

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

Case No. CGRF(NUZ)/0100/2006

- Applicant : Late Shri Gendlalji J. Shende,
D/H Shri Ashish G. Shende,
Plot No. 483,
New Nandanwan Layout,
Nagpur.
- Non-Applicant : The Nodal Officer-
Executive Engineer,
Mahal 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.
- 3) Shri M.S. Shrisat
Exe. Engr. & Member Secretary,
Consumer Grievance Redressal Forum, NUZ,
MSEDCL, Nagpur.

ORDER (Passed on 28.02.2006)

The present grievance application has been filed before this
Forum on 08.02.2006 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.

The grievance of the applicant is in respect of erroneous and illegal energy bill dated 10.06.2005 issued by the non-applicant for the period from 11.03.2005 to 10.05.2005 for 32,020 units for Rs. 87,830/- and also in respect of his subsequent energy bill dated 08.12.2005 for Rs. 57,050/- for the period from 08.09.2005 to 09.11.2005. The applicant is disputing both these bills.

Before approaching this Forum, the applicant had approached the Internal Grievance Redressal Unit by filing his complaint application dated 18.01.2005 under the said Regulations raising therein the present grievance. However, it seems, that no remedy was provided to the applicant by this Unit within the period of two months prescribed under the said Regulations. Hence, the present grievance application.

The matter was heard by us on 27.02.2006.

Documents produced on record by both the parties are perused and examined by us.

A copy of the non-applicant's parawise report dated 21.02.2006 submitted by him before this Forum as per Regulations 6.7 & 6.8 of the said Regulations was given to the applicant on 21.02.2006 before the case was taken up for hearing and he was given opportunity to offer his say on this parawise report also.

It is the contention of the applicant that he received, to his shock & surprise, his energy bill dated 10.06.2005 for Rs. 87,830/- in which his consumption of electricity was shown to be 32020 units. The

bill in question pertains to the period from 11.03.2005 to 10.05.2005. He added that this energy bill is not only abnormally excessive and erroneous but it is also improper and illegal.

He further submitted that he has been paying all his energy bills very regularly till the month of March, 2005 and that there was no amount of electricity dues outstanding against him till March, 2005. His meter, being meter no. 2930468, was installed way back in the year 1992 and that his average consumption over the period from 1992 till March, 2005 was actually only 100 units per month. He is challenging the propriety of the disputed bill in question which is showing erroneous consumption of 32020 units. He added that he was given to understand by the non-applicant that this disputed bill in question pertains to the period of 164 months and the same is not at all acceptable to him. His power supply was disconnected on 18.08.2005 on account of non-payment of his energy bill dated 10.06.2005 and the same was reconnected on 19.11.2005 after he paid the amount of Rs. 7000/- against the provisional bill on 18.11.2005. He added that he had also paid additional amount of Rs.2550/- on 12.12.2005.

He requested that the arrear amount shown in disputed bill may be waived.

He has also referred to his subsequent energy bill dated 08.12.2005 for the period from 08.09.2005 to 09.11.2005 for Rs. 57,050/-. In that, he says that a credit of Rs.32,633=06 was given to him against his disputed bill dated 10.06.2005 for Rs. 87,830/-. His say is that this subsequent bill is also showing an arrear amount of Rs.54,799=35 recoverable from him. This reduced arrear amount is also not acceptable to him since it is illegal.

He strongly contended that he had made a complaint about the disputed energy bill dated 10.06.2005 for Rs.87,830/- before the Executive Engineer, Mahal Division, MSEDCL, Nagpur on 21.06.2005 & 11.11.2005. However, his complaint was not redressed satisfactorily by the Executive Engineer.

He prayed that his grievance in question may be removed.

The non-applicant has stated in his parawise report that the applicant's meter, being meter no. 821699, was replaced in the year 1991 and a new meter, being meter no. 2930468, was installed in its place. Necessary effect was not given in the applicant's master data in the computer. Hence, average billing was effected from September 1991 and onwards. Ultimately, meter reading of 32,030 was recorded in the billing month of May, 2005 as final reading and accordingly, energy bill for Rs. 87,180/- for 164 months was generated after crediting the average bill amount to the tune of Rs. 12,331=94. The applicant, vide his application dated 21.06.2005, requested for the revision of the bill. Accordingly, a proposal for revision of the applicant's bill was submitted to the Chief Engineer, NUZ, Nagpur on 14.11.2005 for approval of credit amount of Rs. 32,633=06. Accordingly, a credit amount was given to the applicant in the billing month of November, 2005. The power supply of the applicant was disconnected on 18.08.2005 for non-payment of the arrear amount. However, considering the applicant's application dated 18.11.2005, a provisional bill amounting to Rs.7000/- was issued to him on 18.11.2005. The applicant paid this amount on 18.11.2005 and, thereupon, his power supply was restored on 19.11.2005. According to him, a balance amount

of Rs. 55,602/- is still recoverable as an arrear amount upto January, 2006.

He added that since the applicant has actually consumed electricity since the date of his meter replacement, he is duty bound to pay the arrear amount. He has produced a copy of the applicant's CPL for the period from October, 1999 to January 2006.

He lastly prayed that the grievance application may be rejected since there is now no substance in it.

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

The limited grievance to be decided in this case is whether the disputed energy bill dated 10.06.2005 for 32020 units for Rs.87,830/- was proper and legal or not.

The non-applicant has admitted during the course of hearing that consumption of 32020 units shown in this bill pertains to a period of 164 months from the year 1991 till 10.05.2005. It is, therefore, clear that the applicant has been charged for 32020 units in one go for a period of 164 units. The arrear amount shown as recoverable was also never shown as amount continuously recoverable prior to 10.06.2005 in any of the bi-monthly bills. It is also an admitted position that this bill was issued after a period of two years from the date when such sum had become first due. There is no dispute that the amount had become first due in the year 1991 when the applicant's meter, being meter no. 821699 was replaced by a new meter, being meter no. 29468.

The legal provision contained in section 56 (2) of the Electricity Act, 2003 is clearly applicable to the instant case. Even the

non-applicant has also admitted during the course of hearing that section 56 (2) is attracted in this case.

In view of above, it is abundantly clear that the non-applicant's action of claiming the arrear amount for a period of 164 months in one go in the applicant's energy bill dated 10.06.2005 has blatantly violated the legal provision of Section 56 (2) of the Electricity Act, 2003.

It is seen from record that a credit of Rs.32,633=06 was given subsequently to the applicant against the applicant's disputed energy bill dated 10.06.2005. This credit was given in the applicant's energy bill dated 08.12.2005. However, we hold that this credit is not at all adequate.

The non-applicant's claim for recovering the arrear amount from the applicant is clearly time-barred in the eyes of law.

The arrear amount shown in the disputed energy bill, therefore, deserves to be withdrawn. We, accordingly, order that the same stands withdrawn. In view of this, arrear amount of Rs. 54,799=35 shown as recoverable in the applicant's energy bill dated 08.12.2005 also stands revoked it being time-barred.

Since the applicant has already made payment of Rs. 7000/- on 18.11.2005 and Rs. 2550/- on 12.12.2005 for restoration of his power supply, the non-applicant should give credit to the applicant for a total amount of Rs. 9550/- already recovered from the applicant. Accordingly, the non-applicant shall issue a revised energy bill to the applicant waiving therein the arrear amount of Rs. 54,799=35 and also giving to the applicant credit for an amount of Rs. 9550/- already paid by him.

In the result, the applicant's grievance application is accepted by us and the same is disposed of in terms of relief granted by us as stated above.

The non-applicant shall report compliance of this order to this Forum on or before 15.03.2006.

Sd/-
(M.S. Shrisat)
Member-Secretary

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.**