

**Maharashtra State Electricity Distribution Co. Ltd.'s  
Consumer Grievance Redressal Forum  
Nagpur Zone, Nagpur**

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**Case No. CGRF(NZ)/59/2016**

Applicant : The Head Master  
Anudanit Prathamik Ashram Shala,  
Devlapar, Tq.Ramtek  
Nagpur-01.

Non-applicant : Nodal Officer,  
The Executive Engineer,  
Dn.I, NRC,MSEDCL,  
NAGPUR.

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Applicant :- In person.

Respondent by 1) Shri Talewar, EE, Dn.I, Nagpur  
2) Shri Godbole, A.E. Mohda Dn.  
3) Shri Parag Fate, DyEE Ramtek, S/Dn.

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Quorum Present : : 1) Mrs. V.N.Parihar,  
Member, Secretary  
& I/C.Chairman.

2) Shri N.V.Bansod,  
Member

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**ORDER PASSED ON 08.06.2016.**

1. The applicant filed present grievance application before this Forum on 07.05.2016 under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as said Regulations).

2. Non applicant, denied applicant's case by filing reply dated 13.05.2016.

3. Applicant's case in brief is that they are the Charitable Institution running "Anudanit Prathamik Ashram Shala at Devlapar and they deposited amount of

demand note on date 30-07-2007. On the same date the supply to the applicant's premises was connected but non-applicant did not sent any bill and hence on dt.27-06-2012 applicant requested to Junior Engineer, Devlapar to issue bill but bills were not issued to them. All of sudden on dated 19-12-2014 provisional bill of Rs.674093/- issued without mentioning the period of the bill as well as date on the bill.Applicant said prior to this orally the bill was demanded in the office of non-applicant but cognizance was not taken. But on date 10-03-2015 bill for 29 months (from 01-10-2012 to 28-02-2015) as per reading bill of Rs.669970/- was issued and again on 09-09-2015 non-applicant issued the bill of Rs.940070/-

4. Non-applicant filed reply dated 13-05-2016 and submitted that the Additional Executive Engineer, Flying Squad on 20-11-2014 inspected applicant's meter it was observed that bills were not issued.Accordingly from the month August-2012 to November-2014 for 27 months as per meter reading 69364 units of Rs.674093/- provisional bill was issued, as applicant was not receiving the bills. Non-applicant also stated that they have reported the matter to their higher authority to take action against the erring officer and Flying Squad did not charge any penal interest amount. Applicant paid part payment of Rs.1.00 Lakh in December-2015 and Rs.248000/- in the month of March-2016 and further requested to direct the applicant to pay balance amount of Rs.9530542.56 without DPC & interest.

5. Forum heard the argument of both the parties and perused the documents on record.

6.As admitted by both parties, the supply was given to applicant on date 30-07-2007.Then, It is a mistake of employees of MSEDCL that they have not issued the bill as per meter reading since beginning besides request of applicant on

date 27-10-2012.As the staff of MSEDCL did not take meter reading as per periodicity of meter reading since 30-07-2007 till inspection by Flying Squad on 20-11-2014 for 88 months, applicant is not responsible for this lapse any way. It is gross negligence on the part of employees of MSEDCL. Non-applicant submitted that provision of section 56(2) is not applicable to present case which is denied by the forum as the provision of section 56(2) are crystal clear and there is no ambiguity in it. The section 56(2) of the Electricity Act 2003 reads as under,

*“ 56(2): Notwithstanding anything contained in any other law for the time being in force no sum due from any consumer, under this section shall be recoverable after the period of two years from the date when sum becomes first due unless such sum has been shown continuously as recoverable as arrears of charges for electricity supplied & the licensee shall not cut off the supply of electricity”*

The forum is of opinion that, although it is true that liability to pay electricity charges is created on the date electricity is consumed or the date the meter reading is recorded but charges would become first due for payment only after a bill is sent for payment therefore shall be the date the period of limitation of two years as provided in section 56(2) of the Electricity Act 2003 shall start running. In the instant case the first bill was given on 21-11-2014 although liability may have been created on 30-07-2007. Time period of two years prescribed by section (2) for recovery of the amount started running only on 21-11-2014. Hence recovery of bill amount due for the period November -2012 to November-2014 is not barred by limitation & is recoverable, yet at the same time forum regrettably recognize that it was a serious lapse on the part of licensee for having sent a bill on 21-11-2014 after more than 7

Years of releasing the connection. The licensee ought to have realized that when such large sums of money are allowed to remain unrecovered from consumer for long period of time, it erodes the value of the principal on account of inflation. This action of the licensee is not in public interest. It woefully demonstrates the lack of commercial sense. It is the duty and obligation of the licensee to maintain, take regular reading & issue of regular bills to their consumer to ensure that their consumers should not be unduly penalized at a later point of time by raising large bills.

7. It is therefore very clear that, even though total bill as per meter reading is for the period from 30-07-2007 to 20-11-2014, recovery of bill shall be for the amount due for the period November -2012 to November-2014 only. Bill amount recoverable for the period earlier to Nov-12 is time barred by the limitation. It is only due to negligence of employees of MSEDCL who are responsible for not taking monthly reading and did not take any action since 30-07-2007 to 20-11-2014, consumers is unduly penalized by raising large bills to the tune of Rs.669970/-

Therefore MSEDCL is requested to conduct departmental inquiry against the responsible employee who did not take any action for taking 88 months meter reading and did not issue monthly electricity bills and therefore huge revenue the loss is caused to MSEDCL. Therefore this time barred amount shall be recovered from the salary of responsible negligent employees.

8. Therefore MSEDCL shall revise provisional assessment bill of Rs 674093/- for the period from 30-07-2007 to 20-11-2014 as per meter reading for 88 months

and after revision, they shall claim bill of the period 21/11/2012 to 20/11/2014 only from applicant with slab benefit without DPC and interest and adjust the amount of the payment made by the applicant in the month of December-2015 and March-2016 i.e. Rs.1.00 Lakh and Rs.248000/-.

8A. During the argument applicant requested to grant 3 installments for the payment of revised bill and it is justified to grant 3 installment without interest / DPC for payment of revised bill.

9. Therefore forum proceed to pass the following order.

#### ORDER

- i) Application is allowed.
- ii) MSEDCL shall revise Electricity bill of the applicant for Rs.674093/- for period 30-07-2007 to 20-11-2014 for 88 months and shall recover electricity bill for the period of 21-11-2012 to 20-11-2014 for 24 months only from the applicant without DPC & interest giving slab benefit and adjust the amount of payment made by applicant in the month December-2015 and March-2016.
- iii) Concern Authority of MSEDCL, is requested to conduct departmental enquiry against negligent employees who did not take monthly meter reading since 30-07-2007 to 20/11/2014 and did not take any action for recovery of billing amount for the period 30-07-2007 to 20-11-2014 and further requested to recover amount loss suffered by MSEDCL from responsible employees of

MSEDCL and may take action in accordance with law and rules.

- iv) During the argument applicant requested to grant 3 installments for the payment of revised bill and forum is of opinion that granting 3 installments will ease the recovery of electricity arrears.
- v) Non-applicant shall submit its Compliance Report within 30 days from the date of this order.
- vi) No order as to cost.

Sd/-  
**(Shri.N.V.Bansod)**  
MEMBER

sd/-  
**(Mrs.V.N.Parihar),**  
MEMBER/SECRETARY  
& I/C. CHAIRMAN

