

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

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**Case No. CGRF(NUZ)/263/2014**

- Applicant : Rafique Rasul Sheikh,  
Plot No. 20, Gulistan Colony,  
Shyam Lawn, Ring Road,  
Jafar Nagar,  
Nagpur:13.
- Non-applicant : Nodal Officer,  
The Superintending Engineer,  
(Distribution Franchisee),  
MSEDCL, N.U.C.,  
NAGPUR.
- Quorum Present : 1) Shri Shivajirao S. Patil,  
Chairman.
- 2) Adv. Subhash Jichkar  
Member.
- 3) Shri Anil Shrivastava,  
Member / Secretary.

**ORDER PASSED ON 11.12.2014.**

1. The applicant filed present grievance application before this Forum on 18.10.2014 under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as Regulations).

2. The applicant's case in brief is that Consumer No. of the applicant is 4100115365874. P.D. Arrears of Rs. 184434/- in account of P.D. Consumer No. 410014777281 in the name of Smt. Shamim Rafique

Sheikh have been wrongly charged in the bill of the applicant Shri Rafique Rasul Sheikh for the month of April 2014. Applicant claimed for revision of this bill of April 2014 on the ground that these P.D. arrears of another consumer number can not be added illegally in his bill specially when these are the P.D. arrears of November 2011 which was issued for 12553 units for 13 months in respect of Consumer No. 410014777281. Applicant filed grievance application to I.G.R.C. Learned I.G.R.C. passed order dated 30.8.2014. Being aggrieved by the said order applicant approached to this Forum.

3. Non applicant denied applicant's case by filing reply Dt. 3.11.2014. It is submitted that electricity supply was given to Smt. Shamim Rafique Sheikh, Consumer No. 410014777281 since 27.10.2010. In July 2013, amount of Rs. 184434.03 was due and outstanding and therefore supply was made P.D. These P.D. arrears amount is added in the bill of the applicant in the month of April 2014. Smt. Shamim Rafique Sheikh, Consumer No. 410014777281 applied for revision of bill of November 2011 which was issued for 13 months for 12553 units but previously there was no complaint from Smt. Shamim Rafique Sheikh and therefore that bill is not revised. Learned I.G.R.C. passed order dated 30.8.2014 and that order is complied. Amount of Rs. 41144.31 is given credit to the applicant in the bill of August 2014. No further relief can be granted. Grievance application deserves to be dismissed.

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

5. It is pertinent to note that Smt. Shamim Rafique Sheikh Consumer No. 410014777281 and the applicant Consumer No.

410015365874 are husband & wife. SNDL had produced CPL of both these consumers. We have carefully perused CPL of Smt. Shamim Rafique Sheikh, Consumer No. 410014777281. It is rather surprising to note that in this CPL, “RNA” status is shown continuously in the month of June 2011, July 2011, August 2011, September 2011 and October 2011. It is again surprising to note that in the month of November 2011 consumption was shown 12553 units. It is again surprising to note that this bill of November 2011 is for 13 months. It is the net bill of Rs. 100542.40. It is one bill of 13 months. It is pertinent to note that date of connection is 27.10.2010. From the date of connection, it is the first bill for 13 months amounting to Rs. 100542.40. As per regulations, it is the duty of distribution franchisee to take reading in each and every month and to issue monthly bills to the consumer. In this case, distribution franchisee was sleeping over its rights for 13 months. They have not taken any reading for 13 months and in one stroke, one fine morning in November 2011, they took actual reading as per their will and wishes and issued one bill for 13 months for 12553 units amounting to Rs. 100542.40. It is completely illegal and not permissible as per the regulations. Therefore distribution franchisee has no right to recover this bill in one stroke for 13 months in November 2011 and therefore his bill deserves to be quashed.

6. It is again noteworthy that in November 2011 reading is shown as 12553 units but in all previous months reading is shown only ‘1’ unit in each month. Distribution Franchisee did not produce actual meter photo or MRI data to prove that in November 2011 current reading was 12553. Therefore there is no base to believe that since the date of connection i.e. 27.10.2010, till November 2011 meter reading was 12553. It is also possible that this figure is written imaginary in the month of

November 2011 and prepared the bill of 13 months in one stroke. No meter photos or any other base is produced on record to prove this reading of 12553 in November 2011 and therefore it is patently illegal and bill must be quashed.

7. It is again pertinent to note that in the month of November 2012, December 2012, January 2013, February 2013, March 2013, April 2013 & May 2013, no reading is taken and average bills issued in all these months. In June 2013 meter is shown as faulty and it was P.D. in July 2013.

8. Meter is freely accessible to all and therefore there was no reason for distribution franchisee to show the status as "Inaccessible". It is residential house and family of Smt. Shamim Rafique sheikh is residing in it. Therefore it is clear that employees of distribution franchisee are negligent. They are not going to take actual reading and have the habit to take note of 'RNT', 'RNA', 'INACCESSIBLE', 'FAULTY' etc. One can understand if it is problem of one month but regarding this consumer Smt. Shamim Rafique Sheikh for months together right from the date of connection it was continued and bill admitted to be calculated for 13 months in one stroke on imaginary basis. Such P.D. arrears has absolutely no basis and foundation. It is the contention of distribution franchisee that Smt. Shamim Rasul Sheikh did not file any complaint for revision of the bill till P.D. and therefore now this bill can not be revised. We find no force in this argument of distribution franchisee. When distribution franchisee is claiming P.D. arrears of the wife at belated stage in subsequent bills of her husband on the ground of section 10.5 of MERC's Supply Code Regulations 2005, in such circumstances, husband is also definitely right to see whether these P.D. arrears are properly

calculated or not and whether these P.D. arrears are enforceable at law and whether can be recovered whether it is possible. No doubt P.D. arrears are not attached to the person but attached to the property. However, we must bear in mind that P.D. arrears must be genuine, legal, recoverable and proper arrears. Distribution Licensee can not add any flimsy amount, in the column of P.D. arrears and can not recover in the bill of her husband. Therefore these P.D. arrears are not recoverable.

9. It is again pertinent to note that so far as Consumer No. 410015365874, Rafique Rasul Sheikh is concerned his date of supply is 20.1.2012. There was P.D. of Consumer No. 410014777281, Smt. Shamim Rafique Sheikh in July 2013. For the first time, these illegal P.D. arrears are wrongly charged in the bill of the applicant in April 2014. If really connection of Smt. Shamim Rafique Sheikh was P.D. in July 2013, these arrears should have been claimed in the bill of the applicant in August 2013, because at that time his connection was existing. However, it is surprising to note that at that time, these P.D. arrears are not claimed in the bill of the applicant in August 2013 & Distribution Franchisee was sleeping over its rights but fine morning in the month of April 2014 for the first time these P.D. arrears are added whimsically in the bill of the applicant illegally.

10. For these reasons, we are of the considered opinion that Distribution Franchisee is not entitle to claim P.D. arrears of Rs. 184434/- in the bill of the applicant for April 2014 and this amount must be withdrawn and bill of the applicant must be revised with immediate effect. Therefore grievance application must be allowed. Hence Forum proceeds to pass following order : -

## ORDER

- 1) Grievance application is allowed.
- 2) Non applicant is hereby directed to withdraw the P.D. arrears amounting to Rs. 184434/- from the bill of the applicant for the month of April 2014 along with DPC and interest if any, charged in subsequent bills and to revise the bill with immediate effect.
- 3) 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