

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

Case No. CGRF(NUZ)/096/2006

- Applicant : Shri Suresh Gangaram Dubbalwar,
Shop No. B-7, Shendre Complex,
Chapru Chowk,
Nagpur.
- Non-Applicant : The Nodal Officer-
Executive Engineer,
Gandhibag Division,
Nagpur representing the MSEDCL.
- 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.

ORDER (Passed on 20.02.2006)

The present grievance application has been filed before this Forum 29.01.2006 under Regulation 6.3 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Ombudsman) Regulations, 2003 here-in-after referred-to-as the said Regulations by the present applicant on 16.01.2006.

The grievance of the applicant is in respect of improper & illegal energy bill dated 28.09.2005 in which erroneous arrear amount of Rs. 27,920=84 is shown to be included and also in respect of unjust & illegal disconnection of his power supply consequent upon non-payment of the erroneous energy bill.

Before filing the present grievance application, the applicant had filed a complaint dated 11.10.2005 before the Executive Engineer, Gandhibag Division, MSEDCL, Nagpur followed by a legal notice dated 24.11.2005 addressed to him. Since no satisfactory remedy was provided to him to his grievance, the applicant has filed the present grievance application before this Forum.

The requirement of the applicant approaching the Internal Grievance Redressal Unit under the said Regulations stands dispensed with in view of the above position. Such a dispensation has also been confirmed by MERC.

The contention of the applicant is that he has paid all his energy bills diligently from time to time. The last bill which he paid was of Rs. 6,920/- pertaining to the period from 18.05.2005 to 18.07.2005 for 568 units. Thereafter, to his shock & surprise, he received his energy bill dated 28.09.2005 for a total amount of Rs. 32,040/- for the period from 15.07.2005 to 18.07.2005 for 792 units which showed inclusion of the bill adjustment amount of Rs. 27,920=84 for the first time. His contention is that final reading of his meter, being meter no. 9000532457, in this energy bill is shown to be 11095 units while there is no indication of the previous reading in this bill. Instead, a remark of meter change is indicated therein. His earlier bill dated 04.08.2005 for Rs. 6,920/- indicates status of meter to be faulty.

He vehemently argued that the bill adjustment amount of Rs. 27,984/- included in his energy bill dated 28.09.2005 is not only unjust and improper but it is also illegal. He made a complaint about this bill to the non-applicant's officer on 11.10.2005 but to no purpose. He also served a legal notice, being notice dated 24.11.2005, on the non-applicant through his Advocate. However, no reply, whatsoever, was received by him to this notice.

His power supply was disconnected all of a sudden on 21.11.2005 without any notice to him which has resulted in loss of his business as well in lot of harassment and mental torture to him. He contended that this disconnection subsisted for 22 days and it was restored only upon payment by him of Rs.10,000/- on 30.12.2005.

He added that the entire action of the non-applicant is unjust, improper and illegal.

He has requested for withdrawal of the bill adjustment amount of Rs. 27,920=84 from his energy bill and also for refund of the amount which, he was compelled to pay out of this amount. He has also demanded compensation of Rs.50,000/- towards his mental torture & harassment and humiliation in the society and also towards loss of his business during the period of 22 days during which his commercial shop remained closed due to power disconnection.

He has produced copies of the following documents in support of his contentions.

- 1) His energy bill dated 04.08.2005 for Rs. 6,870/- for the period from 18.05.2005 to 18.06.2005 for 568 units.
- 2) Payment receipt dated 29.08.2005 for Rs. 6,920/-.

- 3) His energy bill dated 28.09.2005 for Rs. 32,040/- showing inclusion of disputed bill adjustment of Rs.27,920=84.
- 4) His application dated 29.08.2005 addressed to the non-applicant for change of his meter since it is showing excessive consumption.
- 5) His complaint application dated 11.10.2005 addressed to the Executive Engineer, Gandhibag Division, MSEDCL, Nagpur complaining about his energy bill.
- 6) His CPL for the period from May-2003 to September,2005.
- 7) A legal notice dated 24.11.2005 addressed to the non-applicant raising dispute about the erroneous energy bill in question.
- 8) Acknowledgment dated 25.11.2005 of the non-applicant in token of having received the legal notice dated 24.11.2005.
- 9) His energy bill dated 10.02.2006 for Rs. 28,740/- for the period from 18.11.2005 to 14.01.2006.

He lastly prayed that his grievance in question may be removed and he may be awarded compensation of Rs.50,000/-.

The non-applicant has stated in his parawise report that the applicant's shop was given electricity supply on 11.03.2003 through a three phase connection for commercial use. His consumer number is 410014059427 and meter no. is 532457. Another consumer one Smt. Pratibha Khandelwal, consumer number 4100014062177 was also released electricity connection in the same month for domestic purpose through meter no. 0005771.

He admitted that a mistake was committed in respect of meter nos. of these two consumers while preparing their energy bills. In the energy bills, the meter meant for consumer Smt. Khandelwal was shown as the meter of the present applicant and vice-versa inadvertently. This mistake continued to be committed till July, 2005. The applicant's premises were inspected on 06.09.2005 by Jr. Engineer who found that the final reading for the month of September, 2005 of the applicant's meter, being meter no. 532457, was 11905 units. Accordingly, the applicant was charged for a total 11891 units over a period of 30 months from 11.03.2003 till 06.09.2005 (FR 11905 minus initial reading of 00008). Thus the applicant was served with an energy bill dated 28.09.2005 for Rs. 32,040/- showing inclusion of arrear amount of Rs. 27,920=84 which was in fact not charged earlier due to inadvertence. Since the applicant did not pay this amount, his power supply was disconnected in December, 2005. Thereupon, the applicant requested for grant of installments for payment of this bill amount and upon granting his request, the first installment of Rs.10,000/- against his energy bill dated 28.09.2005 for Rs.32,040/- came to be paid by him on 30.12.2005. Thereafter his power supply was restored.

He added that bill amount of Rs.28,740/- is outstanding against the applicant as in January, 2006.

He further contended that a mistake of change of meter no. in the applicant's energy bills occurred due to inadvertence and that the applicant did never inform him about this mistake.

He lastly prayed that the applicant has been charged correctly according to his actual consumption over a period of 30 months and as such his grievance applicant may be rejected.

We have carefully gone through the record of the case as also all submissions, written & oral, made before us by both the parties. Documents produced on record by both of them are also examined by us.

In the instant case, the non-applicant has clearly admitted his mistake about recording of wrong meter number in the applicant's energy bills. It is also a matter of record that the applicant has been charged in one go for a period of 30 months from March, 2003 till September, 2005 after lapse of two years' period from the date viz. 11.03.2003 on which the sum became first due and without showing the bill adjustment amount of Rs.27,920=84 as continuously recoverable during the period from 11.03.2003 till 06.09.2005.

As laid down in section 56 (2) of the Electricity Act, 2003, no sum due from any consumer under this Section shall be recoverable after the period of two years from the date on which such sum became first due unless such sum is shown as continuously recoverable as arrear of charges for electricity supplied and his supply of electricity shall not be disconnected.

It is crystal clear from record that the non-applicant has blatantly violated this legal provision in as much as an arrear amount of Rs. 27,920=84 was shown to be recoverable for the first time in the applicant's energy bill dated 28.09.2005 after two years from the date viz. 11.03.2003 on which this sum had become first due and also this sum was not shown as continuously recoverable as arrear of charges in the intervening period. Thus, it is clear that the non-applicant's claim recovery of Rs.27,920=84 had become time-barred.

The non-applicant will, therefore, have to withdraw this amount from the applicant's energy bill.

The applicant has already paid an amount of Rs.10,000/- on 30.12.2005 against this energy bill. The say of the applicant is that he has paid this amount under protest while the non-applicant's say is that this amount was not paid by the applicant under protest. The applicant had made a complaint about this erroneous energy bill much before payment by him of amount of Rs.10,000/-. We are, therefore, inclined to hold and do hold accordingly that this amount of Rs.10,000/- will have to be construed to have been paid under protest by the applicant.

The applicant's energy bill dated 28.09.2003 is for Rs. 32,040/- including bill adjustment amount of Rs. 27,920=84. Thus, his net amount of energy consumption from 18.07.2005 to 18.09.2005 was Rs. 4,119=16. The applicant has paid Rs. 10,000/- on 30.12.2005. Thus, he has paid amount of (Rs. 10,000 – 4119.16=) Rs. 5,880=84 against the arrear amount of Rs. 27,920=84 which needs to be refunded to him. The non-applicant should, therefore, give credit for Rs.5,880=84 to the applicant in his ensuing energy bill. Needless to say, the remaining amount of Rs. 27,920.84 – Rs.5,880.14 = Rs. 22,040/- cannot be recovered and the same stands waived. Interest charged, if any, on Rs. 27,920=84 in the subsequent bills also is not recoverable.

We are also fully convinced that the non-applicant's action of disconnection of power supply of the applicant was undoubtedly improper, unjust & illegal since 15 days' notice as contemplated in Section 56 (1) of the Electricity Act, 2003 was not issued by the non-applicant and secondly because there was no

propriety at all for disconnecting the applicant's power supply in view of violation of mandatory provision of Section 56 (2) of the Electricity Act, 2003. Thus, the non-applicant's action of disconnecting the applicant's power supply was ab-initio void and illegal. This has, indeed, caused hardships to the applicant. Hence, we award compensation of Rs. 2000/- (Rs. Two Thousand) to the applicant.

In the result, the applicant's grievance application is accepted and it is disposed off in terms of reliefs granted in this order.

The non-applicant shall report compliance of this Order on or before 28.02.2006.

Sd/-
(Smt. Gouri Chandrayan)
Member

Sd/-
(S.D. Jahagirdar)
CHAIRMAN

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