

**BEFORE THE CONSUMER GRIEVANCES REDRESSAL FORUM
M. S. ELECTRICITY DISTRIBUTION CO.LTD.
(NAGPUR ZONE – RURAL) NAGPUR.**

Application/Case No. CGRF/NZ/Rural/ **33** of 2006

Applicant : M/S. Khandelwal Paddy Processors, At & Post - Adasi,
C/O Khandelwal Rice Mill, Bajpayee Ward, Gondia, (441 601)
Phone No. 07182 - 223233

-- VS --

Non-applicants. : 1.Executive Engineer,C.C.O&M Dn., MSEDCL,
Gondia.
2.Executive Engineer/Nodal Officer
Internal Grievance Redressed Cell,
Circle Office, MSEDCL, Gondia .

Presence : 1.Shri N. J. Ramteke, Chairman
2.Shri M.G. Deodhar, Member
3.Shri S. J. Bhargava, Member/Secy.

Appearance. : 1. Shri Sanjay Khandelwal,
2. Shri K.K.Parihar,
Representative of Applicant. .
3. Shri C.M.Khandalkar, E.E.
4. Shri A.L.Kanoje, A.E.
For Non-Applicants.

O R D E R

(Passed this 24th day of July, 2006)
(Per Shri N.J.Ramteke, CHAIRMAN)

Applicant (Shri Jugalkishre Khandelwal) presented an application in form Schedule 'A' under 6.4 of the M.E.R.C. (CGRF&O) Regulations, 2006 (hereinafter called the Regulations), against the order of the I.G.R.C., Bhandara. Applicant sought relief from this Forum on the grounds that the clubbing of load bill of Rs. 99,455/- for the period 96-97 to be cancelled and relief should be given to him. Applicant has made an original reference on 20/3/2001 to the D.L.(non-applicants) protesting against the bill of Rs. 1,28,996/- as issued by the non-applicants. A Question arises whether the present application is within limitation of 2 years in terms of Regulation 6.6 of the Regulations? In fact the original reference was made by Applicant in March,2001 as against the bill issued by the non-applicants in March,2001. The Forum is of the opinion that the present application is within time limit as the Applicant has given application before the Forum against the order dated 10/4/2006 of the I.G.R.C., Bhandara and, therefore, the present application is admitted by the Forum.

The facts in brief in this case are that the Applicant is a consumer of the D.L. with Consumer No.433450000781 and Meter No.6002184671. The non-applicants issued a bill of Rs. 1,29,966/-. This bill is not acceptable to Applicant. He has given the detailed

reasons for the same in his statement as enclosed with Application in form Schedule 'A' (Record Page 2 to 5). He had also made a representation to the S.E., Bhandara on 20/3/2001 (Record Page 17) against the bill of Rs. 1,28,966/-. In the meantime, the non-applicants issued him a notice of disconnection on 6/9/2002. The matter arose out of the audit report under which the demand of Rs. 99,455/- has been shown against the Applicant for the period 1/97 to 2/97 (IP 125 - 12500 units + 12500 units = 25000 units)

The I.G.R.C., Bhandara gave a relief of Rs. 29,511/- to Applicant under its order dated 10/4/2006 (Record Page 6). However, the I.G.R.C. refused to give the relief of Rs. 99,455/- to Applicant as the clubbing of the meters was used by Applicant and, therefore, this amount is justified. The Applicant sought relief from this Forum against this order.

On receipt of application in form schedule 'A', the Forum gave acknowledgement, called parawise comments of the non-applicants, issued notices for hearing to both the parties . The copy of parawise comments was given to the Applicant alongwith the notice for hearing. The Forum heard both the parties on 13/7/2006. However, on certain points as mentioned in the Order Sheet dated 13/7/2006, the Forum sought clarification from the non-applicants and, therefore, an opportunity of fresh hearing was given to the non-applicants on these points. The non-Applicants submitted their parawise comments on 1/7/2006. The Forum heard both the parties on 13/7/2006 and 20/7/2006 and, therefore, gave adequate and reasonable opportunity for hearing as required under principles of natural justice. It is a matter of fact that there are two meters with Nos. IP 125 and IP 164 in the name of two different consumers in different premises.

The main contention of Applicant is that the D.L. (non-applicants) issued him a bill of Rs. 1,28,996/- . He made a reference to the non-applicants on 20/3/2001. He received no reply or any justification on this amount from the non-applicants. The Rice Miller Association, Gondia also approached the M.E.R.C. in March,2002. He received a disconnection notice for payment of Rs. 1,57,668/- by 17/1/2002 otherwise the connection will be disconnected. Applicant is paying the current bills regularly under protest. There is no justification about the clubbing of load as per order of I.G.R.C. In fact the I.G.R.C. without giving sufficient opportunity of hearing passed the order one-sided.

The main contention of the non-Applicants is that Applicant's intention of dupping the revenue of the D.L, the consumer has taken two meters and , therefore, in terms of supply condition 31(f) , the D.L. has rightly issued him a bill in terms of the audit report. This fact was also noticed by the Flying Squad. M/s. Khandelwal Rice Mill is a unit at Adasi and the meter has been demanded in the name of M./S. Khandelwal Paddy Processors, though their office is one and the same. Their telephone number and fax number are common. The present matter pertains to 2001 and, therefore, the present law and Regulations are not

applicable as the Electricity Act, 2003 and the Forum were not in existence. The Applicant should have approached the court if he was aggrieved by said bill. Applicant had filed a civil suit No. 18/2005 in Gondia. There is no justification in seeking the relief from this Forum after five years. Applicant is the owner of different units and Applicant's intention of low electricity charges, he had taken different meters in different names and, therefore, the action of clubbing of load is justified. The order as passed by the I.G.R.C. is correct and justified.

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

Shri K.K.Parihar, the Representative of the Applicant made oral submissions at length on 13/7/2006 and 20/7/2006. He submitted that the Applicant had challenged the recovery of Rs. 99,455/- as shown in the energy bill of March,2001. The .DL. has wrongly clubbed together the bill of both meters though there are two separate IP connections with different owners and premises. Shri Parihar has rightly pointed out that there are two separate connections and, therefore, the energy bill can not be clubbed together. He denied the charge of the non-applicants that the Applicant has taken IP 125 and another connection IP 164 to put the D.L. in revenue loss as both the service connections are separate and there identity is separate. The clause 31(f) as per Supply condition is not applicable. The recovery of Rs. 99,455/- needs to be quashed. He has further pointed out that the connection IP 164 is installed on 18/1/97, then how it is possible to make the recovery for the year 96/97 ? For the short period there could not be a bill of Rs. 99,455/-.

Shri Kanoje, A.E. in his submission before the Forum stated that generally the consumers deny the H.T. connections. The consumers try to get the undue advantage by taking two separate connections and clubbing of the energy bill might have been made by the audit section and, therefore, justified.

Shri Kanoje, A.E. could not explain with documents about the clubbing of the energy bills. His whole submission is based on assumption and presumption. This submission is not acceptable to the Forum.

It is a matter of fact that there are two different meters No. IP 125 and IP 164 in different names in different premises. As per audit report (Record Page 42), 12500 units in 1/97 and 12500 units in 2/97 totaling 25000 units have been shown against the Applicant with a demand of Rs. 99,455/- This report reveals a break up of demand. (Diff. 39250.00 + 10% capacitor Rs. 3925.00 + Penalty of Fix charge. 56280.00 = 99,455.00). The Forum do not find any justification about the clubbing of load of 25000 units. A specific question was raised to the Representatives of the non-applicants at the time of hearing about the break up and justification of 25000 units against each meter. The representatives of non-applicants could not give any satisfactory reply and justification. They requested the Forum to grant

time to submit supplementary reply on these points. The Forum granted the time and heard them against. Shri A.L.Kanoje, A.E. submitted the reply on 20/7/2006 and also made oral submissions before the Forum. The Forum did not find any justification about 25000 units. Thus there is nothing new in this reply except the difference in tariff. Shri Khandalkar, E.E. and Shri Kanoje, A.E. could not produce any circular or any authority or standing instructions of the D.L. about clubbing of the load. They merely relied upon the audit report. It is also surprising to note in the audit report that no justification and break up of 25000 units has been shown against each meter, namely, IP 125 and IP 164. There is no ground for the Forum to justify the demand of Rs. 99,455/- .

It has been clearly laid down in para I-A (Record page 42) of the audit report that the cases are given bill to whom clubbing of both connections is necessary and applied higher tariff for billing for the period 96-97 . The same can be extended for previous period also and should be continued with effect from April, 97 till the disconnection of supply taking into consideration of connective load. The Forum noted with surprise that why the non-applicants failed to comply with the directions as given in this para. There is no clubbing of load till today. It means, there is no justification about the amount of Rs. 99,455/-.

In view of above position, the Forum directs the non-applicants to recover the difference on 25000 units as per the rates as prevailing during the relevant period under subject matter. The non-applicants could not justify 10% capacitor amount Rs. 3925/-. The non-applicants also could not justify the penalty of Fixed charges of Rs. 56,260/-. Since the Applicant is making payment against each meter from April,2001, the amount of penalty of Rs. 56,260/- can not be justified. The Applicant is directed to make the payment of the bill at Rs. 1.57 per unit as difference in tariff for 25000 units. Thus the amount comes to Rs. 39,270/-. The non-applicants are directed to issue the revised bill to Applicant within 30 days from the receipt of this order and report compliance.

ORDER

- 1) Application is partly allowed.
- 2) The non-applicants to issue revised bill within 30 days on above lines by cancelling bill of Rs. 99,455/- .
- 3) Applicant should make the payment of the bill as per revised bill.
- 4) 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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No. CGRF/NZ/R/ **133**

Date: **28th July, 2006**

This is to certify 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. Khandelwal Paddy Processors, At & Post: Adasi, C/O. Khandelwal Rice Mill, Bajpayee Ward, 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 - Electricity Ombudsman is given as below.

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

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