

BEFORE THE CONSUMER GRIEVANCES REDRESSAL FORUM

M. S. ELECTRICITY DISTRIBUTION CO.LTD.

(NAGPUR ZONE – RURAL) NAGPUR.

Application/Case No. CGRF/NZ/Rural/ **30** of 2006

- Applicant : M/S. Shyam Paddy Processors, Mill Toli, Gankhera,
Dist-Gondia.
Through - Shri Sanjay Agrawal,
-- VS --
- Non-applicants. : 1.Executive Engineer,C.C.O&M Dn., MSEDCL,
Gondia.
2.Executive Engineer/Nodal Officer
Internal Grievance Redressed Unit,
Circle Office, MSEDCL, Gondia .
- Presence : 1.Shri N.J.Ramteke,Chairman
2.Shri M.G.Deodhar,Member
3.Shri M.S.Shrisat,Member/Secy.
- Appearance. : 1. Shri Sanjay Agrawal,
2. Shri Pramod Agrawal,
Representative for Applicant. .
3. Shri C.M.Khandalkar,E.E.
For Non-Applicants.

O R D E R

(Passed this 16th day of June, 2006)
(Per Shri N.J.Ramteke, CHAIRMAN)

Shri Sanjay Agrawal presented this application in form Schedule 'A' of Regulation 6.6 of the M.E.R.C. (CGRF&O) Regulations, 2006 (hereinafter called the Regulations). The Maharashtra Electricity Regulatory Commission, Mumbai made the present Regulations in supersession of old Regulations, 2003. The new Regulation of 2006 came into force on 20/4/2006 on publication of the same in the Maharashtra Government Gazzettee . The present application is dealt with under the Regulations,2006 .

On receipt of application in schedule 'A' , the Forum gave acknowledgement , sent the copy of the application alongwith enclosed documents to non-applicants for their comments. The Forum issued notices for hearing to both the parties . The non-applicants submitted their parawise comments on 22/5/2006 . The Forum heard both the parties on 8/6/2006. The copy of parawise comments were given to Applicant alongwith the notice for

hearing. The notices for hearing were issued and served to both the parties by giving sufficient time for hearing.

Shri Sanjay Agrawal, assisted by Shri Pramod Agrawal, made the oral submissions on behalf of Applicant. Shri C.M.Khandalkar, E.E. made oral submissions on behalf of non-applicants.

Applicant sought relief from this Forum to give credit to him of the recovery of Rs.1,14,160.50 alongwith interest and D.P.C. accrued their account. The whole issue in this case is based on the recovery bill dtd. 14/4/2003 as issued by the Distribution Licensee(for short, D.L.) of Rs. 1,14,160.50 (Record page 6)

The facts in brief in this case are that Applicant is a Paddy processing Unit in Gondia. Its consumer No. is IP 245 432650004687, Sanctioned Load 67 H.P. under LTPG for running rice mill industry. The D.L. issued a bill of Rs. 1,14,160.50 inclusive of arrears to Applicant on 11/4/2003 . This matter was also referred to the Rice Millers Association (RMA) , Gondia. The RMA filed a petition on 5/5/2004 to the M.E.R.C. (for short Commission) , the Commission under its order date. 15/12/05 (Record page 9) advised the D.L. that they need to take concerted action to dispose off the case within time period agreed to by them before the Commission. Applicant approached I.G.R..C, Bhandara by application in form Schedule 'X' (Record page 14) . The I.G.R.C., Bhandara passed order on 3/3/2006 (Record page 16) in which the recovery of Rs. 1,14,864/- was upheld. Against this order of I.G.R.C., Applicant approached this Forum and, therefore, the present proceedings.

The main contention of Applicant is that in April,2003 the Billing Department of the D.L. debited lumpsum amount of Rs. 1,14,150.60 . There is no calculation sheet or details of any amount to show the justification of this amount. Applicant made several requests to the non-applicants. As per section 26(7) of the Indian Electricity Act, 1910, the matter about slow or faulty recording of the meter should have been referred by the non-applicants to Electrical Inspector who is authorized to decide the dispute of slow or faulty meter. Applicant has not accepted the order of I.G.R.C. The testing of the meter was not undertaken in presence of the representative of Applicant. Applicant had applied for settlement of dispute in view of the order of the Commission. The order of the Commission is not followed by the non-applicants and is liable for action as per directives of the Commission. Applicant also requested for grant of compensation for harassment and cost of the case with relief as deemed fit by the Forum.

In their parawise comments (Record page 19) , the non-Applicants stated that the bill pertains to April,2003 and, therefore, it can not be questioned under the provisions of Electricity Act,2003 . The complaint is liable to be dismissed. Applicant should have approached the Civil Court to challenge the bill of April,2003 but Applicant failed to do so and, therefore, the present application is time barred. The non-applicants are also relying upon the Judgement of Allahabad High Court in Shri Laxmi Ice Mills, Muzaffarnagar -vs- Executive Engineer, Muzaffarnagar (AIR 1987) Allahabad 115 (Record page 23) .

On hearing both the parties and perusal of the record, the Forum come to the conclusion and decide unanimously as under.

It is a matter of fact that on 27/11/2000, the meter of Applicant was tested and the same was found 77.5% slow. The non-applicants issued the bill under grievance on 11/4/2003 showing the amount of recovery of Rs. 1,14,160.50 including the arrears. The Forum is of the opinion that it was the duty of the Applicant to approach the Electrical Inspector under Indian Electricity Act, 1910 and he could not compel the non-applicants to refer the matter to Electrical Inspector. D.L. is expected to look into the order dated 15/12/2005 of the M.E.R.C. The issue under grievance is about recovery of above amount. It has been clearly and specifically laid down under Regulation 6.6 of the Regulations that the Forum shall not admit any grievance unless it is filed within 2 years from the date of which the cause of action has arisen. In the instant case the cause of action has arisen on 11/4/2003 whereas Applicant approached I.G.R.C. on 9/1/06. Applicant approached this Forum in form Schedule 'A' on 8/5/2006. It means, this present case is time barred in terms of Regulations of 2006. It would have not been admitted but to give fair and reasonable opportunity of hearing to Applicant on the order of I.G.R.C. , the Forum admitted this application. On this count it is not necessary to go into the merits of the case and this application deserves to be filed. However, the Forum called comments of the non-Applicants and heard both the parties, it may not be out of place to touch upon the nature of relief as sought by the Applicant.

On receipt of the said bill, Applicant should have agitated the matter in Civil Court as remedy was available to him. It has been laid down in Hon'ble High Court order (Record page 23) that the dispute regarding accuracy of bill E.E. Electricity Maintenance Division making demand on the basis of readings reflected by the check meter installed , he is within his rights . There is no provision which obliges him to refer the dispute for adjudication of Electrical Inspector. Applicant also failed to establish that meter was tested behind his back. Normally non-applicants may not dare to enter into their mill premises

without their knowledge. Thus the allegations that meter was tested behind his back is not acceptable to the Forum. The matter was also referred to the account section, Head Office at Mumbai and the recovery of Rs. 1,14,864/- was upheld by the Dy.C.A.O.

With above observations, the Forum pass the order as follows:

ORDER

- 1) Application is rejected.
- 2) The recovery of Rs. 1,14,864/- is justified.
- 3) Parties to bear their own cost.

CHAIRMAN

MEMBER

MEMBER-SECY.

CONSUMER GRIEVANCE REDRESSAL FORUM

M.S.E.D.C.L.,NAGPUR ZONE(RURAL)NAGPUR.

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CGRF/NZ/R/ 120

Date:: 23rd June,2006

Certified that this is the true and correct copy of the above order.

Member-Secy/ Exe.Engineer,
C.G.R.F.(NZ-R)MSEDCL
N A G P U R

Copy to:

1. M/S. Shyam Paddy Processors, Toli, Gankhera, Gondia.
2. The Chief Engineer, Nagpur Zone (Rural)MSEDCL, Nagpur.
3. The Exe.Engineer/N.O., O&M Circle Office, MSEDCL. Gondia, --
for information and necessary action. .
4. The E.E., C.C.O&M Dn., MSEDCL, Gondia for information and necessary action.

Address of the Ombudsman is given as below.

Office of - The Ombudsman,
Maharashtra Electricity Regulatory Commission,
606-608, Keshava Building,
Bandra-Kurla complex,
MUMBAI- 400 051

TEL.- 022 - 26592965 (Direct)
022 - 26590339 (Office)