

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

Case No. CGRF(NUZ)/01//2012

Applicant : Shri N.Y. Buddhey,
Through Shri Bastulal Gomaji Pisole,
At 29, Adiwashinagar, Near
Udaynagar Garder,
Nagpur.

Non-applicant : Nodal Officer,
The Superintending Engineer,
(Distribution Franchisee),
Nagpur Urban Zone,
Nagpur.

Quorum Present : 1) Shri. Shivajirao S. Patil
Chairman,

2) Adv. Smt. Gouri Chandrayan,
Member,

3) Smt. Kavita K. Gharat
Member Secretary.

ORDER PASSED ON 01.03.2012.

The applicant filed this grievance application on 02.01.2012 under Regulation 6.4 of the Maharashtra Electricity Regulatory Commission (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations, 2006 (hereinafter referred to as Regulations).

1. The applicant filed this grievance application against non-revision of faulty meter bills issued by the non-applicant. The applicant filed the grievance before Internal Grievance Redressal Cell (IGRC), Nagpur Urban Circle, Nagpur on dated 13.07.2011 but no action was taken by the IGRC. Therefore the applicant filed this grievance before the Forum on dated 02.01.2012, and requested to the Forum.
 - a) To revise the bill with faulty meter status for the period January 2010 to December 2010.
 - b) To change name of electric connection.

2. The applicant's grievance in brief is that, the electric connection bearing consumer no. 410012501084 is used by the applicant for residential purpose. The applicant received electricity bill with faulty status from January 2010 to December 2010. According to the applicant the average billing is excess as compared to his consumption, so he filed complaint before MSEDCL / Spanco to revise the bills which were charged with average consumption for 100 units. Therefore the applicant requested to the non-applicant for replacement of faulty meter and revision of bill accordingly. Although the meter was replaced but no revision was done in the old bills which the applicant received with average billing for about 100 units for the period of 24 months. During these 24 months for 2 months i.e. September &

October 2010 the supply was disconnected and for rest of the period the consumption was very less. The applicant submitted that this can be verified from previous bills. The applicant further submitted that from February 2010 he has paid Rs.3070/- but still in December 2010 the non-applicant has issued a bill of Rs.3170/- which was not acceptable to him as it is excessive as compared his consumption. The applicant further mentioned that he has been following the matter with the non-applicant since last two years but no cognizance was taken by the concerned officers. Hence it is requested to the Forum to provide justice and take cognizance of his complaint by revising the electricity bill for the period January 2010 to December 2010.

3. The non-applicant submitted the point wise reply to the Forum on dated 19.01.2012. As per reply the electric connection for residential purpose with consumer no. 410012501084 is in the name of Shri N.Y. Buddhye, since 18.11.1988. Therefore as per MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations 2006, only consumer can file the grievance application. The non-applicant stated that after observing the application, it is found that the said grievance application was filed by Shri. Bastulal Pisode and his representatives name mentioned as Shri. Arjundas Gomaji Pisode, this grievance application was not filed by the consumer as per section 2 (15) of

Electricity Act 2003 because the applicant and his representative are not the consumers of MSEDCL, hence the application should be rejected. Also the application submitted at IGRC dated 13.07.2011 reveals that instead of actual consumer Shri. Arjundas Gomaji Pisode has filed the grievance.

4. The applicant filed the grievance application at IGRC on dated 13.07.2011 and in the Forum on dated 02.01.2012. Therefore as the consumer did not file the grievance within 2 months as per MERC (Consumer Grievance Redressal Forum & Electricity Ombudsman) Regulations 2006, Regulation 6.4 the grievance application may be dismissed.
5. The non-applicant further submitted that as per the sale-deed dated 21.06.1990 which is attached with the grievance application, the premises where this electric connection is installed was purchased by Shri. Bastulal Gomaji Pisode from Shri. Yadavrao Kisanrao Buddhye and Shri. Nandu Yadavrao Buddhye. But the applicant or his representative never submitted any application for change of name since 1990 to the non-applicant office. The non-applicant requested to the Forum on above objections the grievance application should be dismissed and if needed by the forum the non-applicant would submit the detailed reply.

6. The matter was heard in the Forum on dated 20.01.2012. Both the parties were present. On behalf of non-applicant, Shri.Waghmare, Executive Engineer, Nodal Office (Distribution Franchisee) and Shri.Gundalwar, Divisional Accountant, Nodal Office (Distribution Franchisee), Nagpur were present. The applicant's representative Shri. Arjundas Pisode pleaded that, the premises was purchased by his brother Shri. Bastulal Gomaji Pisode and he has been occupying the premises since 1990 and paying the electricity bills regularly. He has approached many times to the office of non-applicant but no proper response was received for the grievance. The applicant submitted the proof for occupation of premises as acknowledgement of 'Adhar' card and Photocopy of ration card. He submitted that his electricity consumption is very less and therefore the average bill with 100 units and faulty status are not acceptable to him and requested to the Forum for revision of bills as per consumption.
7. The non-applicant reiterated the same points as mentioned in his reply without commenting anything on the main grievance.
8. Heard both the parties. After carefully perusing the records, the Forum differ in opinion for deciding the matter. The descending view of Hon. Chairperson is noted as a part of the order.

9. Majority view of the Forum :-

The Forum in majority has to decide following two points,

- i) Whether the applicant has any locus-standi for filing this grievance application?
- ii) Whether the grievance is admissible or not in the Forum?

10. In order to decide the first point, it is necessary to refer the definition of consumer as stated in Electricity Act, 2003, Section 2 (15) :

"consumer" means any person who is supplied with electricity for his own use by a licensee or the Government or by any other person engaged in the business of supplying electricity to the public under this Act or any other law for the time being in force and includes any person whose premises are for the time being connected for the purpose of receiving electricity with the works of a licensee, the Government or such other person, as the case may be;

It clearly indicates that the person whose premises are for the time being connected for the purpose of receiving electricity with the works of a licensee is a consumer. Although the electric connection is in the name of Shri. N.Y. Buddhye, but documents on record show that Shri. Bastulal Pisode has purchased the premises from Shri. Buddhye to which this electric connection is connected in way back 1990. Shri. Bastulal Pisode's premises is now connected to the works of licensee and Shri. Bastulal Pisode has authorized Shri.

Arjundas Pisode for pleading his case. In addition to this Shri. Arjundas Pisode is also an occupier of the same premises which is confirmed from the photo copies of ration card and acknowledgement of 'Adhar' card. Hence in any case Shri. Bastulal Pisode and Shri. Arjundas Pisode are consumers as per definition mentioned in the Electricity Act 2003 and therefore he is eligible for filing this application. The pleading of non-applicant is difficult to accept that the same person is eligible to receive the electric supply from 1990 without any objection from the non-applicant but not eligible to file the grievance for the same supply.

11. The non-applicant submitted that the applicant did not follow the Regulation 6.4 of CGRF & Elect. Ombudsman, Regulation 2006, therefore his grievance should not be admitted. So it is necessary to understand the Regulation 6.4:

Unless a shorter period is provided in the Act, in the event that a consumer is not satisfied with the remedy provided by the IGR Cell to his Grievance within a period of two (2) months from the date of intimation or where no remedy has been provided within such period, the consumer may submit the Grievance to the Forum. The Distribution Licensee shall, within the said period of two (2) months, send a written reply to the consumer stating the action it has taken or proposes to take for redressing the Grievance.

The above regulations, clearly indicates that IGRC has to provide some remedy to the consumer within 2

months from the date of intimation. But no remedy was provided by the IGRC, in fact the grievance was not even heard. So in the event where no remedy is provided within 2 months, the consumer can submit the grievance to the Forum. No where in above regulation it is mentioned that consumer cannot file the grievance after two months from filing of grievance to IGRC. The non-applicant misinterpreted the regulation. Only Regulation 6.6 of CGRF & Elect. Ombudsman, Regulation 2006, does not allow Forum to admit any Grievance unless it is filed within two (2) years from the date on which the cause of action has arisen. The present case does not fall in above criterion. Therefore Forum in majority view holds that this grievance application is admissible.

12. The documents on record show that the grievance is for the period Jan-2010 to Dec-2010 for billing with faulty meter status and average consumption charged as 100 units. The applicant vehemently pleaded that his consumption is less and hence charging of 100 units is not acceptable. Since the non-applicant did not submit any explanation in respect to this case, hence Forum's observation is based on the electricity bills submitted by the applicant. The bills show that the applicant was charged with faulty status for the period Jan-2010 to Dec-2010 and average consumption of 100 units. But in absence of meter testing report and submission of the

non-applicant exact nature of faultiness of meter cannot be judged and confirmed. Hence regulation 15.4 'in the event of defective meter' cannot be applied at this stage. However from records it is confirmed that the applicant was not billed as per his actual consumption and actual meter reading. Therefore for the balance of justice it will be fair to charge the applicant based on the average consumption of past period prior to the disputed period.

13. As far as request of applicant for change of name is concerned, the applicant did not submit any document before the non-applicant for the same. Hence this cannot be treated as grievance and therefore this issue cannot be decided at this stage.

14. Descending view of Hon. Chairperson of the forum:.

Present grievance application is filed in the name of Shri N.Y. Buddhye, through Dastulal Pisode.

Record shows that Shri N.Y. Buddhye, is the consumer of MSEDCL and connection is in his name since 1988 but grievance application is signed by Dastulal Pisode in the capacity of consumer. At the bottom of Annexure "A" of the grievance application in the coloum of affidavit name of Arjundas Gomaji Pisode is written but affidavit is signed by Dastulal Pisode.

The applicant produced own registered document a stamp paper of Rs. 10/- on which is it written that

Yadavrao Kisanrao Buddhye and Nandu Yadavrao Buddhye agreed to sale plot no. 29 to Dastulal Gamoji Pisode for Rs.14,500/-. Needless to say that un-registered agreement of sale written merely stamp paper is not the document of the sale-deed and cannot transfer title.

Further more name of Dastulal Pisode (the applicant who signed the application) is nowhere mentioned in the agreement of sale. Therefore the Dastulal Pisode is not consumer of MSEDCL and he has no right to file the present grievance application. In the definition of consumer laid down under section 2 (15) of the Electricity Act, 2003, it is specifically mentioned that “consumer” means any person who is supplied with electricity for his own use by licensee or the Government or by any other person engaged in the business of supplying electricity to the public under this Act

In this case electricity is not supplied to other Shri Dastulal Pisode or Arjundas Gomaji Pisode but electricity is supplied by MSEDCL to Shri N.Y. Buddhye. Therefore according to definition of consumer, it is N.Y. Buddhye who is the consumer of MSEDCL and Bastilal Pisode or Arjundas Pisode is not authorized to file this application.

Therefore application is untenable at law and deserves to be dismissed on this sole ground.

15. The applicant was not billed as per his consumption and actual meter reading. Therefore, Forum in majority view partly allowed the present grievance application.

ORDER

- a) The non-applicant is hereby directed to withdraw the bills with faulty status having average units charged as 100 units for the period Jan-2010 to Dec-2010.
- b) The non-applicant shall charge on average basis for the above period by calculating average consumption of past period i. e. Jan-2009 to Dec-2009.
- c) The non-applicant shall revise the bills based on above direction by giving appropriate benefit as per rules and adjust the amount paid by the applicant if any.
- d) The applicant is directed to follow the right procedure by submitting requisite documents to the non-applicant for change of name.
- e) The non-applicant shall carry out this order and report compliance to this Forum within 30 days from the date of issue of order.

Sd/- (Smt.K.K.Gharat) MEMBER SECRETARY	Sd/- (Adv.Smt.GauriChandrayan) MEMBER	Sd/- (ShriShivajirao S.Patil) CHAIRMAN
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