

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

Case No. CGRF(NUZ)/01/2007

Applicant : M/s. Woolworth (India) Ltd.,
Flat No. 305,
Laxmi-Vihar Apartments,
NAGPUR.

Non-applicant : MSEDCL represented by
the Nodal Officer-
Executive Engineer,
Congressnagar Division, NUZ,
Nagpur.

Quorum Present : 1) Shri S.D. Jahagirdar,
Chairman,
Consumer Grievance Redressal
Forum,
Nagpur Urban Zone,
Nagpur.

2) Smt. Gouri Chandrayan,
Member,
Consumer Grievance Redressal
Forum,
Nagpur Urban Zone,
Nagpur.

3) Shri S.J. Bhargawa
Executive Engineer &
Member Secretary,
Consumer Grievance Redressal
Forum, Nagpur Urban Zone,
Nagpur.

ORDER (Passed on 09.03.2007)

The present grievance application has been filed on 23.01.2007 under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance

Redressal Forum & Electricity Ombudsman) Regulations, 2006 here-in-after referred-to-as the said Regulations.

The grievance of the applicant is in respect of unjust and improper energy bill dated 22.06.2006 for Rs.29,772/-.

Before approaching this Forum, the applicant had filed his complaint on 19.09.2006 on the same subject-matter of present grievance to the Executive Engineer (Adm) in-charge of Internal Grievance Redressal Cell (in short the Cell) NUC, MSEDCL, Nagpur under the said Regulations. However, no remedy was provided to his grievance by the Cell. Hence, the present grievance application.

The matter was heard on 09.03.2007.

The applicant's case was presented before this Forum by his nominated representative one Shri Kailashnath Rambhir Pande.

It is his contention that the premises in Flat No. 305 at Laxmivihar Apartments, Wardha Road, Nagpur belongs to the applicant Company. The Company used to allot the quarter / flat to its staff occasionally. This premises had remained vacant for a major period. Electric supply to this flat was not in use since July, 1999. Although in the past all the electricity bills were paid regularly by the applicant, no energy bills were issued since October, 1998. The applicant had approached several officers of the non-applicant Company for issue of energy bills. However, no action was taken in this respect.

He added that, in the month of September, 2006, the applicant Company received erroneous and excessive

energy bill for Rs. 29,780/- pertaining to the period from 23.05.2006 to 24.06.2006. The applicant approached the non-applicant's Offices for seeking details of the bill and for correction of the same. He was orally informed that the applicant's electric meter was changed some time during the month of October, 1998 and that supply of electricity to the premises in question was also permanently disconnected somewhere in December, 1999. No reasons for such an action were ever informed to the applicant.

He strongly contended that the electric meter, being meter no. 6067042, was never changed at any point of time and that the supply of electricity was never permanently disconnected. He added that the disputed bill in question is issued after lapse of eight years which is illegal. He further stated that the applicant was forced to pay an amount of Rs.10,000/- which was paid on 13.01.2007. This amount was paid under protest with a view to avoid disconnection of power supply.

He lastly requested that the energy bill in question may be quashed.

He further submitted that the applicant is prepared to pay minimum energy charges for the period of two years prior to 22.06.2006.

The non-applicant has submitted his parawise report on 26.02.2007. It is his submission that the service connection was live till June 1999 and it was permanently disconnected on the ground of non-payment of arrear of Rs.25,725/-. He admitted that even after disconnection of supply, the meter had remained in the same premises. Thus,

on paper, entry was made in the CPL as if the meter was changed. In the month of May, 2006 it was observed that the applicant is using supply of electricity from the said meter and hence, the account was made live and the electric bill including the arrear came to be issued. It is his contention that the applicant was using and enjoying the electricity supply un-authorizedly inspite of the fact that the said connection was under permanent disconnection. He submitted that the applicant has not paid electricity charges inspite of the bill having been issued and hence, his power supply was rightly disconnected. However, the same was restored on his making part payment of Rs.10,000/-. According to him, there is no deficiency of service on the part of the non-applicant Company. He, therefore, urged that the grievance application may be rejected.

In the present case, it is an admitted position the disputed bill in question pertains to the past period of about eight years. It is also seen that the original meter, being meter no. 6067042, was never changed although there is an entry of change of meter recorded in the CPL in the month of October, 1998. The CPL also shows that the service connection in question was made P.D. way back in August, 1999. Obviously since the CPL was showing permanent disconnection of the service connection, no energy bills came to be issued thereafter till June, 2006 when the disputed bill in question came to be issued on 22.06.2006. The entries made in the CPL about change of meter and permanent disconnection of supply were, therefore, evidently erroneous and incorrect. Even the Nodal Officer, during the course of hearing, admitted this position.

Hence, the fact remains that the disputed bill in question containing arrear amount of Rs. 28,854.62 and interest thereon pertains to a period of more than two years prior to 22.06.2006. The arrear amount in question pertains to the period from December, 1998 to June, 2006. Evidently, the non-applicant's action of issuing such an energy bill is hit by section 56 (2) of the Electricity Act, 2003. What is permitted by Section 56 (2) is recovery of sum for a period of two years only and a sum older than the period of 24 months becomes time-barred from recovery point of view unless it is shown as continuously recoverable throughout. It is also clear that the arrear amount in question was not shown as continuously recoverable since 1998 and onwards till 22.06.2006.

The contention of the applicant that no energy bills were issued after October, 1998 seems to be correct. Moreover, since the CPL was showing permanent disconnection of service connection, question of issuance of any such bills also did not arise.

In view of circumstances of the case, we hold that the bill in question is illegal and the same stands quashed.

The non-applicant shall issue a revised bill in place of the disputed bill in question and the bill should contain electricity charges recoverable only for the past period of two years immediately preceding 22.06.2006. The amount of Rs.10,000/- already paid against the quashed bill should be given due credit while revising the bill.

The grievance application is thus allowed and the same stands disposed off accordingly.

The non-applicant shall report compliance of this order to this Forum on or before 31.03.2007.

Sd/-	Sd/-	Sd/-
(S.J. Bhargawa)	(Smt. Gauri Chandrayan)	(S.D. Jahagirdar)
Member-Secretary	MEMBER	CHAIRMAN

**CONSUMER GRIEVANCE REDRESSAL FORUM
MAHARASHTRA STATE ELECTRICITY DISTRIBUTION CO LTD's
NAGPUR URBAN ZONE, NAGPUR.**

**Member-Secretary
Consumer Grievance Redressal Forum,
Maharashtra State Electricity Distribution Co.Ltd.,
Nagpur Urban Zone, NAGPUR**