

**Before Maharashtra State Electricity Board's
Consumer Grievance Redressal Forum,
Nagpur Urban Zone, Nagpur.**

Case No. CGRF (NUZ)/012/2005

- Applicant** : 1) Mrs. Kalpana Rupesh Landge
C/o Khobragade Kirana Shop,
Sudam Nagri, Ambazari,
NAGPUR.
- Non-Applicant** : Executive Engineer,
Congress Nagar, Division,
(NUZ), MSEB., Nagpur.
- Quorum Present** : 1) Shri S.D. Jahagirdar, IAS (Retd)
Chairman,
Consumer Grievance Redressal
Forum, Nagpur Urban Zone,
Nagpur.
- 2) Smt. Gouri Chandrayan,
Member, Consumer Grievance
Redressal Forum,
Nagpur Urban Zone, Nagpur.

ORDER (Passed on 21.04.2005)

The present application is filed before this Forum in the prescribed schedule "A" on 23.03.2005 as per Regulation No. 6.3 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulations, 2003 hereinafter referred-to-as the said Regulations.

The grievance of the applicant is regarding release of new electricity connection for her house, being house number 1986/99 in Sudamnagari, Ambazari, Nagpur.

The matter was heard by us on 20.04.2005 when both the parties were present. They were heard by us. Documents produced by both the parties are also perused by us.

After receipt of the application in question, the non-applicant was asked to furnish parawise remarks on the applicant's application in terms of Regulation number 6.7 and 6.8 of the said Regulations. The non-applicant, accordingly, submitted to this Forum his parawise remarks on 19.04.2005. A copy of this parawise report was given to the applicant on 20.04.2005 before the case was taken up for hearing and opportunity was given to her to present her say on this parawise report also.

The applicant has contended that she purchased the house, being house number 1986/99 in Sudam Nagari, Ward No. 73, Ambazari Nagpur on 09.12.2001 from Shri Arun Vithobaji Dharpure and Shri Tukaram Vithobaji Dharpure, that she had approached the Sub-Engineer of Shankarnagar, S/stn. MSEB, Nagpur in the year 2003 and requested to release new electricity connection to her house and that she had also addressed her application, being application dated 13.12.2004, to the Sub-Engineer requesting therein to release electricity connection since she is living in

the house alongwith her family in the dark. She further contended that she was given to understand that an arrear amount of Rs. 47,500/- was outstanding against the meter, being meter number 410012444986 which was installed in the house when one Shri Ramkrishna Ramteke was living in the house as owner and that new electricity connection can be released to her only after payment of this arrear amount. She has produced a copy of application, being application dated 29.12.2000 addressed to the non-applicant by the erstwhile owner Shri Dharpure of the house by which the meter readings shown by the two meters namely meter number 9010184866 and 9010743977 and the billed amounts were disputed by him. She added that she was not responsible for the outstanding liability of electricity bill to the tune of 19,600/- as shown by the non-applicant in his parawise report She further contended that she is unable to understand as to how the huge arrear amount of Rs.19,600/- is calculated by the non-applicant. She is prepared to pay the outstanding charges of electricity supplied to the house in the past based on the average consumption of electricity as shown by the metered readings. According to her, the arrear amount of Rs. 19,600/- is very excessive and for a small house of three rooms, this arrear amount pertaining to 24 months i.e. from December 98 to December 2000 is not at all consistent and acceptable looking to the average consumption as shown by the meter readings. She prayed that the non-applicant be directed to release new connection of electricity to her house at the earliest. She has shown her

willingness to pay the prescribed charges for installation of new connection in her house.

The applicant had approached the Internal Grievance Redressal Unit headed by the Executive Engineer, (Adm), in the Office of the Chief Engineer, NUZ, MSEB, Nagpur by filing her complaint application dated 20.12.2004 which was duly received by the Unit on 20.12.2004. The applicant has contended that no remedy was provided to her by this Unit within the prescribed period of two months.

The non-applicant has stated in his parawise report that the applicant had applied to MSEB for the new connection in the office of the Sub-Engineer, Shankarnagar, Nagpur on 07.10.2004. During the course of investigation and search, it came to the notice of the non-applicant that the premises where the applicant was seeking connection is having outstanding arrears of electricity bills. The earlier connection was in the name of one Shri Ramkrishna Ramteke whose consumer number was 410012444986 /2. The outstanding arrear as per Consumer's Personal Ledger was to tune of Rs. 82,450/-. The connection was disconnected on 16.05.2000 but the meter could not be removed as the premises was locked. The disconnection was effected by removing the service wire from the pole. The meter was finally removed on 22.10.2002 with the final reading at 07986. After receipt of application from the applicant, the office of the Assistant Engineer, Shankarnagar S/stn. took review of the outstanding liability and it was seen that the

outstanding liability of Rs. 82,450/- reflected in the Consumer's Personal Ledger was erroneous and was subject to correction. After correction a bill of Rs. 47,590/- was issued to the applicant on 04.12.2004. However, since the said revised bill was not fully corrected, the outstanding liability was re-calculated at Rs. 19,600/- after further review. An intimation to this effect was given to the applicant on 1st April 2005. The non-applicant added that if the outstanding arrears of Rs. 19,600/- are cleared, the new electricity connection can be released to the applicant as per Board's rules. The non-applicant produced a copy of the Consumer Personal Ledger showing various details of the billed amounts from the December 1997 to February 2005.

We have carefully gone through the entire record of the case, all the documents produced by both the parties as also all the submissions made by both of them.

The applicant in the instant case is seeking new electricity connection for her house which she purchased on 09.12.2001. There were outstanding dues of electricity and hence the electricity connection was disconnected on 16.05.2000. This disconnection was effected by removing the service wire from the pole. At that time the meter could not be removed as the premises was locked. The meter was finally removed on 22.10.2002. The non-applicant has admitted that this outstanding liability reflected by the Consumer's Personal Ledger was erroneous hence it was subject to correction. This outstanding liability was reduced to Rs. 47590/- after first correction of the bills and a bill of

Rs. 47,590/- was issued to the applicant. This outstanding liability of Rs. 47,590/- was again found to be erroneous by the non-applicant for reasons best known to him and it was corrected second time and the liability was finally reduced to Rs.19600/-.

The action of the non-applicant of disconnecting the premises in default of payment of outstanding bills is quite understandable. However, the non-applicant's logic behind arriving at the outstanding liability of Rs. 82,450/- in the first instance and then correcting it twice and finally reducing it to Rs. 19,600/- is not at all satisfactorily explained by him. The non-applicant is relying upon the meter readings and other relevant details as shown in the Consumer's Personal Ledger for finally arriving at the liability of Rs. 19,600/-. However, the non-applicant has himself admitted in the parawise report that the entries made in the Consumer's Personal Ledger were found to be erroneous not once but twice. This demonstrates that the entries made in the Consumer's Personal Ledger were not trustworthy. The number of electricity units shown to have been consumed as per meter readings from December 98 to April 2000 comes to around 840 units and the non-applicant also agrees with this position. Therefore the monthly average consumption from December 98 to April 2000 i.e. for a period of about 16 months was around 53 units while the same meter is showing consumption of about 5986 units during the subsequent period of only 8 months from April 2000 to December 2000 thereby yielding a monthly average of 748

units. This means that the monthly consumption of electricity units for subsequent period 8 months has jumped to 748 as against the earlier monthly average consumption of around 53 units over a comparatively longer period of 16 months. The non-applicant was not at all able to convince us as to why & how there is a big jump of about 14 times in the consumption level per month. The non-applicant has stated before us that a dispute had arisen in the month of April 2000 in respect of meter readings etc. He, therefore agrees with the pattern of consumption of electricity pertaining to the premises in question for the period of 16 months from December 1998 up to April 2000. This pattern is yielding consumption of about 53 units per months which lasted upto April 2000. It is the contention of the non-applicant that the meter was finally removed on 22.10.2002 when the reading was 07986 while the reading recorded was 2000 units in the month of April 2000. There is no satisfactory explanation forthcoming from the non-applicant in respect of huge rise in consumption pattern as shown in the Consumer Personal Ledger which is about 14 times more than the earlier pattern of consumption. When asked, the non-applicant categorically stated that he has no evidence to show that there was an unauthorised use of electricity in the said premises. The non-applicant has revised the arrear bill not once but twice arriving at the final outstanding liability of Rs. 19,600/-. The earst-while owner of the house had raised a dispute by his application dated 29.12.2000, which is on record, about the different meter numbers noted in his electricity bills. The

previous owner of the house Shri Dharpure had stated in this complaint application that his meter number was shown as 9010184866 in his electricity bill dated 05.01.99. However after this date the meter number was wrongly shown as 9010743977. The previous owner had, therefore, raised a reasonable doubt about the erroneous meter readings recorded by the meter installed in the house. The non-applicant has not offered any comments on this complaint neither has he any satisfactory explanation in respect of this dispute. He does not also know whether the meter was replaced by a new meter in view of defect, if any, in the original meter.

We see a complete arbitrary ness on the part of the non-applicant in reducing the outstanding bill amount finally to Rs. 19600/- .If we are to go by the average per month consumption of electricity from December 98 to April 2000 i.e. for 16 months as revealed by and agreed to by the non-applicant, the consumption of electricity for the subsequent period of 8 months from April 2000 to December 2000 at the rate of 53 units per months would be justified as against the erroneous consumption of 748 units per month shown by the non-applicant. It, would, therefore be in the fitness of things if the applicant is charged electricity bill at the rate of 53 units per month for the entire period of say 24 months from December 98 to December 2000.

It is regretfully noted by us that the Internal Grievance Redressal Unit headed by the Executive Engineer, (Adm) in the Office of the Chief Engineer, NUZ, MSEB, Nagpur did not provide any remedy to the applicant's grievance within the prescribed period of two months despite the fact that she did approach the Unit by filing her application before this Unit on 20.12.2004.

In the light of above, we accept the grievance application of the applicant and pass the following order.

- 1) The outstanding arrear amount in respect of the premises in question should be re-calculated by the non-applicant @ 53 units per month for the period December 1998 to December 2000 and revised bill issued accordingly to the applicant.
- 2) The applicant shall pay the revised bill of the outstanding amount as stated in (1) above in two installments. The first installment shall be equal to 50 percent of the outstanding amount to be paid by the applicant before 30.04.2005. The second installment of equal amount shall be paid by the applicant before 30.05.2005.
- 3) The applicant shall pay the requisite charges for installation of a new connection before 30.04.2005 alongwith the amount of first installment and on payment of these amounts,

the non-applicant shall release electricity connection to the applicant and start supply of electricity to her premises before 30.04.2005, if she is otherwise eligible for the electricity connection as per Board's rules.

- 4) Both the parties shall comply with the above order diligently and report compliance thereof to this Forum on or before 03rd May, 2005.

(Smt. Gauri Chandrayan)
MEMBER

(S.D. Jahagirdar)
CHAIRMAN

**M.S.E.B.'S CONSUMER GRIEVANCE REDRESSAL
FORUM, NAGPUR URBAN ZONE, NAGPUR.**