

BEFORE THE CONSUMER GRIEVANCE REDRESAL FORUM
M.S.E.D.C.L.,NAGPUR ZONE-RURAL,NAGPUR

Application/Case No. CGRF/NZ/Rural 3 of 2005

Applicant : Shri Shankar Dajiba Telmasare,
Samarth Nagar (East) Post-Lakhani
Dist.- Bhandara
-- VS --

Non-applicants : 1. Executive Engineer(Admn)/Nodal Officer,
Internal Grievance Redressal Unit,
Circle Office, Bhandara.
2. Executive Engineer, CCO&M Dn.,
MSEB, Bhandara .

Presence : 1.Shri N.J.Ramteke, Chairman.
2.Shri M.G.Deodhar,Member,

Appearance : 1.Shri S.D.Telmasare, Applicant.
2.Shri M.S.Pande,A.E. O&M S/Dn., Pauni..
3.Shri V.C.Meshram,L.D.C. Pauni S/Dn.
(Representatives of non-applicants.)

ORDER

(Passed this 30th Day of May, 2005)
(Per Shri N.J. Ramteke, CHAIRMAN)

Applicant presented an application in Schedule "A" to this Forum on 20/4/2005 alongwith the details of his grievance and documents. Applicant had made an application in Form "X" to the Internal Grievance Redressal Unit, Bhandara on 3/3/2005 which was duly acknowledged by the Unit. He received a reply from the non-applicants (D.L.) under letter No. 1920 dated 7.4.2005 . Applicant is not satisfied by the reply dated 7.4.05 and therefore he approached the Consumer Grievance Redressal Forum (NZ-Rural) Nagpur. The Forum issued him the acknowledgement for receipt of this application. The non-applicants were directed to submit the parawise comments as provided for in Regulation 6.8 of the M.E.R.C.(CGRF&Ombudsman)Regulations,2003(for short the Regulations). Notices were issued to both the parties for hearing as provided for in Regulation 6.9 of the Regulations.

The non-applicants submitted parawise comments under their letter No.2737 dated 7.5.05. The copy of the parawise comments was given lto the Applicant. Applicant also submitted his rebuttal on the parawise comments on 26.5.2005.

The present proceedings before this Forum are under the Electricity Act, 2003 and MERC Regulations, 2003. The MSEB (For short D.L.) constituted a Forum under the Regulations for the Nagpur Rural Zone. The present proceedings before this Forum are guided by the Principles of natural justice. A fair and reasonable opportunity of hearing was given to both the parties. The Forum heard both the parties on 26.5.2005.

The facts in brief in this case are that the Applicant is an electricity consumer with consumer No. 435207022736 at village Junona, Tahsil Pauni, Distt.

Bhandara. The Applicant is resident of East Samarth Nagar, Lakhani Dist. Bhandara. The D.L. sent him a electricity consumption bill of Rs. 19310/- for the period 6.9.03 to 6.3.04 , showing 14835 units. The D.L. revised the bill of Rs. 19310/- to 5132/- under letter dt. 10.8.04. The D.L. prepared an Office note showing the details of the bill Rs. 5132/- with 14835 Units.

The main contention of the Applicant is that he made an application in Form "X" to the Unit. But no opportunity of hearing was given to him to put up his case. The D.L. merely sent a reply on 7.4.05 and directing him to make the payment of revised bill of Rs. 5132/- . This is not acceptable to him. He paid all the electricity charges upto 6.3.03 under Krushi Sanjivani Yojna. On receipt of the bill of Rs. 19310/- he made a complaint in the office of the D.L. on 31/5/04 . The D.L. sent him the letter dt. 10.8.04 showing the period September, 00 to March, 2002. In fact, for the period 6.9,03 to 6.3.04 no electrical connection was in operation and, therefore, the consumption of electricity does not arise. There is no base for 14835 Units. The Applicant further contended that the bill of Rs. 19310/- to be quashed as required under Section 56 of the electricity Act, 2003 (hereinafter called the Act) as he has made no negligence in payment of electricity/energy charges. He cleared all the electricity charges in February,04 for the period upto 6.9.03 . There is a lot of discrepancy in the letters dated 10.8.04 and 7.4.05 . The Applicant also demanded that an amount of Rs. 2030/- as paid by him to the D.L. to be refunded and an amount of Rs. 5000/- to be awarded to him as compensation for the expenses incurred by him and the mental trouble. The main contention of the non-applicants as per the parawise comments dt. 7.5.05 is that the Applicant is an agriculture pump holder with consumer number as mentioned above of village Junona. The D.L. sent him suitable reply under its letter dt. 10.8.04. The D.L. revised the bill from Rs. 19310/- to Rs. 5132/- . The Applicant does not live in village Junona. He locks the meter and therefore, it was not possible to make the meter reading. It was necessary to send him the bill and, therefore, the bill is made upto September,03 on the average basis. The Applicant made the payment of average basis bill upto February,04 but he has not made the payment of actual consumption of electricity of 14835 units. He utilized the electricity pump for the period September,2000 to March,2002. He made an application for discontinuation of electricity connection and, therefore, it has been disconnected on 28.5.2002. The D.L. gave all concessions to the Applicant and taking into consideration the concessions, the bill is revised to Rs. 5,436/- . The detail schedule of the revised bill Rs. 5,4,36/- is submitted by the non-applicants alongwith the parawise comments. The non-applicants further contended that the D.L. is empowered to recover electricity charges as due under section 56 of the Act. The actual units are 14335 and not 14885.

At the time of hearing Shri Pande, A.E. stated that the applicant was never prompt and regular in payment of electricity bills. He was interested only in taking the advantages of the concessions as provided by the Government.

At the time of hearing the Applicant reiterated the points as submitted by him alongwith his application in Form "A" . In his rebuttal to the parawise comments. Applicant submitted that the Computer of the D.L. refused to accept the units 14885 for the period September, 2000 to March, 2002. This contention of the non-applicants is not acceptable to him. The revised bill of Rs. 5132/- is not acceptable to him. the D.L. accepted in the note " ekgs eš 2002 yk vl ysysfeVj okpu dfu"V vflk; ark ; kauh l lVejj02 ps vkj- vkj- e/;sfnysvl rs rj R; kp dkyko/khr l efi/krkuk 14835 ; quVpsfcy ns ; kr vkys vl rs " .

On hearing both the parties and perusal of the record, it is seen that the D.L. officials have not handled the case properly and their approach was very perfunctory.

The Applicant rightly pointed out that the non-applicants are making double statements at the same time. In the note the non-applicants admitted that in May, 2002 the electricity connection was discontinued temporarily and, therefore, a meter reading of 16749 was taken by Jr. Engineer, Khairi Diwan. When the non-applicants are saying that the meter was locked and Applicant was not staying in village Junona and, therefore, it was not possible to make the meter reading. If it is so, how the meter reading of 16749 was taken by the Jr. Engineer? It is also seen that no continuous bills were sent to the Applicant as per the procedure of the D.L. for the period September, 2000 to March, 2002. It is interesting to note the entries in the bill dt. 31/5/04 (duplicate bill) for the period 6.9.03 to 6.3.05, showing 14835 units. There is a specific column for net arrears (Nivval Thakbaki). Against this column, no arrears have been shown by the non-applicants. Whenever the bills received by the Applicant, he made the payment to the D.L. Applicant is taking the shelter under the provisions as provided under Section 56 and in particular 56(2) of the Act. As per sub-section (1) of Section 56 no negligence is found on the part of the Applicant for making payments to the D.L. since the point of negligence is not established by the non-applicants, the provision under this sub-section cannot be applied to the Applicant for recovery of charges. Under sub-section (2) of this section, it has been provided for that 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 due unless such sum have been shown continuously as recoverable as arrears of charges for the electricity supplied. It is seen from the note signed by A.E. Pauni along with the parawise comments dt. 7.5.05 that the sum was due from September, 1999. In this note the last month is shown as March, 2004 thus it is clear that the D.L. failed to issue the bill due from the applicant within a period of two years. In the instant case the original bill of Rs. 19310/- was sent on 31/5/04 and the revised bill Rs. 5132/- under the note dt. 7.4.05. The claim of the non-applicants in their parawise comments dt. 7.5.05 that the D.L. is empowered to recover the due as per revised bill under Section 56 of the Act, is not acceptable to the Forum. The non-applicants have not taken any care to observe and implement the provisions under Section 56 of the Act. The Internal Grievance Redressal Unit as Circle level should have given reasonable opportunity of hearing to the Applicant when he made an application under the form "X" to the Unit. Instead of following the principle of natural justice, the non-applicants sent the reply on 7.4.05 which does not justify the recovery of charges of Rs. 5132/- . Applicant has rightly refused to accept the bill of Rs. 5132/- . Applicant has also rightly pointed out that there was no electricity connection for the period 6.9.03 to 6.3.04 and, therefore, question of electricity consumption does not arise.

In view of the above position and discussion, the Forum comes to the conclusion that the non-applicants failed to follow the standard procedure for meter reading, billing and recovery,. The non-applicants also failed to follow the mandate as laid down under Section 56 of the Act. It needs to quash both the bills of Rs. 19310/- and Rs. 5132/- (Rs. 5436/-) . The Forum also observed that it was a temporary disconnection of electricity and , therefore, the Applicant should make the payment of other charges except energy charges to the D.L. till date . The D.L. should make the proper adjustment and appropriation of the charges due from the Applicant from the amount he has earlier paid. The Forum finds no justification in demand of Rs. 5000/- as expenses and mental trouble by the Applicant . It is not allowed.

ORDER

- (1) Application is allowed
- (2) The bills of Rs. 19310/- and Rs. 5132 (Rs. 5436) are squashed..
- (3) Applicant to make the payment of other charges except energy charges.
- (4) The non-applicants should implement the above order within 30 days from the date from the date of intimation..
- (5) No order about the cost.

CHAIRMAN

MEMBER

CONSUMER GRIEVANCE REDRESSAL FORUM (NZ-RURAL)

M.S.E.D.C.L ; N A G P U R

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NO.CGRR/NZ-R/3/16

DATE: 1/6/2005

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

Copy forwarded to:

1. Shri Shankar Dajiba Talmasare, Samarthnagar(East), Post Lakhani
Dist. Bhandara.
2. The Executive Engineer(Admn)/Nodal Officer, Internal Grievance
Redressal Unit,Circle Office, MSEB,Bhandara.
3. The Executive Engineer, C.C.O&M Dn.,MSEB, Bhandara.

MEMBER,
C.G.R.F.N.Z.(R),MSEB,
NAGPUR