

CONSUMER GRIEVANCES REDRESSAL FORUM;
MSEDCL NAGPUR (RURAL) ZONE NAGPUR
COMPLAINT NO. 102/2013

The Head Master
Rashtriya Madhyamik Vidyalaya
Satona,
Dist.Gondia

Complainant

,,VS..

1. Executive Engineer,
MSEDCL,O&M Division,
Gondia.
2. Executive Engineer/Nodal Officer,
I. G. R. C., Circle Office,
MSEDCL,Gondia.

Respondents

Applicant represented by	1) Shri K.S.Parihar, Authorized representative
Respondents represented by	1) Shri Abdul Salam,Dy. Executive Engineer, Gondia. 2) Shri Sunil Mohurle, Junior Engineer, Gondia 3) Shri Abhay Meshram, UDC, Gondia.

CORAM:

Shri Vishnu S. Bute, Chairman.
Adv. Gauri D. Chandrayan, Member
Ms. S. B. Chiwande, Member-Secretary.

JUDGEMENT

(Delivered on this 02nd day of January, 2014)

2. The Head Master, Rashtriya Madhyamik Vidyalay, Satona, Dist.Gondia (hereinafter referred to as, the applicant) has a three phase connection bearing consumer no. 436730540402. The connection was allotted for L.T IV agriculture purpose. The flying squad of the distribution licensee MSEDCL (hereinafter referred to as, the respondent) visited the school premises on 10-08-2010. The respondent noticed that the electric supply from the connection was being used for lifting water from a Well.

The students and the staff of the Rashtriya Madhyamik school and Junior college use the water for drinking purpose. As such the tariff applicable to the connection is L.T. II commercial rates. The respondent gave a bill of Rs.1,23,250/- as arrears of 51 months. The Head Master requested the respondent on 18-01-2011. Thereafter the respondent has not taken any action. The respondent issued the bill for the quarter ending December, 2012 as per the agricultural tariff but included the aforesaid arrears in the bill. The respondent again included the arrears in the bill for the quarter ending March 2013. The applicant approached the IGRC Gondia. The IGRC dismissed his request vide order passed under no.SEG/Tech/3423 dated 09-10-2013. Feeling aggrieved by the aforesaid order, the applicant presented the instant application under the provisions of regulation 6.4 of the MERC (CGRF and EO) Regulations 2006.

3. A copy of the application was given to the respondent. The respondent was directed to submit parawise reply. The respondent submitted reply under no.EEG/Tech/7220 dated 09-12-2013. The case was fixed for personal hearing on 17-12-2013. Shri K.S.Parihar, authorized representative argued the case on behalf of applicant. Shri Ketan Turkar an employee of the school was also present. Shri Abdul Salam, Deputy Executive Engineer, Gondia, Shri Sunil Mohurle, Junior Engineer, Gondia city & Shri Abhay Meshram, UDC represented the respondent. Both the parties were heard. On perusal of the record it was noticed that the copies of the electricity bills issued by the respondent from September, 2010 to December, 2012 were not placed on record. Secondly, the copy of the tariff order by which the respondent applied the L.T. II commercial tariff rates to the applicant was also not placed on record. The respondent

was directed to produce the aforesaid documents as those are very important to decide the case. However till today the respondent has not produced any document.

4. Shri Parihar argued that the applicant has a three phase connection bearing consumer no. 436730540402. The connection was taken for agricultural purpose. Till the date of inspection the respondent used to charge this connection as per agricultural tariff. The water lifted by this connection is used for agricultural purpose only. The water is used for the maintenance of Flory culture, horticulture & the nursery by the school. It is not true that the water lifted by this connection is used for drinking purpose. There is no over head tank or storage tank. There is another single phase connection in the school premises. The applicant use the water lifted by the single phase connection for drinking purpose.

The respondent alleged that the water lifted by this connection is used for drinking purpose. This is not true. The respondent issued the bill of Rs.1,23,250/- for a period of 51 months. The bill was given on 22-10-2010 through the Junior Engineer, Gondia. The applicant immediately submitted a request letter. The respondent was requested to set aside bill. The applicant again sent a reminder on 12-10-2011. Thereafter there was no action from the respondent till December 2012. The applicant received the bill for the quarter ending December, 2012. The bill was as per agricultural tariff but the arrears amount was included in the bill. The applicant received the bill for the quarter ending March, 2013. Against the bill was as per agricultural tariff but the arrears amount was included in the bill.

The applicant requested that the water lifted by this connection is used for agricultural purpose only. So the assessment done by the respondent as per commercial tariff is wrong. The electricity charges and the other penal charges may be set aside.

5. Shri Abdul Salam replied on behalf of the respondent. He referred to the written reply dated 09-12-2013. It was further stated that the connection is for agricultural purpose. The Dy. Executive Engineer of the flying squad visited the spot on 10-08-2010. At the time of inspection, it was noticed that the water lifted by this connection was used for drinking purpose by the students and the staff of the school and the Junior college. So the respondent gave a bill of Rs.1,23,250/-. The applicant has not paid the bill amount till today. The action taken by the respondent is as per rule. The application has no force it may be dismissed.

6. We have heard the arguments advanced by both the parties. We have perused the record submitted by the parties. It is admitted position that the connection was given for agricultural purpose. Except the two line observation recorded by the flying squad there is nothing on the record to show that the water was used for the purpose other than the agricultural purpose. There is no independent and cogent evidence to show that the water was being used for other purpose. As per the applicant there is another connection in the school premises and the applicant use the water from that connection for drinking purpose. The respondent has not rebutted this contention.

The applicant also contended that there is neither a over head tank nor a storage tank connected to this connection. The respondent had no reply to this contention.

Sub Section (2) of section 56 reads as under,

Notwithstanding anything contained in any other law for the time being in the force, no sum due from any consumer, under this section shall be recoverable after a period of two(2) 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.

The respondent was specifically directed to produce the bills raised on the applicant. The respondent failed to establish that the arrears amount was continuously shown as in arrears and recoverable. As such the respondent lost the right of the recovery of the alleged arrears amount.

The respondent was specifically directed to produce the concerned tariff order, which was made applicable in the instant case. The respondent has neither produced the tariff order nor gave any clarification in this regard. So it is not possible to confirm that the amount of arrears calculated by the respondent is proper. So also there is no clarification about the tariff made applicable in this case.

The applicant also stated that the respondent is giving bills as per agriculture tariff after September 2010 till December 2012. The respondent has not given any clarification in this regard.

We have perused the order passed by the IGRC Gondia. On second page the IGRC recorded observation, B xlgdP; k 16-02-2013 P; k vtktZbkj i bpk R; kP; k fourho#u LFkG fufj {k.k dsvl rk R; k oSh "kGpk i k.kh i ppBk R; kP; k "kGB; k duB"kuoj oki jr

VI Y; kpsvk<Gys P this show that the applicant take drinking water from another connection. The respondent has not clarified this observation anyway.

In view of the aforesaid discussion it is very clear that there is no cogent evidence on record to establish that the water from connection no. 436730540402 was used for the purpose other than agriculture. Consequently a bill of Rs.1,23,250/- given with a letter no.AE/Rev/1137 dated 22-10-2010 can not be sustained and deserves to quash and set aside.

The action of the respondent is not sustainable in law. So we pass the following order,

ORDER

- i) Application No.102 of 2013 is partly allowed. The bill of Rs.1,23,250/- given with the letter dated 22-10-2011 is hereby set aside.
- ii) No order as to cost.

<p>Sd/- (Adv.Gauri D.Chandrayan) <u>MEMBER</u></p>	<p>Sd/- (Ms.S.B.Chiwande) <u>MEMBER SECRETARY</u></p>	<p>Sd/- (Vishnu S. Bute) <u>CHAIRMAN</u></p>
<p><u>CONSUMER GRIEVANCES REDRESSAL FORUM; NAGPUR ZONE NAGPUR</u></p>		
<p><u>(Nagpur Dtd. 02nd day of January, 2014)</u></p>		

**CONSUMER GRIEVANCE REDRESSAL FORUM
NAGPUR ZONE (RURAL) M. S. E. D. C. L.**

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cgrfnz@gmail.com

(O) 0712- 2022198

NO. CGRF/NZ/

Date :

Certified copy of order dated 02th January, 2014 in Case No.102 / 2013 is enclosed herewith.

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

To,
The Head Master, Rashtriya Madhyamik Vidyalaya, Satona, Dist.Gondia

Copy s.w.r.to :-

1. The Chief Engineer(NZ), MSEDCL, Vidyut Bhavan,Katol Road, Nagpur.

Copy f.w.cs.to:

1. The Executive Engineer/Nodal Officer., O&M Circle Office, MSEDCL.Gondia
2. The Executive Engineer,C.C.O&M Dn., MSEDCL, Gondia
for information and necessary action.

Address of the Electricity Ombudsman is given as below.

Office of - The Electricity Ombudsman,
12, Srikrupa, Vijay Nagar,
Chhaoni, Nagpur-440 013
0712-2596670

