

**Before Maharashtra State Electricity Board's
Consumer Grievance Redressal Forum,
Nagpur Urban Zone, Nagpur.**

Case No. CGRF (NUZ)/005/2005

Applicant : Shri Lakhandas Narayandas
Bhamode, R/o. Tandapeth,
Lendi Talao, Lal Darwaja,
Ward No. 46, Nagpur.

Represented through: his Son Shri Anil Bhamode

Non-Applicant : Executive Engineer, O&M Dn.,
Gandhibag, (NUZ), MSEB.,
Nagpur.

Quorum Present : 1) Shri S.D. Jahagirdar, IAS (Retd),
Chairman,
Consumer Grievance Redressal
Forum, Nagpur Urban Zone,
Nagpur.

2) Smt. Gouri Chandrayan,
Member, Consumer Grievance
Redressal Forum,
Nagpur Urban Zone, Nagpur.

ORDER (Passed on 23.03.2005)

The present application in Schedule "A" is filed before this Forum by the applicant as per Regulation No. 6.3 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulations, 2003 hereinafter referred – to – as the said

Regulations. The application is filed before this Forum on 21.02.2005.

The Grievance of the applicant is in respect of the arrear bill of Rs. 3,17,298.84 slashed on him under the non-applicant's electricity consumption bill dated 27.11.2003. This arrear bill pertains to the period from 23.09.1993 to July 2003 that is for a period of ten years and this huge amount is purported to be the total cost of electricity consumption over a period of ten years.

The applicant earlier approached the Internal Grievance Redressal Unit headed by the Executive Engineer (Adm) in the Office of the Chief Engineer (NUZ), MSEB., Nagpur by filing his application on 20.12.2004. No remedy was provided to him by his Unit within a period of two months and hence he filed the present application before this Forum after expiration of the two months' period.

The matter was heard by us on 16.03.2005 when both the parties were present. Both of them were heard by us. Documents produced by them at the time of hearing were admitted and filed with the record of the case.

After receipt of the application, the non-applicant was asked to furnish his parawise remarks on the application in terms of Regulation No. 6.7 and 6.8 of the said Regulations. The non-applicant, accordingly, submitted his parawise comments under his report on 11.03.2005 which was received by the Forum on 14.03.2005. A copy of this parawise report was given to the applicant on 16.03.2005 and opportunity was given to him to offer his say on this parawise report also.

It is the contention of the applicant that he was shocked to receive the huge arrear bill of Rs. 3,17,298.84/- from the non-applicant which he refused to pay. He added that he has paid the bi-monthly electricity bills received by him for the period from September 1993 till November 2003. It is his say that he received a notice from the non-applicant, all of a sudden, asking him to make the payment of arrear amount of Rs. 3,38,612 on or before 21.01.2004 failing which his electricity supply would be disconnected. According to him, the arrear bill in question is unjust, improper and illegal.

The applicant has further stated that he has already paid the last electricity bill of Rs. 660/- on 06.08.2003 as per the non-applicant's electricity bill dated 21.07.2003 pertaining to the period from 03.05.2003 to 02.07.2003 immediately before receipt by him of the huge bill of arrears. A copy of this bill dated 21.07.2003 and also a copy of the receipt dated 06.08.03 are produced by the applicant. No payment of any bill was made by him after 06-08-03 because of the dispute in respect of the arrear bill. He has requested that the non-applicant may be ordered to withdraw this arrear bill pertaining to the period of ten years. He has shown his willingness to make payment of the electricity bill as per his metered consumption with effect from Nov. 2003 onwards. It is also contended by him that the new series meter installed on 04.03.2004 is still showing excessive consumption of units despite the fact that the electrical gadgets like bulbs etc fitted in his residential house can not consume more than 400 units per month. He referred to the inspection report carried out by the Dy. Exe. Engineer on 17.04.2004 of his residential premises, a copy of which has been produced by him which is on record among the case

papers pointing out the relevant details of this inspection report. Relying on this report, he contended that the inspecting authority has made a clear mention in the report to the effect that there were 3 Tube lights, 3 Fans, 1 Refrigerator, 2 Color TVs and 3 bulbs of 40 watts found to be fitted in the applicant's residential house. The inspecting authority remarked that the meter, being meter number 121137 of the applicant, was found to be running slow by 5.95 percent. According to the applicant, looking to the details inspection report, his monthly consumption of electricity should not exceed 400 units. During the course of hearing, he also pointed out that the Executive Engineer (Adm) in the Office of the Chief Engineer NUZ, Nagpur visited his premises on daily basis for a period of one week and noted the accurate metered consumption during this period of one week. According the verification carried out by the Executive Engineer (Adm), the consumption per day was not more than 8-10 units. The applicant, relying on this verification report, vehemently argued that his monthly consumption of electricity can, in no way, exceed 400 units. He, therefore, requested us to grant appropriate relief in

respect of the electricity bill ought to have been paid or payable by the applicant from Nov. 2003 onwards.

The non-applicant has submitted that the original meter, being number 10093756, was replaced by another meter on 18.08.1993 and the number of the new meter installed was 10904910. The meter reading recorded by the old meter at the time of its replacement was 4530 while the new meter was showing the reading of 00015 at the time its installation. The old meter was replaced since it was burnt. The new meter installed also burnt on 23.09.1993 and hence it was again replaced by another meter, being meter number 121137, which was showing reading of 00015 at the time of its installation while the replaced meter, being meter number 10904910, was showing meter reading of 00418. It is the contention of the non-applicant that entries of units recorded by the two meters were not taken on record from the year 1993 till July 2003 and the applicant consumer was served electricity bills based on the average consumption throughout this period. With a view to stop the average billing, the actual metered readings of the meters installed at the residential premises of the applicant were taken into

account for the period from 18.08.1993 till Nov. 2003 and the amount of total tariff payable was arrived at and subtracting from this amount the average bill amounts already paid by the applicant, a net arrear bill of Rs. 3.17 lacs was given to the applicant as per bill dated 27.11.2003. It is the contention of the non-applicant that the applicant was liable to pay this arrear amount for the reason that he has already consumed the electrical energy accordingly at his residential premises over a period of ten years. When questioned as to why the non-applicant took such an abnormally long period of ten years to calculate this arrear amount, the non-applicant admitted that a mistake has been committed in this regard. According to him, the applicant was personally explained all the circumstances and he was asked to pay this arrear amount. The applicant also still complained that his electricity meter was running fast and hence with a view to redress this grievance, a parallel series meter was installed on 04.03.2004 and the applicant consumer was shown that both the original meter as well as the series meter are showing almost the same reading in respect of units of electrical energy consumed by the applicant. The applicant

was served with a bill of Rs. 65,840/- on 29.11.2004 other than the disputed arrear bill of Rs. 3.17 lacs which also the applicant refused to pay. It is the say of the non-applicant that the applicant has not paid any electricity bill after 06.08.2003 when he paid the last bill of Rs. 660/-.

The non-applicant has also produced a copy of Consumer Personal Ledger of the applicant consumer which shows relevant details of the various electricity bill amounts from Nov. 1997 to January 2005. No record is, however, produced by the non-applicant regarding bill amounts prior to November, 1997. The non-applicant has further stated before us that the applicant has consumed 8949 units of electricity as shown by the meter readings by the series meter, being meter number 52937, for the period from 04.03.2004 to 14.02.2005. According to non-applicant, the original meter, being meter number 121137, has shown consumption of 8675 units of electricity during the above period. Relying on the figures of metered consumption which are almost similar, the non-applicant contended that the average consumption of electricity by the applicant is 800

units per month. The non-applicant added that the grievance application of the applicant may be rejected.

Commenting upon the statement made by the non-applicant in his parawise report to the effect that the applicant's consumption of electrical units was around 800 units per month during the period from 04.03.2004 to 14.03.2005, the applicant has stated that the statement made by the non-applicant was patently wrong in as much as his consumption of electricity cannot exceed 400 units per month, looking to the description and consumption capacity of the electrical fittings installed in his residential premises. The applicant has also denied the receipt of electricity bill of Rs. 65,840/-. However the non-applicant showed to him in our presence that there is a signature on the office copy of this electricity bill from the applicant's side in token of having received the same.

We have carefully gone through the entire record of the case, all the documents produced by both the parties and also the arguments made by both of them.

The first part of the grievance is about the huge arrear bill of Rs. 3,17,298.84/-. It is an admitted fact that such

a huge bill of electricity was slashed on the applicant in one go and that this arrear amount is pertaining to the period of ten years i.e. from around 18.08.1993 to November – 2003. The non-applicant also admits that this arrear bill dated 27.11.2003 was issued after lapse of period of ten years.

It is pertinent note that the date of this bill is 27.11.2003. The Electricity Act, 2003 has come into force from 10.06.2003 and hence the relevant provision laid down in section 56(2) of this Act would be attracted in this case. Now, sub-section (2) of section 56 of the Electricity Act, 2003 reads as under.

“ 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”.

This provision is applicable to the instant case without any iota of doubt. As evidenced by record and also admitted by the non-applicant, the sum shown in this arrear bill became first due in the year 1993 and further that the

arrears bill pertaining to a period of ten years was shown as recoverable in one go much after the lapse of two years' period i.e. on 27.11.2003. It is also crystal clear that this sum of arrears has not been shown continuously as recoverable as arrears of charges in any of the bi-monthly bills of electricity. The result is that the arrears bill in question slashed on the applicant after a long period of ten years is not only improper and un-just but it is also illegal.

The non-applicant has thrown to winds all the aspects of procedures and clearly violated the legal provision contained in the sub-section (2) and section 56 of the Electricity Act, 2003. The Electricity arrears bill in question, therefore, deserve to be withdrawn at once. Once this bill is withdrawn, any amount of interest on this bill shown as recoverable in any subsequent electricity bills shall also not be recoverable. The applicant's grievance so far as this arrears bill is concerned deserves to be removed. The justification given by the non-applicant in his parawise report and also in his contentions made before us during the course of hearing are ill-founded and hence cannot be accepted.

The second part of the grievance is in respect of payment of electricity bills after November 2003. The applicant has denied that his monthly consumption of electricity is 800 units during the period from 04.03.2004 to 14.02.2005. He has referred to the physical verification made by the Executive Engineer (Adm) on daily basis for a period of one week earlier and based on this verification, the applicant's say is that his consumption of electricity can be at the most 400 units. However, we do not accept this contention because the non-applicant has already installed a parallel series meter, being meter number 52937 at the applicant's behest at his residential premises parallel to the existing meter, being number 121137 and that these two parallel meters have shown almost the same readings of consumption of electricity by the applicant. The verification by the Executive Engineer carried out for a period of one week only cannot be taken as a base for generalizing and for arriving at the average number of units consumed by the applicant per month for all the time in perpetuity. The applicant, therefore, have to pay the electricity bill as per metered consumption from November 2003 onwards. The

non-applicant should, therefore, inform the applicant all the relevant details of the consumption of electricity for the period from November 2003 to date and the applicant will have to pay the electrical charges accordingly. A complaint is made by the applicant that the existing meter is still running fast and it is showing excessive consumption. In view of this complaint, it will be necessary on the part of the non-applicant to test afresh the meter in question for its accuracy. The meter should, therefore, be tested by the non-applicant in the presence of the applicant himself and in the presence of any other technical person nominated by the applicant so as to clearly find out the exact status of working of the meter in question.

In light of above, we pass the following order.

- 1) The electricity arrear bill of Rs.3,17,298.84/- dated 27.11.2003 should be withdrawn at once by the non-applicant. The applicant is not required to pay this bill. The applicant is also not liable to pay any interest on this arrear amount as may have been shown as recoverable by the non-applicant in the Consumer Personal Ledger of the consumer applicant.

2) The applicant shall pay the electricity bills from November 2003 onwards to-date as per metered consumption as shown by two parallel meters as also the interest amount on these bills. The non-applicant may consider grant of installments to the applicant for paying the bill amounts, if applied for, by the applicant.

3) The non-applicant shall test the existing meter installed in the residential premises of the applicant for its accuracy. This inspection shall be carried out on or before 31.03.2005 in the presence of the applicant and in the presence of any other technical person nominated by the applicant and the result of inspection made available to the applicant before 31.03.2005.

Compliance of this order shall be reported to this Forum by both the parties before 15th April 2005.

(Smt. Gauri Chandrayan)
MEMBER

(S.D. Jahagirdar)
CHAIRMAN

**M.S.E.B.'S CONSUMER GRIEVANCE REDRESSAL
FORUM, NAGPUR URBAN ZONE, NAGPUR.**