

BEFORE THE CONSUMER GRIEVANCE REDRESSAL FORUM

M. S. ELECTRICITY DISTRIBUTION CO.LTD.

(NAGPUR ZONE – RURAL) NAGPUR.

Application/Case No. CGRF/NZ/Rural/ **20** of 2006

Applicant : Shri M.H.Kawdey, Prof.Colony, Behind Hotel
Highway Garden, Indira Gandhi Ward,
Hinganghat. . Dist. Wardha

-- VS --

Non-applicant. : 1.Executive Engineer/Nodal Officer
Internal Grievance Redressed Unit, Circle Office,
M.S.E.D.C.L., Chandrapur.
2.Exe.Engineer, EHV O&M Dn. MSETCL,
Ballarshah..
3.Exe.Engr., C.C. O&M Dn. MSEDCL, Bramhpuri.

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

Appearance. : 1. Shri M.H.Kawdey, Applicant .
2. Shri V.R.Motghare,Dy. Exe.Engr.
(Representative of non-applicants.)

ORDER

(Passed this 27th day of March, 2006)
(Per Shri N.J.Ramteke, CHAIRMAN)

Applicant presented this application in schedule 'A' of MERC (CGRF&O) Regulations, 2003 (hereinafter called the Regulations) on 17/2/2006. Applicant also enclosed Xerox copies of the documents in support of his case.

Applicant had presented application in Schedule 'X' to the I.G.R.U., Chandrapur . Since he got no relief from I.G.R.U., Chandrapur, he approached this Forum for the relief of his grievance as mentioned in the application.

The facts in brief are that the applicant is an employee of M.S.E.T.C.L. He was in occupation of the then M.S.E.B. quarter type IV from 18 Oct,2002 to 28,.3.2004.

Later on he was transferred to Pulgaon in March, 2004. The E.E., EHV O&M Dn sent a letter dt 6.10.2005 to the A.E. 133 KV Sub/division, Bramhpuri for recovery of amount of Rs.8800/- from the salary of Applicant. Thus the non-applicants deducted an amount of Rs. 1,760/- In Oct,2005, Rs. 1,760/- in Nov,2005 and Rs. 5280 in Dec,2005. Thus the non-applicants recovered Rs. 8800/- from the salary of Applicant. Applicant had made the correspondence with the non-applicants, protesting against recovery of the period when he was not in occupation of the said quarter.

His consumer No. in the residential colony of the D.L. at Bramhpuri was ARL/1988/463020090146.

On receipt of the application in this Forum, acknowledgement was given to Applicant, copy of the application was sent to the E.E. concerned and Nodal Officer for their comments, copy of parawise comment was sent to Applicant. Notices for hearing were issued to both the parties. Thus procedure was followed as required in various relevant regulations of the Regulations. The non-applicant submitted their parawise comments to the Forum on 9/3/2006. Both the parties were present for hearing on 20/3/2006 . During the course of hearing , the Forum noticed that there were certain vital missing links in the CPL and, therefore, the Forum directed the non-applicant to submit correct and uptodate CPL. The non-applicant submitted correct and uptodate CPL (Record pages 48 to 52) . The Forum heard both the parties again on 24/3/2006.

Shri M.H.Kawdey-Applicant reiterated most of the points as mentioned in the application. He strongly pleaded for cancellation of the illegal electricity bill, refund of amount as already recovered from him by the non-applicants and the compensation for the mental torture caused to him by the non-applicants. Shri V.R. Motghare submitted the authority letter of E.E. concerned to appear in this case and make submission on behalf of non-applicants (Record Page 46) . Shri Motghare submitted that the outstanding amount has

been recovered from Applicant on the basis of connected load as the meter was faulty. Applicant failed to make the payment of electricity charges regularly. Whatever the amount recovered from Applicant is correct.

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

It is surprising to note that Applicant occupied quarter on 18.10.2002 whereas outstanding bill for the period of 31.7.2002 to 31.10.2002 against Applicant is shown Rs. 8960/- (Record Page 3). It is also surprising to note that the statement of the bills prepared by Dy.E.E. Sub/Dn., Bramhpuri (Record Page 47) that total amount Rs. 13097.45 has been shown as outstanding against the said meter and the quarter. Here Applicant is liable for payment of the electricity charges for period from the date of occupation i.e. 18/10/2002 to March,2004 . The non-applicants in their parawise comments have specifically admitted that one Shri Saraf , Sr. Machine Operator, was residing in this quarter from 1.9.1996 to 31.3.1997 and the said quarter was vacant for the period from 1.8.1997 to 5.10.2002. The non-applicants stated that Applicant was residing in this quarter from 6/10/2002 to Mar,2004. In view of this position , how they have given bills of electricity charges to Applicant prior to occupation of the said quarter by the Applicant ?. The non-applicants recovered the charges from Applicant as per the bills prepared by them on the basis of connected load, the electricity charges of D.P.C. and the interest. Shri Motghare could not give satisfactory reply to the Forum on the basis of C.P.L. as submitted by him. Take for illustration, the meter reading is 181 units for the period of 3 months and outstanding amount of Rs. 9721.38 is shown (Record Page 50) . If the consumption is 181 units for 3 months, the average for one month comes to 60 units. Then how 105 units against Applicant have been shown in the statement of the non-applicants (Record page 25) ?. Thus the rule of thumb as applied by non-applicants is not convincing. There is no doubt that Applicant is liable for payment of

electricity charges for the period he was in occupation of the said quarter . But the amount can not be recovered from Applicant at a sweet will of the D.L. and the rule of thumb as applied by non-applicants. Non-applicants have admitted that the D.L. gave electricity bill of Rs. 8960/- in Nov,2002 to Applicant . This bill is itself for the period before occupation of the said quarter by Applicant. On one hand non-applicants are admitting that Applicant was residing in the said quarter from Oct,2002 to March,2004 whereas they are giving bill of Rs. 8960/- to Applicant . This is not correct. .

Applicant has already made payment of Rs. 8800/- to D.L. by way of recovery from his salary. Applicant is liable for payment of Rs. 4137 + 256.28 as per CPL for Oct,2002. The D.L. is in liability of Rs. 4406.72 . This amount to be adjusted in future bills of Applicant wherever he is working at present.

In view of above position and circumstances , the Forum pass the following order.

O R D E R

1. Application is partly allowed .
2. Applicant is entitled for relief of Rs. 4406.72 .
3. The non-applicants shall adjust the amount of Rs. 4406.72 against his future bills.
4. The demand of Applicant for compensation on grounds of mental torture is rejected.
5. Parties to bear their own cost .

CHAIRMAN

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

MEMBER/SECY.

No. CGRF/NZ/R/ of 2006/

Date:

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. Shri M.H. Kawdey, Prof. Colony, Behind Hotel Highway Garden, Indira Gandhi Ward, Hinganghat.
2. The Chief Engineer, NZ, MSEDCL, Nagpur.
3. The Exe.Engineer / Nodal Officer, I.G.R.U., Circle Office, Chandrapur .