

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

Case No. CGRF(NUZ)/096/2015

Applicant : Shri Ishwardas M. Bansod,
Plot No. 10, Dighori (Juni Basti),
Near Hanuman Mandir, Umred Rd.,
Nagpur : 400 009.

Non-applicant : Nodal Officer,
The Superintending Engineer,
(Distribution Franchisee),
MSEDCL,,
NAGPUR.

Applicant :- In person.

Respondent by 1) Shri Rody, Nodal Office.
2) Shri Dahasahastra, SNDL Nagpur.

Quorum Present : 1) Shri Shivajirao S. Patil,
Chairman.
2) Adv. Subhash Jichkar
Member.
3) Shri Anil Shrivastava,
Member / Secretary.

ORDER PASSED ON 15.7.2015.

1. The applicant filed present grievance application before this Forum on 25.5.2015 under Regulation 6.5 of the

Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as said Regulations).

2. Applicant's case in brief is that since December 2004, M.S.E.D.C.L. did not send any electricity bill to the applicant. Therefore applicant was unable to pay those bills. Now, SNDL has issued illegal disconnection notice Dt. 22.5.2015 & claimed arrears w.e.f. December 2004 to May 2014, failing which supply shall be disconnected by 7.6.2015. Applicant is willing to pay only the bills which are legal and within limitation. Therefore disconnection notice be quashed.

3. Non applicant denied applicant's case by filing reply Dated 4.6.2015. It is submitted that supply of the applicant was disconnected permanently in December 2004 for arrears of Rs. 21,320/-. The consumer paid Rs. 13000/- on 7.2.2005 and supply was restored. However, in computer system, entry was not taken about regularization of supply and therefore bills were not generated and not issued since December 2004. Therefore those bills were not given to the applicant. Applicant never complained about non receipt of the bills. On 18.6.2014, employees of Vigilance Squad of SNDL inspected the site and found that supply is continued but bills are not issued. Therefore bill of 41004 units for Rs. 2,76,343/- payable in six installments were issued on 20.6.2014. Flying Squad unit taken out the meter but not disconnected the supply. Applicant complained that SNDL took over Franchisee work since 1.5.2011 and therefore has no right to recover the bills

prior to 1.5.2011 and bills prior to 1.5.2011 be cancelled. As per the contract between SNDL and M.S.E.D.C.L., it is agreed that arrears prior to 1.5.2011 shall be recovered by SNDL and such authority is given to SNDL. Applicant never complained to M.S.E.D.C.L. about non receipt of bills. Disconnection notice is legal and proper. Applicant took another separate connection in the same premises on 25.11.2014 and there are arrears of Rs. 17740/- on this new connection also.

4. Forum heard the arguments of both the sides and perused the record.

5. According to the relevant regulations it is the bounden duty of Distribution Licensee / Franchisee to issue electricity bills every month to the consumer. In reply of S.N.D.L. it is admitted in clear terms that since December 2004, bills are not issued and not given to the applicant. For the first time bills since December 2004 are claimed on 20.6.2014. According to Section 56 (2) of Electricity Act 2003, **“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 such sum became first due unless such sum has been shown continuously as recoverable as arrears of charges for electricity supplied and the licensee shall not cut off the supply of the electricity”**. As we have already discussed above, SNDL for first time found on 20.6.2014, that bills are not issued since December 2004. Therefore arrears due against the applicant since December 2004 to 23.6.2012 (date of issue of normal

assessment bill being 24.6.2014) are barred by limitation according to section 56 (2) of Electricity Act 2003. We have carefully perused normal assessment bill Dt. 24.6.2014 amounting to Rs. 2,76,243/- for a period of 115 months w.e.f. December 2004 to May 2014. However, SNDL and / or M.S.E.D.C.L. has no rights to recover time barred bills which are due for a period of more than two years. As per calculation, at the most, SNDL is entitled to recover the bills of 2 years period limitation i.e. from 24.6.2012 onwards and therefore non applicant is not authorized to disconnect the supply for non payment of these time barred bills.

6. Furthermore, we have carefully perused notice of disconnection Dt. 22.5.2015. It is rather surprising to note that in this disconnection notice “**Amount due**” is nowhere mentioned. Notice is completely vague. It is simply mentioned in the notice that arrears since December 2004 to May 2004 shall be paid, failing which supply shall be disconnected. In our considered opinion, not mentioning the arrears amount in disconnection notice also vitiates the disconnection notice by itself. It is patent illegality in disconnection notice that amount due is not specifically mentioned in the notice. On this count also notice is illegal. Furthermore, notice is also contrary to section 56 (2) of Electricity Act 2003 and needs to be quashed. It is also rather surprising to note that since December 2004 to May 2014, SNDL and M.S.E.D.C.L. both were seriously negligent. They have never taken care to see that the supply is going on and bills are not issued. Consumer is enjoying the electricity. SNDL has taken over the charge since 1.5.2011. Thereafter for a period of 3 years SNDL

was negligent in not noticing the fact that they are not issuing the bill to the consumer for a period of 3 years and supply is going on. It is desirous that Business Head of SNDL shall look into the matter personally and conduct departmental enquiry against the concerned staff who failed to issue the bills to the applicant since 1.5.2011 till May 2014.

7. In reply of SNDL, it is submitted that when Vigilance Squad inspected the spot on 18.6.2014, took out the meter and brought the meter with them but not disconnected the supply. It is again illegal. On 18.6.2014, no statutory notice about removal of the meter was issued to the consumer even then without issuance of statutory notice, Vigilance Squad took out the meter and brought with them illegally and furthermore committed another error / illegality and they have not disconnected the supply. It means they made the supply direct. It is also against rules and regulations. If the supply is made direct, the consumer was allowed to enjoy the electricity free of cost without recording actual consumption. Therefore it appears that employees of SNDL are behaving as per their whims, contrary to the regulations and law & unnecessarily harassing the consumers. It is desirous that Business Head of SNDL shall look into the matter personally and initiate action against wrong doer employee of SNDL.

8. It is rather surprising to note that in reply of SNDL specially at the bottom, it is submitted that consumer has taken new connection w.e.f. 25.11.2014 and there are arrears of Rs. 17,740/- on this new connection also. As per regulations, two

connections can not be given in one and the same premises. Specially when there alleged to have arrears of Rs. 2,76,343/- regarding the existing connection. In such circumstances, as to why and how employees of SNDL had given second connection to the applicant on 25.11.2014 forms a big question mark and it also a matter of enquiry. Secondly, when there are arrears of Rs. 17,740/- against the applicant on this new connection why SNDL has not taken suitable steps for recovery of that amount. It means some of the employees of SNDL has joined hands with the consumer and they are giving hints to the consumer to continue with supply by adapting illegal alternative remedies that is why they provided second connection when there are arrears against property in lacs of rupees. Business head of SNDL shall conduct departmental enquiry for this purpose also. Hence following order :-

ORDER

- 1) Grievance application is allowed.
- 2) Disconnection notice Dt. 22.5.2015 is hereby quashed and set aside being illegal.
- 3) It is hereby declared that non applicant is not entitled to recover time barred arrears since December 2004 to 23.6.2012 and arrears of this period being time barred can not be recovered hence shall be deducted along with DPC and interest, if any.
- 4) It is hereby declared that non applicant is entitled to recover the arrears w.e.f. 23.6.2012 onwards by issuing the fresh bill.

- 5) In case the applicant fails to pay the arrears w.e.f. 23.6.2012, non applicant shall be at liberty to issue fresh legal notice u/s 56 of Electricity Act 2003 and to take action in accordance with law.
- 6) Business Head of SNDL is directed to look into the matter personally and to conduct departmental enquiry against defaulter employee in view of observations pointed out in this Judgement.
- 7) Compliance should be reported within 30 days from the date of this order.

Sd/-
(Anil Shrivastava)
MEMBER
SECRETARY

Sd/-
(Adv. Subhash Jichkar)
MEMBER

Sd/-
(Shivajirao S. Patil),
CHAIRMAN