever, can be attributed to the non-applicant and there is no deficiency of service from his side.

The non-applicant lastly submitted that there is no substance at all in the grievances of the applicant and hence, his grievance application may be rejected.

We have carefully gone through the contents of the applicant's grievance application and the documents attached to this application and the non-applicant's written and oral submissions. The documents produced on record by the non-applicant are also perused.

As regards the applicant's first grievance, this Forum observes that as per the applicant's complaint dated 25.09.2006 regarding faulty meter and excessive billing of Rs.15,656/-, the non-applicant has already changed his faulty meter, being meter no. 3025554 by a new meter, being meter no. 5463401 on 27.09.2006 at initial reading 00007. The non-applicant has admitted during the course of hearing that an assessment amount of Rs.15,656/- was wrongly included in the applicant's bill for the month of September 2006. This has happened through inadvertence on the part of the non-applicant who, it seems, held that the applicant has indulged in unauthorized use of electricity. As such, a credit of Rs.13,977/- was immediately given to the applicant in his next energy bill for the month of October, 2006. This Forum, however, observes that the reduced assessment amount charged to the applicant was not properly worked out and credit of Rs.13,977/- was not adequate. It is seen from the record that assessment at the rate equal to one and half times the tariff applicable for three months' period is made which is wrong since Section 126 was not applicable and because the meter was defective. Hence, we direct the non-applicant to

rework out this amount in terms of Regulation 15.4.1 of the MERC (Electricity Supply Code and Other Conditions of Supply) Regulations, 2005. Additional credit so worked out shall be given to the applicant. The first grievance is therefore partially allowed and it stands disposed of as stated above. The non-applicant should also have informed the applicant explaining as to how the relevant details of revised assessment were worked out.

As regards the applicant's second grievance, mere statement to that effect is of no use and it cannot be believed. The non-applicant has duly acknowledged all his other complaint applications and there was no reason for not acknowledging this particular application.

As regards the applicant's third grievance, this Forum observes that previously there was one single main service line in position from the pole for catering supply to as many as four consumers including the applicant. Had the tree branches fallen on this service line, interrupting supply of electricity the other consumers also would have complained. However, as stated by the non-applicant, the other consumers never complained about brushing of tree branches to the service line and about damages. Moreover, now independent service lines are laid on 22.10.2007 for supply to all these four consumers including the applicant. The applicant's complaint in this regard is misconceived. There could be some internal problem of wiring inside the applicant's premises if at all the applicant's complaint of burning his computer entailing loss to him was true. The non-applicant has adequately & satisfactorily answered this issue in his rejoinder dated

22.08.2008. We, however, are of the view that it would have been in the fitness of things had the non-applicant replied the applicant appropriately. This third grievance of the applicant thus stands disposed of accordingly.

As regards the applicant's fourth grievance, this Forum observes that there is no decision dated 19.12.2007 on record of Internal Grievance Redressal Cell as contended by the applicant. It is also not known whether the applicant approached anytime the Internal Grievance Redressal Cell for redressal of his grievances in terms of the said Regulations. His reference to Internal Grievance Redressal Cell's order dated 19.12.2007 seems to be without any basis in the absence of any such order on record. He has also failed to produce a copy of any such order of the Internal Grievance Redressal Cell. The other point raised by the applicant is about charging him for consumption @ Rs.345/- per month w.e.f. 10.05.2006. The record shows adequately and satisfactorily that the billing done to the applicant was generally correct and proper throughout excepting the bill for October 2006. It is the applicant who neglected to pay monthly energy charges. He allowed accumulation of arrears of energy charges from time to time. This is proved beyond doubt by various dates of payments of energy charges made by him from time to time which are as under as per his CPL.

11.11.2003, 07.01.2004, 04.06.2007, 08.09.2004, 06.01.2005, 14.07.2005, 12.08.2005, 28.02.2006, 27.09.2006 and last payment dated 22.10.2007. His meters were also tested in the presence of the consumer Shri F.A. Lawrence from time to time vide meter testing reports dated 11.08.2006 & 12.11.2007.

The billing done so far is found to be correct generally. His request to charge him @ Rs.345/- per month w.e.f. 10.05.2006 is without any basis and hence it is not acceptable. This fourth grievance of the applicant therefore stands rejected subject to above observations.

As regards the applicant's fifth grievance, it is evidenced by record that the applicant failed to pay any energy consumption charges from 19.12.2006 till 21.10.2007. The non-applicant's contention that because of non-payment of energy charges, the applicant accumulated a total arrear amount of Rs.10,204/- till the month of October, 2007 is, therefore, correct. Because of non-payment of arrear amount of Rs. 10,204/-, a power disconnection notice, being notice dated 01.10.2007, was, therefore, issued by the non-applicant asking the applicant to pay this amount within 15 days failing which his power supply shall be disconnected. However, the applicant refused to accept this notice. This is clear from the copy of notice produced on record which indicates the applicant's refusal to accept the notice is duly endorsed in the presence of signature of three panchas as witnesses. It is because of this position that the applicant's power supply came to be disconnected on 18.10.2007 from the pole. A copy of police complaint dated 18.10.2007 filed by the non-applicant also shows that efforts were made to serve the notice personally on the applicant on 17.10.2007. However, the applicant refused entry of the non-applicant's officials in his house for the purpose of removal of his meter and disconnection of his power supply. The facts evidenced by record fully corroborate the say of the non-applicant. His power supply was rightly

disconnected by the non-applicant on 18.10.2007 after due notice to him in terms of Section 56 (1) of the Electricity Act, 2003. There was no deficiency of service on the part of the non-applicant. Thus, this fifth grievance stands dismissed.

It is again a matter of record that after the applicant's power supply was disconnected on 18.10.2007, the applicant paid an amount of Rs.10,000/- on 22.10.2007 and as such, his power supply came to be restored. The applicant's meter, being meter no. 5463401 also came to be tested on 12.11.2007 in the presence of consumer Shri F.A. Lawrence who has also signed the testing report and it was found that his meter was running slow by 4.06%. The applicant's meter found to be running slow came to be changed by a new meter, being meter no. 547483. Thus, it is proved that the applicant's meter, being meter no. 5463401 which was in fact running slow did not yield any excessive billing to the applicant.

It is also a matter of record that the applicant did not pay any energy charges from 22.10.2007 onwards till 4th July, 2008. An arrear amount of Rs.9535/- had thus remained unpaid. This necessitated the non-applicant to take steps to disconnect the applicant's power supply. Accordingly, a notice dated 04.07.2008 was issued. The applicant again refused to accept the notice dated 04.07.2007. This is clear from the endorsement of the official of the non-applicant Company recorded on 04.07.2008. This endorsement is made below the text of the notice dated 04.07.2008. Since the applicant refused to accept notice personally, the non-applicant posted a copy thereof to the applicant at his address under certificate of posting on 05.07.2007. This proves that proper and adequate

care was taken by the non-applicant to serve the notice on the applicant. Despite this position, the applicant failed to pay the arrear amount of Rs.9,535/- with the result that the applicant's power supply was rightly disconnected on 02.08.2008 from the pole. The panchnama to this effect bearing signatures of two panchas is produced on record by the non-applicant. Hence, it is crystal clear that the applicant's sixth grievance made on 04.08.2007 about threatening of disconnection of his power supply is clearly an after thought & it is misconceived since his power supply was already disconnected on 02.08.2008 before the applicant submitted his grievance before this Forum. In view of this position, the applicant's request made in the grievance application for passing interim order restraining the non-applicant from disconnecting his power supply by is devoid of any merits and hence, the same stands rejected. Not only this but the applicant's grievance of breach by the non-applicant of provisions of Electricity Act, 2003 and MERC's Regulations made in his grievance application is also devoid of any merit in view of the facts evidenced by record. The applicant seems to be in the habit of accumulating energy charges and as such, nothing wrong or illegal has happened if the non-applicant has taken the extreme step of disconnecting the applicant's power supply.

The applicant also did not offer payment of energy charges as per Section 56 (1) (a) or 56 (1) (b) of the Electricity Act before disconnection of his power supply.

As regards the applicant's prayer for refunding energy charges of more than of Rs.20,000/-, this Forum observes that there is no substance at all in this prayer.

Likewise the applicant's prayer for awarding compensation of Rs.31,000/- made in his grievance application also stands rejected for want of any proof.

In the result, the applicant's grievance application stands disposed off in terms of this order.

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